

120. Q. Did it cause any damage?

A. I can't tell you that, sir, but I know that the Chief Engineer and myself took immediate steps to sound all the bilges as a result of it.

121. Q. Apart from the explosion which occurred at 1632 on Christmas Day have any explosions taken place nearer to the ship to your knowledge than the explosion which occurred on the 24th close off your port bow?

A. Apart from the bombing we had?

Yes.

No, sir, not closer. I should say not as close.

Court declined to examine this Witness.

Witness withdrew.

Leading Seaman Richard Henry Cope,) Called, sworn and examined
H.M.S. "MERCURY" (Official No. C/J. 99877)

By the Prosecutor

122. Q. Are you Richard Henry Cope, Leading Seaman, Official Number C/J. 99877?

A. Yes, sir.

Evidence of Leading Seaman Richard Henry Cope, Official Number
C/J.99877. - H.M.S. "MERCURY". (Cont'd)

By the Prosecutor.

123. Q. Were you serving in H.M.S. "MERCURY" on the 25th December, 1940?
A. Yes, sir.
124. Q. What was your duty in "MERCURY" on that date?
A. Leading Seaman in Charge of the Sweep Deck for the afternoon watch.
125. Q. When did you go off watch?
A. At 1600 on the 25th I was relieved by Leading Seaman Eastman, sir.
126. Q. Did you leave the sweeping deck?
A. No, sir.
127. Q. Did you turn over any information to Leading Seaman Eastman?
A. I stated to the leading hand when he relieved me at 1600 that the oropesa had been acting strangely during the afternoon watch or part of the afternoon watch, - the latter end of the afternoon.
128. Q. Was the sweep functioning correctly during the afternoon watch?
A. Yes and no sir. When a sweep is functioning properly at times the oropesa dips. When it strikes any obstruction in the sea the oropesa dives which was the case that afternoon.

129. Q. You said that the oropesa dips when it, that is the oropesa, strikes an obstruction.
- A. At times when it strikes an obstruction the Oropesa dives, yes sir, below the surface of the water.
130. Q. Whereabouts must the obstruction be if the oropesa hits it?
- A. I am not at liberty to say it sir. It is beyond my vision, sir, when the obstruction strikes the sweep.
131. Q. So you don't mean when the oropesa strikes an obstruction?
- A. No, sir. The only obstruction the oropesa could strike is a floating object as far as I know.
132. Q. When you reported to Leading Seaman Eastman that the sweep was not running correctly did you tell him anything else?
- A. I said "there may be something that is fouling the sweep".
133. Q. Will you say what happened after 1600?
- A. I worked under the jurisdiction of the leading hand in charge of the sweeping watch, sir, which was Leading Seaman Eastman. I actually took no part in giving orders, - that was the leading hand in charge.

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Evidence of Leading Seaman Richard Henry Cope, Official Number
C/J. 99877. - H.M.S. "MERCURY". (CONT'D)

By the Deputy Judge Advocate to Witness

134. Q. If I may put it this way. He wants to know what happened after 1600 of your own knowledge. You were there weren't you?
- A. Yes, sir. The sweeps were being brought in, sir. The cutters were taken off at 174 fathoms right the way down until I think the sweep was approximately 100 fathoms still out.
135. Q. You saw that?
- A. Yes, sir. There was approximately 100 fathoms out and I got the order from the Commanding Officer to render the depth charges safe. The sweep was brought in with the damaged cutters taken off. The sweep was brought in to somewhere about 6/10 fathoms I should say and the order was given for the oropesa to be brought inboard. The oropesa was hoisted to the davit. The float line, Leading Seaman Eastman tried to disconnect it by undoing the shackle. He failed, so I took over the marline spike and I undid the shackle to disconnect the float wire from the oropesa.

By the Prosecutor.

136. Q. Will you explain how you got the float underneath the davit.
- A. By grapnelling, sir. The grapnel was thrown from the sweeping deck across the oropesa and hooked that way and brought in to the side of the ship.
137. Q. How far from the ship was the oropesa float when you grappled it?
- A. How far away from the stern, sir? 18 feet.
138. Q. 18 feet?
- A. Yes, sir.

