

Statement for the Defence was read by the Accused's friend on behalf of the Accused. -

"I, the Accused, am charged with hazarding and losing H.M.S. "MERCURY" on the 25th December, 1940, by stopping my engines and/or failing to cut the sweep contrary to the instructions laid down in the mine-sweeping manual. I propose to give evidence that on the day in question it was not possible to discover what the obstruction in the sweep was without stopping it and that having verified the fact that an obstruction was present I proposed to go ahead and cut the sweep when the wire had been veered sufficiently for safety."

Accused's Friend requested permission to examine the Accused, which was approved by the Court.

The Accused was called, sworn and examined by his Friend by permission of the President.

Temporary

253. Q. Are you Acting/Lieut. Commander Bertrand Aubrey Palmer, R.N.V.R.?

A. I am.

254. Q. Late Commanding Officer of H.M.S. "MERCURY"?

A. I am.

255. Q. When did you join H.M.S. "MERCURY"?

A. November, 1939, sir.

256. Q. When did you assume Command of H.M.S. "MERCURY"?

A. Just after the ship was bombed on the 7th July, - that would be about the 10th and the late Commanding Officer left the ship on the 10th July, 1940.

257. Q. What previous service experience had you had?

A. In 1915 I served for 18 months as an A.B., after which I was promoted to commissioned rank, serving in H.M.'s Motor Launches on the Dover Patrol at Dover and Dunkirk for approximately two years. My duties during my commissioned period were the usual duties of a Navigating Officer and I specialised in smoke screen operations and it was on account of this specialised course I had the honour of being picked to take part in the Naval attack on Zeebrugge, 1918. On the 6th October, 1939, I joined H.M.S. "HAZARD" at Scapa Flow, a Fleet sweeper and I served aboard that ship until November, 1939. I was appointed 1st Lieut. of the "MERCURY" prior to her commissioning in November, 1939 and I held that post until I was given command in July, 1940, and I continued in command until the loss of my ship.

258. Q. Have you ever done any courses during this war?

A. No, sir.

Evidence of the Accused. (Cont'd)

By the Accused's Friend.

259. Q. During sweeping operations on the 25th December, 1940, will you tell the Court what happened on the third lap?

(The Accused. - "May I have the Court's permission to refer to my notes?"

The President on behalf of the Court approved this procedure.)

- A. Towards the end of the third lap the oropesa dipped and I suspected that a mine was in our sweep, subsequently a mine was cut and appeared on the surface. The float, however, continued to run erratically and when I had completed the run I asked permission from the S.O. of the flotilla that I might be allowed to put out of line and investigate. On permission be granted I proceeded away from the flotilla and tried the normal practices to clear my sweep, but this proved unsuccessful. I then put the engines at "slow ahead" and gave orders for the sweep to be hove in. The kite was slowly hove in and seemed to be clear and hoisted in board. The sweeps were then slowly hove in until about 18 fathoms to 20 fathoms remained out. I then received a request from my 1st Lieut. that I would stop the engines and he explained to me that it was impossible to sight the otter and in view of the fact that the obstruction might have been a mine there was no means of seeing the otter whilst the was from the paddles continued. The instructions of the mine-sweeping manual recommend that the ship should be kept ahead, but the experts who compiled this book gained their experience from one type of ship, that is, Fleet sweepers. This class of ship was specially designed and built for sweeping jobs, with every contrivance and facility for doing their work, but our peacetime pleasure craft at the beginning of the war was hurriedly and if I might say, crudely converted for sweeping duties. There are no two paddle mine-sweepers alike. The general lay-out of the sweeping gear is different and the sterns of the ships are different, and it is only by personal experiment that you can find out whether the instructions laid down in the Mine-sweeping Manual can be put into force on one's own particular ship.

During the time I was 1st Lieut. on the "MERCURY" I frequently experimented by trying to carry out the instructions laid down, but I found it was impossible to sight the otter whilst the ship was going ahead and it was our usual practice and also those of the other ships in the flotilla whilst sweeping in the Clyde, to stop for this purpose. To sight the otter when the ship is under way it is necessary to move in the sweep wire until the otter is practically just under the surface. Those of you who are mine-sweeping experts will know what happens when this is the case. The otter begins to revolve and dives and I found with reference to the "MERCURY" that in nearly every case of these experiments the otter dived and struck the bottom of my ship and I made up my mind that when we had to do clearance sweeping the only safe method to employ was to stop the ship so that the otter could be sighted at a safe distance from the stern. It was acting on the experience I have gained from these experiments I acted as I did on the 25th December. When the object was sighted in the otter I was asked to come aft to inspect and I could see the white background of the otter and a black object, but owing to the slight motion of the sea I could not define what it was exactly; but knowing that we were operating on a minefield I took every precaution for the safety of my crew and personnel. I gave orders that as soon as the float line had been unshackled and the oropesa brought in board that the sweeping deck should be cleared to avoid any possible casualties should the worst happen. I returned to the bridge, told the signalman to signal to the "HELVELLYN" that I had an object in my sweep. It was then my intention to put the engines slow ahead to start with and veer sufficient sweep wire for safety and then cut my sweep wire. I was about to put my engines

