

**FOR OFFICIAL USE**

(No. 7875.)

**"SUTHERLANDSHIRE LASS" (S.V.).**

**THE MERCHANT SHIPPING ACT, 1894.**

**REPORT OF COURT.**

In the matter of a Formal Investigation held at the Sheriff Court House, Aberdeen, on the 27th, 28th and 29th days of November, and the 2nd, 3rd, 6th, 9th and 14th days of December, 1929, before the Sheriff Substitute A. J. LOUETT LAING, Esquire, Advocate, assisted by Captain R. W. B. BLACKLIN, D.S.O., R.N.R., and Captain F. W. KERSHAW, O.B.E., R.N.R., into the circumstances attending the damage sustained by the British sailing ship "Sutherlandshire Lass," of Liverpool, Official Number 105,303, when she left Inverness bound for Blyth on or about the 2nd day of May, 1929, and the loss of the said vessel on 12th June, 1929, when she foundered at sea on or about 8 p.m. on the said last mentioned date to the eastward or north eastward of the Longstone Lighthouse while on a voyage from Blyth to Inverness.

The Court, having carefully inquired into the circumstances attending the above-mentioned shipping casualty, finds for the reasons stated in the Annex hereto, that the loss of the S.V. "Sutherlandshire Lass" was caused by the wrongful acts or default of George Gunn, the Master. The Court finds that George McAllister was in a minor degree an accessory to the final sinking of the vessel. The Court exonerates John Matthews and Stanley Newlands from all blame.

The Court hesitates to affirm that blame attaches to Andrew Ross in connection with the loss of the vessel, but feels bound to record its conviction that a share of the responsibility for the loss of the vessel must rest upon him.

The Court severely condemns the actings of Alexander McLean for his share in fraudulently impersonating George McAllister.

The Court finds that the evidence does not justify a finding that Hector Ross and Alexander Munro Ross were implicated in the events leading up to the loss of the vessel.

The Court severely reprimands George Gunn, the Master, and Andrew Ross, the Manager, and, in respect that their actions and conduct have caused or contributed to the necessity for holding a formal investigation and increased its duration and added to its expense, orders George Gunn and Andrew Ross each to pay to the Solicitor of the Board of Trade the sum of £100 towards the cost of the Inquiry.

The Court further reprimands George McAllister and on similar grounds orders him to pay to the Solicitor for the Board of Trade the sum of £10 towards the cost of the Inquiry.

The Court further severely reprimands Alexander McLean, but as he is not a party to the Inquiry, is unable to make any order on him as to costs.

Dated this 14th day of December, 1929.

A. J. LOUETT LAING, *Judge.*

We concur in the above Report.

R. WM. B. BLACKLIN,

F. W. KERSHAW,

*Assessors.*

**ANNEX TO THE REPORT.**

This was an Inquiry into the circumstances attending damage sustained by, and the subsequent loss of, the British sailing ship "Sutherlandshire Lass," of Liverpool, on or about 2nd May and 12th June respectively, both in the current year.

The case was heard in the Sheriff Court House, Aberdeen, on 27th, 28th and 29th November, and 2nd, 3rd, 6th, 9th and 14th December, all in the year 1929.

Sheriff Substitute Alexander James Louett Laing presided and was assisted by Captain R. W. B. Blacklin, D.S.O., R.N.R., and Captain F. W. Kershaw, O.B.E., R.N.R., Nautical Assessors.

Mr. M. M. Duncan, C.M.G., Advocate, appeared for the Board of Trade; Mr. John Munro, Advocate, represented Andrew Ross, and Hector Ross, the Manager and Registered Owner respectively; Mr. J. D. Shirreffs, Advocate, represented Andrew Munro Ross, a former owner; and the Captain, George Gunn, was represented by Mr. Fred G. D. Shewan, Advocate, at the request of the presiding Sheriff. Captain P. St. Hamar, R.N., attended in the interests of the National Lifeboat Institution.

The following were called by the Board of Trade as Parties to the Inquiry:—

The said Andrew Ross, Hector Ross, Alexander Munro Ross and George Gunn, also George McAllister who served as cook, and John Matthews, engaged as mate, and Stanley Newlands, ordinary seaman.

McAllister, Matthews and Newlands were not professionally represented.

The S.V. "Sutherlandshire Lass," No. 105,303, port of registry, Liverpool, was a small cargo vessel build of wood in 1895. She was ketch rigged. She had two masts and carried the following sails: mainsail, mizensail, fore staysail, two jibs, 2 gaff top sails and a balloon jib; the latter three sails were not used on the particular voyage dealt with. The vessel had proper equipment of anchors, namely, a port and starboard, and an ordinary of about 3 cwt. The port anchor was an Admiralty anchor and was the working one. The pump was of the deluge type. She was originally known by the name "Federation" until 28th June, 1924, when sanction was given to her present change of name and a Certificate of Seaworthiness, dated 9th July, 1924, was given. She is 79½ feet in length. Registered tonnage 71.70, 20 feet 7 inches beam, 8 feet 5 inches depth of hold.