139. Q. Whereabouts relative to the ship was it?
- A. Inclined to be off the port quarter.
140. Q. Was the oropesa float making any headway?
- A. No, I don't think so, sir.
141. Q. How was the float behaving?
- A. I think it was stationary, sir, - I'm not sure. It may have been moving slightly astern, but I can't quite remember. Only one grapnel was thrown and went straight across so it could not have been a great distance away.
142. Q. Which part of the oropesa did the grapnel catch in?
- A. In the rope that was straddled, - some rope was fixed from the spar to the oropesa and also brought down under.
143. Q. It caught the pennant between the balance and the foot of the standard?
- A. Yes, sir.

Evidence of Leading Seaman Richard Henry Cope, Official Number
C/J. 99877. - H.M.S. "MERCURY". (Cont'd)

By the Prosecutor.

- 144. Q. What length of float wire had you?
A. 15 fathoms.
- 145. Q. Will you go on with your narrative.
A. The float was disconnected from the oropesa. The oropesa was put in its crutches and temporarily I put a half-hitch in the float wire to the guard rails. I took the half-hitch out of the float wire and took the wires as far forward as I could, so that there would be no undue strain on the otter, - so that no bias should fall on the otter. The order was then given by Leading Seaman Eastman to clear the sweep deck. As the result of an order given by Leading Seaman Eastman we cleared the sweep deck.
- 146. Q. What was the ship doing in the meantime?
A. It was stationary, sir.
- 147. Q. Whereabouts on the sweeping deck were you when the sweep was being hove in?
A. By the star-board sweep roller.
- 148. Q. Did you see the otter?
A. At what time, sir?
- 149. Q. When the sweep was hove in?
A. When the ship was under way - no, sir.

150. Q. When the ship was stationary?

A. When the paddles were stopped, yes, sir. You can't sight an otter above the paddle boats, not when the paddles are going, owing to the amount of foam that they make on the water.

151. Q. At what minimum speed does the foam render this impossible?

A. At any time while the paddles are revolving.

152. Q. When the port sweep was being hove in did you actually see the otter?

A. When the ship was stopped and the paddles were not revolving, sir, and the otter came in to a fair distance away from the ship we could just see a white object that was all and there was only one conclusion we could draw being as we were sweeping and the otter is painted white, and was coming toward the ship.

153. Q. Could you see the whole of the otter?

A. No, you could see a white object, that is all, unless you brought the otter so close up to the ship that the otter would actually foul the rudder - would come up underneath the rudder.

154. Q. How deep is your rudder?

A. I don't know, sir.

Evidence of Leading Seaman Richard Henry Cope, Official Number
C/J. 99877. - H.M.S. "MERCURY". (Cont'd.)

By the Prosecutor.

- 155. Q. Whereabouts was the otter and approximately how deep was it when you first saw it?
- A. Approximately, sir, I couldn't tie myself to any definite distance, approximately 6/10 fathoms.
- 156. Q. Where was the otter when the float wire was unshackled?
- A. Slightly on an angle astern.
- 157. Q. Did the otter move its position relative to the ship between the time that you first sighted it and the time that the float was grappled?
- A. I could not say, sir. I was assisting in getting in the oropesa.
- 158. Q. What happened after the float was hoisted inboard?
- A. I obeyed an order given for the sweep deck to be cleared. Do you want to know what I did, or the ship's company did?
- 159. Q. What did the sweeping deck crew do?
- A. The sweep deck was cleared, sir. Some time after the sweep deck was cleared there was an explosion. The time I cannot state.

- Q. Can you give an idea of the time between sighting the object in the otter and the explosion?
- A. It is a hard thing to state. In the tenseness of getting something in the sweep, knowing we were on a minefield sweeping mines, to state any definite time, sir, on a thing like that. The time, sir, that the "MERCURY" or any other ship would take out there to get an oropesa on board and the other small things that happen, - I should say somewhere in the vicinity of approximately 10 minutes.

Cross-Examined by the Accused's Friend by permission of the
President on behalf of the Accused.