Evidence of the Accused. (Cont'd)

(Cont'd) ahead when the explosion occurred and I immediately proceeded aft and found there were no casualties. I then made an inspection of the ship externally and the interior, but no visible damage could be observed in the hull, but the rudder was badly bent and the steering gear was out of action. The steam pipe was cut on the after sweeping deck and this had to be repaired before the engines could be used. The Chief Engineer made a rapid repair and then got the pumps in action. The collision map, which is kept amidships, was brought aft, but as no visible damage could be observed it could not be used. It was at this time the "SCAFFELL" came alongside and gave us a glancing blow on the star-board side, just abaft the sponson. I understood that she would take us in tow and we had our warps ready for her contact, but she did not do so and eventually the "MANGROVE" was ordered to take her place. I do not dispute the times which were given by the Prosecutor in his evidence. The Senior Officer, who was informed of what had happened, suggested that I should be towed to Waterford. I did not know Waterford myself, but on consultation with my navigator who knew the port well he advised me that it was a very difficult place to make and also the fact that there were no facilities for dealing with a ship of our size. It would have meant that we would have to beach the ship which would probably be interned and I personally did not wish to run the risk for myself and crew to be interned likewise. I, therefore, suggested to the Senior Officer that we should make for Milford Haven and at that time I was fully convinced that the ship would last the journey. During the time we were towed everything possible was done by the crew under the 1st Lieut. to save the ship, but when our tow parted at approximately 2040 the water gained rapidly and it would appear there was little chance of saving the ship. I sent my signal to the Senior Officer, the last signal I sent, which he did not appear to get, - that would be between 2030 and 2100. It was to the effect that the water was gaining rapidly and I requested two trawlers to stand by in case the worst happened. When we received orders to abandon ship I personally made an inspection throughout the ship, with the 1st Lieut., to see that there was no-one left behind. I also endeavoured

to reach my cabin to salve or to save the piece of mine that had been picked up by Leading Seaman Eastman, as I considered that this was a very valuable piece of evidence, but my cabin, which is situated aft, was flooded to the roof. The crew were eventually embarked on the "ALMOND" and it was my intention to stay on the ship in case she did not sink and I could report the progress of the water, but I was persuaded to leave the ship by ~~leaving~~ the 1st Lieut. We all remained in the "ALMOND" until we reached Milford Haven on the morning of the 26th. I would like to mention to the Court that when my sweep first ran erratically after the mine was cut it could be caused by the following:-

- (1) Deffective calibration of the bottle screw of the otter sling due to previous explosions of mines in our sweep, one of which was close to the otter and might have parted the wire sealing.
- (2) Chain links of otter slings being kinked due to mine explosions.
- (3) Foul float wire due to the same cause.
- (4) Wreckage in the sweep, - there are many wrecks in this vicinity.

It was my wish to clear my sweep as soon as possible and rejoin the flotilla, which had been reduced to two ships as the "SCAWFELL" had parted sweeps. Much valuable time had been lost in these operations through the loss of gear and the parting of sweeps of all the ships of the flotilla. On one day alone, although we made the journey to the minefield no sweeping was carried out at all owing to these reasons. I also would like to mention that I have been on the ship since she was commissioned and I know that the "MERCURY" has been subjected to a great deal of strain due to aerial bombardments, passage in rough weather and to a certain extent by explosions from mines during these operation, and I feel certain that these combined incidents must have weakened the ship to a considerable degree. On my return north after the ship had been bombed and repaired I found the after peak was leaking badly. I reported this to the Naval Officer in Charge Ardrossan and the ship was subsequently dry-docked water-tested with the after peak subjected to a water test, but it was found to be alright. But on return to sweeping duties the same fault cropped up and right up to the time she sunk water was made daily in the after peak when sweeping or on patrol, necessitating daily pumping. I should like to take this opportunity of paying tribute to the Officers and crew of my ship whose behaviour was exemplary during the trying time on December 25th, 1940.

Evidence of Accused (Cont'd)

Examined by His Friend.

260. Q. You have stated in your evidence that if the otter is hove in close to the surface whilst the ship is under way it will revolve and dive, striking the bottom of the ship. What would happen if there was a mine in your otter?
- A. The stern of the ship would be blown off and there would be, of course, casualties among any crew that might be on the sweeping deck.
261. Q. After the explosion what opinion did you form as to the actual obstruction in the otter?
- A. When the mine casing was found and shown to me I came to the conclusion that it was a mine that had been cut subjected to rifle fire from the disposal unit and was floating submerged. It is possible that this incident was a unique experience in mine sweeping.
- would
262. Q. In your opinion ~~did~~ the regulations or instructions in the Mine Sweeping Manual laid down have been efficient in a case of this description?
- A. I have never read anything in the manual to deal with a case such as this one was.
263. Q. Approximately what time elapsed between the explosion and your being taken in tow?
- A. I should estimate the time would be about 1 hour to 1½ hours, sir.