On 9th July, 1924, Andrew Ross, of 17, Blodwin Street, Liverpool, held 64 shares and was designated as managing owner, and owner designated as "Master Mariner." He holds no Board of Trade Certificate.

On 18th October, 1927, that ownership changed, Alexander Munro Ross, of Brora, a son of Andrew Ross, then designated as a motor engineer, being registered as owner of 64 shares, and Andrew Ross was designated by him as "the person to whom the management of the vessel is entrusted by and on behalf of the owners." Then on 3rd December, 1928, by "Bill of Sale" the ownership of the 64 shares was transferred to "Hector Ross, of Megdale, Bonarbridge, Shipowner," a nephew of Andrew Ross, and cousin of Alexander Munro Ross, and at the date of the Inquiry he is the registered owner. (The foregoing particulars are taken from the ship's registry. No. 11 of the productions.)

The further history of this vessel is as follows:— In 1923 Andrew Ross bought the vessel, as a wreck, from the Liverpool Salvage Association for £25, after she had been ashore on the quicksands at West Kirby. She was salvaged, refloated and reconditioned by Andrew Ross at a cost which he states as £1,173 7s. No vouchers, however, are produced or available for that sum (Production No 1). In Ross's original deposition he states the cost at £400 (page 3 of his evidence on oath).

He sailed the vessel himself for various periods, namely, 1924, 1925 and part of 1926, and he took command again in October, 1927, when the ownership changed. The vessel was thereafter sailed by one Alexander McKay, from September, 1928, to 8th November, 1928. Then, on 2nd May, 1929, the party, George Gunn, was master until the date of the loss of the vessel.

Andrew Ross states that while he was owner and master the vessel made a profit of £480 approximately. She was laid up for considerable periods in 1926, 1927, 1928 and until 2nd May, 1929. He further states that at the transfer to his son in 1927 no money passed, he being indebted to his son to the extent of approximately £100 to £120; and further

that at the time of the transfer to his nephew, Hector Ross, again no money passed, he, Andrew Ross, then owing Hector Ross about £100, and Hector Ross states that at that time he himself had spent £247 on repairs, etc., to the vessel.

All this time Andrew Ross was acting as manager on the terms of 5 per cent. on the gross freights.

In 1925 the vessel was fitted with an engine, propeller, propeller shaft and tube, but they had never been connected and the engine had never therefore worked since her purchase. The propeller and shaft were eventually taken out of the vessel. The tube was left and the sea-end plugged up with a wooden plug to the satisfaction of the Board of Trade Surveyor. When the engine was put on board, the insurance was increased to £900. Previously the vessel had been insured as a motor vessel, for £800, when she had only a propeller and shaft on board. She was insured on 30th April, 1929, for £900 at 20s. per cent. Andrew Ross informed the broker on 25th April, 1929, that the engine had been removed. The engine according to him cost £100.

The vessel's windlass would seem to have been efficient, although at times it required 3 or 4 men to break the anchor out of the ground.

Her three hatches had low coamings and were fitted with cleats and tarpaulins. She had 3 bulkheads, one separating fore-castle from chain locker forward, and another separating hold from chain locker forward, while the third separated the hold from the master's quarters aft.

The following is a brief outline of the events leading up to the last two voyages of the vessel, namely, that on Thursday, 2nd May, 1929, from Inverness, and the last, when she left Blyth on Tuesday, 11th June, 1929.

Soon after sailing about 8 a.m. on 2nd May the vessel stranded on a mud flat, from which she was however refloated by the next tide, and left Inverness on the following day, proceeded to sea, but anchored off Cromarty on account, as is alleged by the master, of the bad weather then prevailing, but this is absolutely negatived by the Coastguard weather report at the precise periods during that day. The vessel then, after having remained 22 hours at anchor, left at 11 a.m. on the 4th of May when the master states he again encountered head winds and mountainous seas. (No Coastguard reports confirm this.) He put about off Trouphead and anchored  $\frac{3}{4}$  N.N.W. off Burghead in a calm at about noon on the following day, the anchor used being the port anchor (Admiralty pattern, of approximately 6 cwt.). The master then put the ship's boat out and landed and discharged Taylor and McLean and bought bread and tobacco, and states that he tried to get substitutes for the two discharged members of the crew, but was unable to obtain such. He then returned to his vessel. On the following day, Monday, the weather became very squally and rough about 7 p.m. and the vessel was observed to be dragging and driving away from the spot. The Coastguard officer had her under observation and deemed it his duty to request the Cromarty life boat to put out; and this was done, the life boat sighting the vessel about 3.25 on Tuesday morning, 7th May. The lifeboat took off the master and McAllister, the only member of the crew then on board the vessel. It is suggested by the master with regard to this that he was coerced by the lifeboat coxswain to leave his vessel and go into the lifeboat and that he did so against his will. There is no evidence in support of this. On the contrary, there is evidence that when in the lifeboat he expressed himself thus: "I hope the b—— will go ashore." The men having been landed at Cromarty, the coxswain of the lifeboat, Witness J. Watson, consulted with members of his crew and decided to go to Burghead in his vessel the "Ailsa," a small passenger steamer. This they did about 8 o'clock and, after a good deal of preliminary manoeuvring, they got a tow rope attached and towed the vessel to Lossiemouth where she was handed over to the Harbour Master. After remaining there until Saturday, 11th May, she sailed from Lossiemouth and arrived at Blyth on Sunday, the 19th of May, at about 3.45 p.m. She remained there for some time and on 21st May commenced discharging her cargo

