

SECRET

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Court Martial held at H.M. Naval Base, Milford Haven
on 6th and 7th February 1941, for the trial of
Temporary Lieutenant (Acting Lieutenant-Commander
Bertrand Aubrey Palmer, R.N.V.R., of H.M.S. Skirmisher.

Charges

1. Losing H.M.S. MERCURY
2. Hazarding H.M.S. MERCURY

NL 3904
1941

Finding

Both proved.

Sentence

To be reprimanded.

Archibald Cooper

Deputy Judge Advocate of the Fleet.

7th February 1941

the Court is held
on shore state
reason.

Minutes of Proceedings at a Court Martial held ~~on board~~
~~His Majesty's Ship~~ at H.M. Naval Base ~~XX~~ at Milford Haven
None of H.M. Ships being conveniently available
on the 6th/7th day of February, 1941, for the
trial of Temporary Lieutenant (Acting Temporary Lieutenant Commander)
BERTRAND AUBREY PALMER, R.N.V.R.
of H.M.S. " SKIRMISHER "

Present:—

Captain Frederic Cyril Bradley, R.N.

H.M.S. " CABOT "
lent "SKIRMISHER"
President.

Captain Charles Frederick Roy Cowan, D.S.O.
(Sitting as Commander)

H.M.S. " SKIRMISHER "

Captain Martin Edward Scobell Boissier,
(Sitting as Commander)

H.M.S. " SKIRMISHER "

Commander Delorest John Dumergue Noble.

H.M.S. " SKIRMISHER "

Commander Roderick Larken Moore

H.M.S. " SKIRMISHER "

Commander Charles William Edward Whish
(Sitting as Lieut. Commander)

H.M.S. " SKIRMISHER "

Commander Alec Thomas Lee Wilson
(Sitting as Lieut. Commander)

H.M.S. " SKIRMISHER "

Paymaster Captain Archibald Frederick
Cooper, O.B.E., R.N.
Officiating Deputy Judge Advocate.

36. (Established—November, 1907.)
(Revised—July, 1917.)

By Philip Esmonde Phillips,
Companion of the Distinguished
Service Order, Rear Admiral in
Charge of H.M. Ships and vessels
employed and to be employed at
Milford Haven.

WHEREAS Lieutenant Commander (Acting Commander).....
Leonard Cooper Windsor, Royal Navy, Senior Officer,
11th Minesweeping Flotilla,
of His Majesty's Ship "SKIRMISHER" for....." has transmitted to me
a letter, dated the ~~thirty-first~~ ^{His Majesty's Ship "JEANIE DEANS"} day of ~~January~~ ^{February} 1941,

reporting the misconduct of Temporary Lieutenant (Acting.....
Temporary Lieutenant Commander) Bertrand Aubrey Palmer,
Royal Naval Volunteer Reserve, of His Majesty's Ship
"SKIRMISHER" of the said ship; *and whereas I think fit that the said.....

..... Bertrand Aubrey Palmer..... shall be tried by Court-Martial,
I send you herewith the said letter, and do, in exercise of the powers
conferred on me by Commission from.... the Admiralty.....

..... at
hereby direct you to assemble a Court-Martial on-board His Majesty's
Ship "Naval Offices, Milford Haven," on the..... sixth.....
day of..... February..... 1941, or as soon afterwards as
circumstances will admit, which Court, you being President thereof, is hereby
ordered to try the said..... Bertrand Aubrey Palmer.....

..... on the accompanying Charges accordingly.

..... at
Given under my hand on-board His Majesty's Ship Naval Offices.."
at..... Milford Haven....., the
..... third..... day of..... February..... 1941

P. E. Phillips

REAR ADMIRAL,
FLAG OFFICER IN CHARGE,
MILFORD HAVEN.

Captain Frederic Cyril Bradley,
Royal Navy.

Petty Officer
be tried by
trial in pre-
being dealt
marily, this
should be
read:—
as the said
has elected
ed by Court

Read, the names of Officers present at the place where the Court Martial is being held, whose attendance is not attainable by reason of the exigencies of the Public Service, or on account of sickness, as follows :—

Commander Edward Henry Fletcher Boughey (Sitting as Lt.Commander)

H.M.S. "SKIRMISHER". - Urgent duty as Commander, Coastal
Forces.

Commander Norman Angell Kyrle Money, O.B.E. (Sitting as Lt.Commander)

H.M.S. "SKIRMISHER". - Acting as Accused's Friend.

Read, the names of the Officers composing the Court.