Cross-examined by the Prosecutor.

264. Q. Will you tell the Court roughly what was the depth of water at the place in the Clyde where you got your sweeps in or out most frequently?

A. Anything up to between 30 and 50 fathoms.

265. Q. Whereabouts would that be?

A. From the Cumbries down to Ailsa Crag.

266. Q. Was there any particular point between the Cumbries and Ailsa Crag where you got your sweeps in most frequently?

A. Yes, - off Holy Isle.

267. Q. Do you remember the depth of water there?

A. I can't say off hand, sir, without reference to the chart, but the water is deep.

268. Q. Over 50 fathoms?

A. Yes. I should imagine it would be over 50 fathoms there, sir.

269. Q. Whilst you were Sweeping Officer and acting as Commanding Officer did your ship ever receive a signal from the Senior Officer Lieut. suggesting or saying that you should keep moving when heaving in or veering your sweeps?

A. Could you give me the date of that signal, sir?

Evidence of Accused (Cont'd)Cross-examined by the Prosecutor.

270. Q. No, my question was, do you ever remember receiving one such as you should keep moving or going ahead?
- A. It is quite possible that I did, sir.
271. Q. The usual signal is "George Six Negative Robert Uncle".
- A. Yes, I believe it is, sir, but I have seen the "Jeanie Dean" and the rest of the flotilla remain stationary towards the end of their heaving in of sweeps although the signal had been flying on the flagship. I am referring to operations in the Clyde.
272. Q. Do you consider that the practice of stopping ship in the Clyde had any bearing on your stopping the ship when sweeping in shallow water away from the Clyde?
- A. I had proved to my satisfaction from personal experiments that for my particular ship the only way to sight the otter was to stop engines.
273. Q. You say "stop engines". Do you mean momentarily?
- A. Until I received word from the sweeping deck that the otter was sighted and was seen to be clear.

274. Q. So from that I take it that if the otter were ~~was~~ seen not to be clear you would not consider stopping engines?
- A. No. If the otter was sighted and was seen to be not clear I would not stop engines if asked to do so.

275. Q. Have you seen Minesweeping Summary No. 53, dated 3rd October, 1940. ~~(Exhibit 53)~~ W
- A. I don't swear to it, sir. It is quite possible I may have done so.

276. Q. Are these your initials on the Circulating Sheet. (Exhibit "F")
- A. Yes, sir.

- By the Deputy Judge Advocate, to the Prosecutor.
277. Q. Is this the Circulating Sheet affecting this particular document?
- A. Yes. (Page 52a)

By the Deputy Judge Advocate to the Accused.

278. Q. Are you satisfied that you have seen these documents?
- A. If I initialled it I have read it. Those are my initials and if they are on there I have read the document.

By the Prosecutor.

279. Q. Would you read paragraph 18 of the Minesweeping Summary No. 53?
- A. "The attention of all ~~propesa~~ minesweeping vessels is again drawn to the necessity of keeping headway on when heaving in sweeps. Ships have been lost due to the mine fouling the kite and exploding while the kite is being hove in". Irrespective of these orders I consider the only safe way of sighting the otter in my particular ship, proved by experiments, was to stop engines.

Exhibit "F" 52A

H.M.P/S "Jeannie Deans".

5th November 1940

M/S Summaries 51-54

The attached documents ~~are~~ are
for information ~~and necessary~~

They are to be circulated among the
shown below as quickly as possible,
not necessarily in the order given,
and returned to me.

[Signature]

Lieutenant Commander
Senior Officer, 11th. MSN

	DATE		TO	INITIALS
	Received	Passed on		
	6/11/40	6/11/40	Leahy	N.J.
	6 NOV 1940	7 NOV 1940	J.D.	James
	6/11/40	6/11/40	Leahy	W.P.

documents are SECRET.

F

Evidence of Accused (Cont'd)By the Prosecutor.

280. Q. When you went aft after the 1st Lieut. had reported that an obstruction was in the otter, did you and he and Leading Seaman Eastman look over the stern at it?
- A. Yes, sir.
281. Q. Will you tell the Court how big did the obstruction appear to be in the otter?
- A. It varied with the motion of the water and I am of the opinion that the obstruction was actually contained in the triangle formed by the four legs of the otter slings.
282. Q. Do you think it could have been held in that position by any means. Did an obstruction or piece of wreckage with a piece of wire attached to it stand any chance of being held in the otter slings?
- A. Yes, certainly.
283. Q. Whereabouts in the otter or near to the otter?
- A. It would very probably pass through the chains of the otter.
284. Q. If it were caught up in the slings of the otter when your sweep was being hove in do you think that would tend to make the otter twist and turn as you describe?
- A. No, I don't think it would sir. It is very difficult to say. I have never had experience of that, but it is quite possible the additional weight might have kept it steady.