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Enclosure No. 1

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The Honourable Commissioners,  
Customs and Excise,

Honourable Sirs,

GILBERT HORNBY, Assistant Preventive Officer.  
Fatal accident on board the Liberian steamship  
Andros Champion, Bidston Dock, Birkenhead.

In order that the attached reports may be readily be related to the people involved, I list hereunder the officers concerned:-

Birkenhead Rummage Crew : J. R. Thomas, Preventive Officer  
G. E. Thomson, Asst Prev Officer  
T. Cooper, : : :  
G. Hornby, : : :

Boarding Officers: L. Kent, Preventive Officer  
R. K. Curtis, Asst Prev. Officer.

From the reports attached it will be seen that the Rummage Crew arrived on board the vessel at or about 9.45 a.m. on the 12th inst. The Boarding Officers were ~~were~~ already on board dealing with the Crew Declarations (List 142).

Whilst this work was proceeding the Rummage Assistant Preventive Officers commenced operations and all three of them examined the Steering compartment. Mr. Hornby and Mr. Thomson examined the nuts securing the cover of the transom space. The majority of these were loose and it was decided that the cover should be removed. It appears that the spanner in the possession of Mr. Hornby was not suitable for the job and he went away, presumably to the engine room to get one. On his return all three officers then removed the cover.

The cover removed, Mr. Hornby shone his torch inside and the officers were able to see that there was some dirty water in the space. Mr. Hornby then went down into the space watched by Mr. Thomson who reports that Hornby appeared to have a quick look around and start to come up. His head turned to one side and he slumped down until he was sitting in the water, at this time with his head clear of the water. Mr. Thomson called to him and immediately went in to assist. The reports reveal that when Thomson reached Hornby the latter was unconscious and very soon Thomson too was affected. Mr. Cooper when he failed to get satisfactory replies from Thomson immediately ran for assistance.

In the sequence of the events, following upon the alarm raised by Cooper, I think it was at this point that CRICHAN (see Police Report "A") went into the transom and had to come out. In turn he was followed by Mr. Kent, P.O. and the ship's Junior 2nd Officer and similarly they too had to come out.

Mr. Thomas, Preventive Officer in charge of the crew, with a rope attached then went down into the transom and managed to get Thomson to within reach of the people above who hauled him out. Thomas then managed to get a hold on Hornby and they were both pulled to within grasp and brought out.

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All three officers were taken to the Birkenhead General Hospital, Thomas and Thomson being released and sent home later the same afternoon.

The news of this accident was received at the Higher Waterguard Superintendent's office at about 11.50 a.m. and on the instructions of Mr. Grey I at once proceeded to Birkenhead.

With Mr. J. Whiting, Chief Preventive Officer, I went to the Birkenhead General Hospital. The Doctor in charge of the casualty ward informed us that one of our officers, Gilbert Hornby was dead and that in his opinion death was due to inhaling carbon dioxide. The other two officers, Thomas and Thomson were recovering. We saw these officers, Thomson had only just recovered consciousness and Thomas was in a very distressed condition. We enquired at the hospital whether any relatives had been informed and we were informed that this was usually done by the Police.

We returned to the office and arranged with the Police that we would notify the deceased's wife and inform the relatives of the other officers.

Mr. J. Whiting and myself then proceeded to Hornby's home but on arrival there found no one at home. One of the neighbours informed us that Mrs. Hornby had been observed going out about thirty minutes earlier. Our intention was to return later, but after we had left, the neighbour was able to contact one of Mrs. Hornby's brothers in Liverpool. He in turn visited Mr. Grey, Higher Waterguard Superintendent, who informed him of the death of Mr. Hornby and he undertook to convey the sad news to Mrs. Hornby who was that day visiting her mother in Liverpool.

With Mr. Whiting, C.P.O. I visited the vessel and the scene of the accident on board. The Master was informed that we would see him again on Friday morning.

At 11 a.m. the 13th inst. with Mr. Grey, Higher Waterguard Superintendent and Mr. Whiting, C.P.O. the vessel was again visited. During our enquiries on board we received assistance from Mr. Perieles Sacca of Messrs E. E. Sharp & Sons Ltd. who volunteered to act as interpreter.

From the ship's plan it was confirmed that the transom space is not a tank capable of being used for the storage of any liquids and there are no pipes leading into it. The water which gets into this space would be sea water forced upward through the flange of the rudder post.

The Master stated that he had only been in the vessel a few months and that the only time the cover of this space would be removed was when the rudder post required attention. In Police report "G" the third Engineer states that he joined the vessel in July 1955 and had never seen the manhole cover off until now.

The Master stated that no one should have gone into the transom space before asking one of the ship's officers. He also produced one of four gas masks which he stated were in charge of the Chief Officer. This was the first mention of the availability of any masks, neither our officers nor CRICHAN (see Police Report "A") were aware of their existence at the time of the incident. The mask produced to us was marked "U.S.A. Bureau of Mines" and the following printed on it:

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"Do not wear in atmosphere dangerous to life or containing more than 1/10th (.1%) organic vapours by volume".