The Prosecutor, being asked whether he objected to any Member of the Court, stated that he **had no objection.**

The Accused, being asked whether he objected to being tried by any Member of the Court, stated that he **had no objection.**

The Accused made no objection to the constitution of the Court.

The Members of the Court and the Judge Advocate were then duly sworn.

The Accused being asked whether he objected to **Wren Martha Lilian Oldbury** as Shorthand Writer, stated that he had no objection.

Wren Martha Lilian Oldbury
was duly sworn to act as Shorthand Writer.

Read, the Charges and the Circumstantial Letter).

(Insert Charge Sheet and Circumstantial Letter).

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The Deputy Judge Advocate addressed the Court as follows:-

"Before reading the charges and the Circumstantial Letter it would seem desirable that the Court should consider whether these proceedings should be held in camera, having regard to the fact that certain confidential matter will of necessity be discussed during the hearing of the case.

The regulations are to the effect that Courts Martial shall be public and all persons except such as may be summoned to give evidence shall be admitted. Notwithstanding this rule, however, if the Court is satisfied that it is expedient in the interests of public safety or the defence of the realm, or that it is necessary for the attainment of justice that all or any portion of the public should be excluded during the whole or any part of the trial, the Court may make an order to that effect. If such an order is made, only the sentence, if any, shall be read in open Court; the finding shall not be so read unless it is merely a finding that the charge, if any, is not proved, and the Accused is acquitted.

Any order excluding the public must be recorded in the minutes of the proceedings.

In order that the Court may be in a position to decide this point I will hand round copies of the charges and Circumstantial Letter."

The Court having considered the matter decided that in the interests of the defence of the realm the public should be excluded during the whole of the trial, with the exception of Officers subject to the Naval Discipline Act. The decision of the Court was promulgated accordingly by the Deputy Judge Advocate, who warned the audience, consisting entirely of Naval Officers, of the penalties involved by the disclosure of secret and confidential information. He added that they were liable to prosecution under the Official Secrets Act, or would be liable to a charge framed under the appropriate section of the Naval Discipline Act.

Y.
A.

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CHARGE SHEET.

1. For that he, Temporary Lieutenant (Acting Temporary Lieutenant Commander) Bertrand Aubrey Palmer, Royal Naval Volunteer Reserve, then belonging to His Majesty's Ship "SKIRMISHER" for His Majesty's Ship "MERCURY", but now belonging to His Majesty's Ship "SKIRMISHER" and then being a person subject to the Naval Discipline Act, did on the twenty-fifth day of December, 1940, negligently or by default lose His Majesty's Ship "MERCURY".

2. For that he, Temporary Lieutenant (Acting Temporary Lieutenant Commander) Bertrand Aubrey Palmer, Royal Naval Volunteer Reserve, then belonging to His Majesty's Ship "SKIRMISHER" for His Majesty's Ship "MERCURY", but now belonging to His Majesty's Ship "SKIRMISHER" and then being a person subject to the Naval Discipline Act, did on the twenty-fifth day of December, 1940, negligently or by default hazard His Majesty's Ship "MERCURY".

Lawson

ACTING COMMANDER, ROYAL NAVY.
SENIOR OFFICER,
11TH MINESWEEPING FLOTILLA.

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H. M. S. "JEANIE DEANS",

at Milford Haven.

31st January, 1941.

CIRCUMSTANTIAL LETTER.

Sir,

I regret to report the following circumstances regarding the loss of H.M.S. "MERCURY" on the 25th December, 1940, with a view to the trial by Court Martial of the Commanding Officer, Acting Temporary Lieutenant Commander Bertrand Aubrey Palmer, Royal Naval Volunteer Reserve, hereinafter called the Accused.

2.- On the 25th December, 1940, the Accused was in command of H.M.S. "MERCURY", a unit of the 11th Minesweeping Flotilla, and was borne on the books of H.M.S. "SKIRMISHER" for H.M.S. "MERCURY", and is now borne on the books of H.M.S. "SKIRMISHER".

3.- The circumstances of the case are as follows:-

4.- On 25th December, 1940, the 11th Minesweeping Flotilla was employed sweeping the shallow British Minefield near Coningbeg Light Vessel. Laps were being made in "G" formation to port on a course of 256 degrees, speed 11 knots, with ships in the order "HELVELLYN" (in which I was embarked for the operations), "SCAWFELL", "MERCURY" and "GOATFELL".
ALL THE SHIPS OF THIS FLOTILLA ARE PAOOLE MINESWEEPERS.