161. Q. Were any mines exploded in the "MERCURY's" sweep on the 25th December?
- A. Yes, sir, three.
162. Q. In your opinion what effect might these have on the running of the otter?
- A. It could have quite a lot of effect on the general running of the otter, sir, such as the vibration causing one of the legs of the sling to become entangled or a shackle to be reversed in the opposite direction thus giving you a throw out on your sweep, either outboard or right astern ship, as we had experienced on sweeping on previous occasions.
163. Q. What other part of the otter might it affect?
- A. It may have affected the bottle screw or adjustable leg on the otter.

Evidence of Leading Seaman Richard Henry Cope, Official Number
C/J. 99877. - H.M.S. "MERCURY". (Cont'd)

By the Accused's Friend.

164. Q. If the explosion of one of these mines was close enough to the otter might it in your opinion sever the wire sealing on the bottle screw?

A. Yes, it is quite possible, sir.

165. Q. What was your employment in civil life?

A. I was an electrician at the Royal Small Arms Factory, Enfield, London.

166. Q. Were you shown anything on board "MERCURY" after the explosion?

A. Yes, sir.

167. Q. What was this?

A. A piece of metal about the size of the top of my hat (pointing to his uniform cap), was turned over to me by Leading Seaman Eastman to inspect. This object had come inboard after the explosion and it was surmised at the time that it was a piece of the mine.

168. Q. Was there anything unusual about this object?

A. Yes, sir. It had some holes in it, - some small holes, also some small dents.

169. Q. Can you suggest anything likely to have caused these perforations and indentations?
- A. Yes, sir. To my mind, having seen things like this before on metal, I came to the conclusion that it was done by either Lewis Gun or Rifle fire. The holes were round, the holes on this piece of metal. There was some marking and it looked to me as though it had been caused or left there by the nickel of a 303 bullet.
170. Q. Did any vessels come alongside the "MERCURY" after the explosion?
- A. Yes, sir.
171. Q. Will you name them to the Court?
- A. H.M.S. "SCAWFELL", She came along on the starboard side and there was an impact with her port bow and the bulkhead somewhere by the aft saloon abaft the paddles.
- Did
172. Q. ~~Was~~ this impact shake the ship at all?
- A. Yes, sir. It shook it rather violently. The ship seemed as though if anything it was inclined to dip astern. Also I would like to state I noticed that after this impact I went down the after peak and the water in the after peak was gaining fast on us then.

Re-Examined by Prosecutor.

173. Q. Can you say how many mines were exploded by the "MERCURY" between the commencement of the operations and the end of the sweeping on the 25th December?

Evidence of Leading Seaman Richard Henry Cope, Official Number C/J. 99877. - H.M.S. "MERCURY". (Cont'd)

By the Prosecutor.

173.(Cont'd)

A. Are you including the explosion astern of her, sir? Three, sir.

174. Q. Three?

A. Yes, sir.

175.Q.On which day?

A. On the 25th, sir.

176.Q. All on Christmas Day?

A. Yes, sir. All during the afternoon watch.

177. Q. Whereabouts, roughly, in the sweep were the three explosions?

A. The first one was at the extreme end of the sweep somewhere near the otter, sir, -one at the end of the sweep, one very close inboard and one I don't know where, somewhere in the midships of the sweep.

178. Q. Did all three explosions occur in the same lap?

A. I don't know when they all occurred, but two of them definitely did.

179. Q. Can you remember at what times approximately?

A. No sir, I can't say.

180. Q. Can you remember which lap?

A. No, sir.

The Court declined to Cross-Examine this Witness.

By the Deputy Judge Advocate to Witness.

181. Q. When did you leave the service?

A. November, 1933, sir.

182. Q. And when did you come up again?

A. August, 1939.

Witness withdrew.

Leading Seaman Ernest Amos Eastman,) called, sworn and
Official No.C/J.41137.H.M.S."MERCURY") examined

By the Prosecutor.

183. Q. Are you Ernest Amos Eastman, Leading Seaman, Official No.C/J.41137?

A. Yes, sir.

184. Q. And were you serving in H.M.S."MERCURY", on the 25th December, 1940?

A. Yes, sir.

185. Q. What was your duty in the ship?