In an interview with Mr. Grey, Higher Waterguard Superintendent and myself the Chief Officer, Costas ANASTASIADIS stated that he was paying the crew when the alarm was raised and he ran immediately to the steering compartment. When he reached there he saw a number of Customs officers, some of his crew and others. He stated that he had tried to get a gas mask which was kept aft but the key was kept by the boatswain. He then ran amidships to get one. It is not clear whether a mask was brought to the steering compartment, but if it was, maybe the rescue operations were already being effective.

The Junior 2nd Officer, STEFANOU, was then interviewed and stated that he went into the transom in an endeavour to assist the two officers already in there but he was pulled out. He stated that there was no smell, and the third Customs officer who went in, first brought one officer to the opening (Thomson) and he was dragged out, and then brought the other officer, the man we now know to be dead, to the manhole and they were both dragged through.

Enquiry was made regarding the spanner which had been used by Hornby. The Mate stated that he had made enquiries from the crew and one of the greasers stated that there had been a spanner on the engine room grating. This spanner was now missing. No crew member has said that he gave it to a Customs officer.

Later this day (13th Decr) we were informed by the Police that the inquest would be opened at 4 p.m. that day and after the medical evidence there would be an adjournment. Our officers were not required for the opening of the inquest.

The Birkenhead Borough Coroner, Mr. Joseph Roberts, of Messrs Percy Hughes & Roberts, 8, Hamilton Street, Birkenhead, presided at the inquest and also present were:-

Mr. Dunning, Solicitor of Messrs Linskey & Sons,  
81, Date Street, Liverpool,  
representing the widow.

Mr. Vernon Gwyther, Solicitor of Messrs Hill Dickinson & Co.  
Liverpool  
representing the Owners of the vessel:-  
The Saint Rafael Shipping Co., Ltd., Panama City.

Evidence of identity was given by Hornby's brother-in-law.

Medical evidence was given firstly by Dr. John Hosker, casualty officer, Birkenhead General Hospital who stated that artificial respiration and oxygen treatment was tried after Hornby was received in hospital but there was no response. In his opinion Hornby had inhaled a considerable quantity of carbon dioxide

Dr. C. A. St.Hill, Home Office Pathologist then gave a lengthy description of his examination and finally stated that in his opinion death was due to asphyxia due to drowning following a collapse, and in view of the history it was likely that Hornby had suffered from a lack of oxygen before entering the water.

The Third Engineer of the vessel, Theodor AGINEROS, was called, the Master Loumakis COSTAS acting as interpreter. There was some difficulty owing to the Master's limited command of English, but eventually the following questions were put by the solicitor for the shipowners:

Question: How long have you served in this vessel? Reply: I joined the ship on the 29th June 1955 and have been in the ship all the time since

For what reasons would it be necessary to take off the manhole cover? It would never be taken off

The Master, Loumakis COSTAS then was called, and the Solicitor for the shipowners put the following:

Question: Did anyone ask your permission to take off the manhole cover? Reply: No

Did you know it had been taken off? No

The Coroner then asked the witness:

Question: Were you on the ship when the Customs officers came on board yesterday? After some difficulty the Master stated that he went ashore at 9 a.m. and returned at 2 p.m.

At this juncture the Coroner said "The Customs people would not necessarily ask permission to take a manhole cover off. They are there to look for contraband and if they ask permission it would defeat the object of their visit".

Accepting the medical evidence, the Coroner stated that the necessary certificates would be issued and the Inquest adjourned until Thursday. He expressed the Court's sympathy to the relatives and this was followed by expressions of sympathy from the owners' Solicitor. I then followed and ~~expressed~~ expressed the Department's condolences and stated that we had lost a zealous and conscientious officer.

The Coroner then put the following question to me:

"Can we clear up the point raised as to whether permission should have been obtained to inspect the tank?"

I replied "There are certain places on board a ship, such as fuel oil tanks, whether containing liquid or not, when it would be prudent to consult one of the ship's officers. In the case of the dry tank concerned in this case, it may

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well be that the officers considered it to be innocent. In this case we are not aware as to whether Hornby did ~~not~~ or did not tell any officer of his intention to open the manhole cover in question.

The inquest was adjourned and it is to be resumed at 3 p.m. Thursday next, 19th December.

At Thursday's proceedings, I expect that our officers will be questioned regarding the matter of whether any ship's officer was informed of our intention to examine this transom space.

Rummage Officers all over the country are well aware that quite large seizures have been made in this type of space. For the intending smuggler it has the advantage of being well away from any of the accommodation and would not normally be visited by many members of the crew. It is to be regretted that on this occasion we have lost an officer and but for the fact that there were three officers working together we may have lost another.

When it was observed that Hornby was in difficulties, Thomson did not hesitate to go to his assistance, and even after he must have been aware that he himself was passing out, he still tried to assist Hornby. Later when Thomas went into the transom and rescued Thomson and brought Hornby to the hands of the people waiting above, Thomas did not consider his own personal safety. Both officers, Thomas and Thomson did all that was to be expected of them in their attempt to save the life of their colleague.

H. M. CUSTOMS & EXCISE  
LIVERPOOL WATERGUARD DIVISION  
ASSISTANT SUPERINTENDENT

*H. Williams* 17 DEC 1957  
DISTRICT TWO  
CUSTOM HOUSE,  
LIVERPOOL