5.- The following adjustments of sweeping gear had been ordered:- 300 fathoms sweep wire between Kite and Otter; 50 fathoms Kite wire; 15 fathoms Float wire, and sweeps were to be armed in accordance with Column No.5 of 11th Minesweeping Flotilla Memorandum No.13.

6.- At about 1525 on that day, towards the end of the third lap, "MERCURY'S" Oropesa Float dipped and the Accused suspected a mine in the sweep. A mine was cut and appeared on the surface, but as the Float continued to run submerged, he made the signal at 1535 "My sweep is foul request permission to clear it". To this I replied "Yes" at 1538. At 1540 "MERCURY" drew out of line and proceeded to the North West, and by zig-zagging and varying speeds endeavoured to clear her sweep.

7.- At about 1550 the Float was still running erratically and so by order of the Accused speed was reduced to Slow Ahead, and the Kite was hove up, seen to be clear and hoisted inboard. The sweep wire was then hove in slowly, and primers were removed from Depth Charges.

8.- When the Otter was about eight fathoms from the ship the officer in charge of the Sweeping Deck, Temporary Lieutenant Ralph Edmund Blows, Royal Naval Volunteer Reserve, asked the Accused to stop the engines. The Accused approved of this request, and the engines were stopped at about 1620. When the Otter was sighted, Ernest Amos Eastman, Leading Seaman, Official Number C/J.41137, saw a black object foul of the Otter and reported it to the Sweeping Officer. The latter confirmed the report and informed the Accused. The Accused went aft and saw what he described as "a dark object in the Otter". The Float was then grappled, hoisted inboard and the Float wire was unshackled; this operation was completed by

about

Flag Officer in Charge,

MILFORD HAVEN.

CIRCUMSTANTIAL LETTER.

about 1628. The Sweeping Deck was then immediately cleared and the Accused went forward to the Bridge.

9.- During this time the black object, which proved to be a mine, was suspended with the Otter under the stern of "MERCURY".

10.- Evidence will be given that the action of the Accused in stopping the ship in these circumstances was contrary to the instructions laid down in C.B.1937, Minesweeping Tactics and Operations, 1935, Chapter VIII, paragraphs 73 and 74, which state:-

"73. A mine may foul the cutter or the otter slings, and if one is sighted the sweep wire should at once be veered to about 50 fathoms and the sweeper go ahead at full speed and endeavour to part the mine moorings.

74. If this fails, the sweep should be hove in slowly until the mine is at a safe distance and then the wire cut through. If, as is usually the case, this results in the mine clearing, the otter may be recovered by sending a boat to attach a line to the float and picking up from that end. The area must be reswept for the uncut mine."

and these instructions are repeated verbatim in the Manual of Minesweeping, 1940, O.U.6350, paragraphs 146 and 147.

A COPY OF C.B.1937 AND O.U. 6350 HAD BEEN SUPPLIED FOR THE USE OF THE ACCUSED.

11.- As soon as the Accused reached the Bridge, viz. at about 1632, there was a heavy explosion under the stern.

12.- The Accused then went aft to investigate and found that there were no casualties. He noted that the rudder was bent and out of action, but could find no damage to the Hull although the ship was leaking slightly. This was reported to me by signal at 1640. The Accused then reported that he believed the ship could be towed as far as Milford Haven, and H.M.S. "MANGROVE", a Danlayer, was consequently detailed to take "MERCURY" in tow, in my signal timed 1720.

13.- This was accomplished. By 1800 ships were formed up with "MANGROVE" towing "MERCURY", "ALMOND" on "MERCURY'S" port beam, and the remaining ships, in line ahead, astern of "HELVELLYN", with "HELVELLYN" two cables on "MERCURY'S" starboard quarter. A course of 119 degrees was ordered and speeds adjusted to keep station on "MERCURY".
THE "MANGROVE" AND "ALMOND" ARE ADMIRALTY "TREE" CLASS TRAWLERS, EMPLOYED AS DANLAYERS FOR THE PURPOSE OF THIS OPERATION.

14.- At 1719 the Accused reported that "MERCURY" was making water more quickly, but that the bulkhead was holding.

15.- At 1845 I made the signal "How are you getting on?" to "MERCURY" and at 1855 received the reply "Everything satisfactory". Towing proceeded without incident until 2020 when the Accused reported that the water had reached the level of the Ward Room deck. I replied "Keep at it". About ten minutes later the tow parted, and as it appeared that the ship would probably sink, I ordered "ALMOND" to go alongside and take off all hands that could be spared. "ALMOND" went alongside, and while she was there I ordered her to take off all hands as "MERCURY" was settling quickly by the stern - my signal made at 2051.

16.-

CIRCUMSTANTIAL LETTER.

16.- "MERCURY" sank at 2115 in approximate position
51° 58' 3" North 06° 24' 2" West.

17.- In view of the foregoing, I consider that the
Accused is to blame in :-

- (a) stopping his ship when it was suspected that a mine was in the Otter, contrary to the instructions laid down in the Manual of Minesweeping, 1940, O.U.6350, paragraphs 146 and 147, and C.B.1937, Minesweeping Tactics and Operations, 1935, Chapter VIII, paragraphs 73 and 74;
- (b) after having seen a "dark object" in the Otter, which he had reason to suspect was a mine, in allowing his ship to remain stopped at about 1625 while the Float was grappled and hoisted inboard, during which period the mine and Otter were suspended under the stern;
- (c) in failing either to cut the sweep as soon as an object suspected of being a mine was seen in the Otter, or in not veering the sweep and going ahead until the Otter was at a safe distance from the ship;

thereby hazarding his ship, and that his negligence or default in these respects resulted in the loss of the ship.

I have the honour to be,

Sir,

Your obedient servant,

Edwardson

Acting Commander,
Royal Navy,

SENIOR OFFICER, 11TH MINESWEEPING
FLOTILLA.

The Flag Officer in Charge,

MILFORD HAVEN.

The Judge Advocate stated that the Accused had been furnished, not less than 24 hours before trial, with a copy of the Charges , and of the Circumstantial Letter, with the list of Witnesses for the Prosecution, a Summary of the evidence in support of the prosecution, and with a notice that it is competent for him to give evidence, subject to cross-examination by the Prosecutor and examination by the Court.

The Judge Advocate informed the Accused that he was not required to plead either Guilty or Not Guilty; but that should he desire to plead Guilty he should now do so, and should also lay before the Court any statement in mitigation of punishment, and call witnesses as to general character.

The Accused pleaded "Not Guilty" to both charges.

LIST OF WITNESSES.

| NAME. | RANK OR RATING. | SHIP. | QUESTIONS. | |
|---------------------|--|--------------|-------------|------------|
| | | | FROM. | TO. |
| <u>Prosecution.</u> | | | | |
| L. C. WINDSOR | Lieut. Commander (Acting Commander) | "SKIRMISHER" | 1 | 34 |
| R. E. BLOWS | Temporary Lieut. R. N. V. R. | "MERCURY" | (35 246 | 121 251 |
| R. H. COPE | Leading Seaman Official No. C/J 99877 | "MERCURY" | 122 | 182 |
| E. A. EASTMAN | Leading Seaman Official No. C/J 41137 | "MERCURY" | 183 | 212 |
| (E) A. HENDERSON | Temporary Lieut. R. N. R. | "MERCURY" | 213 | 236 |
| A. CAMPBELL | Temporary Lieut. R. N. R. | "MERCURY" | 237 | 244 |
| <u>Defence.</u> | | | | |
| ACCUSED | | | | |
| B. A. PALMER | Acting Temporary Lieut. Commander, R. N. V. R. | "SKIRMISHER" | 252 | 308 |
| J. MCLINDEN | Temporary Acting Lieut. Commander R. N. R. | "SCAWFELL" | 309 | 316 |
| A. J. COLE | Shipwright Lieut. R. N. (Retired) | "SKIRMISHER" | 317 | 324 |

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LIST OF EXHIBITS.

| Exhibit. | Nature. | Page. |
|-------------|---|-----------------------------------|
| Exhibit "A" | Flotilla Orders (11th Mine-sweeping Flotilla). | End of Minutes. |
| " "B" | Signals. | - " - |
| " "C" | Report. (Dated 27th December, 1940, signed by Accused.) | 18 and 19 |
| " "D" | Large Scale diagram from Chart No. 2049. | End of Minutes. |
| " "E" | Chart No. 2049 - - - - - | Not Attached - vide A.4, page 20. |
| " "F" | Circulating Sheet. | 52A. |
| " "G" | Abstract of Certificates. | 65. |

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The following transcript of my Shorthand Notes has been made by me
and is accurate.

Martha L. Olabury.
Shorthand Writer.

This is to certify that the following pages of typewritten evidence are
transcribed from the Shorthand Writer's notes of the evidence taken at the Court
Martial and that the transcription was made under my supervision.

Archibald Cooper.

~~Officiating~~ Deputy Judge Advocate.