of wood which she completed on the following day. She then proceeded to another berth some time on 5th June where she commenced loading her cargo of 120 tons of coal, locally known as Ashington Large, finishing about 2.15 on the same day. She eventually sailed at about noon on Tuesday, 11th June. During the passage the vessel made to Blyth, water was making to a certain amount, but was easily kept under control, the pump working quite well. At Blyth, pumping had to be done night and morning, and there is evidence to the effect that the vessel was pumped dry on the morning of the 10th June, and that on the following morning the mate was told by the master to stop pumping, although there was still water in the vessel. After the vessel proceeded to sea on 11th June, the course was set N.E.  $\frac{1}{2}$  E. About 6.30 p.m. on that day the master ordered the lifeboat to be put out; during all that time since leaving Blyth no pumping had been done. There is evidence to the effect that the pump had been pulled to pieces and that the plunger or sucker was lying on the deck. The ship's boat was towed behind the vessel, the crew having been ordered into it, after midnight and before daybreak on the 12th of June. There is also evidence that after the crew were in the boat the master remarked that the rudder was gone. This was not however observed to be the case by those in the boat. What happened thereafter is stated in the Answers, namely:—That ultimately the master along with McAllister boarded the vessel and that the master deliberately used means to hasten the sinking of the vessel, his explanation for doing so being that her condition was then hopeless, and that to leave her as she was would have been a menace to other shipping. The result was that the vessel finally sank at about 8 p.m. on Wednesday, 12th June. The master and crew were eventually picked up by the motor boat "Nelsons" and landed at Seahouses about 8 p.m. on the following day.

At the conclusion of the evidence the following questions were submitted on behalf of the Board of Trade for the opinion of the Court, and parties having addressed the Court, Mr. Duncan for the Board of Trade, replied.

1. When and in what circumstances and for what sum of money was the vessel acquired by Mr. Andrew Ross?

What amount of money was spent by Mr. Andrew Ross at this time upon surveys, renaming, re-registration and repairs effected to and equipment of the vessel to put her into a seaworthy condition?

2. During the time Mr. Andrew Ross' name appeared on the Register as the owner of the ship, viz. July 1924, and 24th August, 1926,

(a) How was the vessel employed?

(b) Was she laid up during this time and if so for what periods?

(c) Who managed the vessel?

(d) What amount of money, if any, was spent by Mr. Andrew Ross on renewals and repairs to the ship?

(e) What insurances, if any, were effected upon and in connection with the vessel and by whom and in whose name were they effected?

3. When, in what circumstances and in what manner did the ownership of the vessel pass from Mr. Andrew Ross to Mr. Alexander Munro Ross?

What sum of money, if any, did Mr. Alexander Ross pay to Mr. Andrew Ross for the vessel?

What arrangement, if any, was come to between Messrs. Andrew and Alexander Munro Ross at this time with regard to the management of the ship thereafter?

4. During the time Mr. Alexander Munro Ross' name appeared on the Register as the owner of the ship viz. 24th August, 1926, to 18th August, 1928.

(a) How was the vessel employed?

(b) Was she laid up and if so, for what periods?

(c) What amount of money was spent by Mr. Alexander Munro Ross on renewals of and repairs to the ship?

(d) What insurances, if any, were effected upon or in connection with the vessel and by whom and in whose name were they effected?

- (e) What part, if any, did Mr. Alexander Munro Ross take in the management of the vessel?
5. When and in what circumstances did the ownership of the vessel pass from Mr. Alexander Munro Ross to Mr. Hector Ross?
- What sum of money, if any, did Mr. Hector Ross pay to Mr. Alexander Munro Ross or to any other, and if so what, person for the vessel?
- What arrangement, if any, was made between Messrs. Hector and Andrew Ross as to the future management of the ship?
6. Between the 8th August and December, 1928,
- (a) What voyages did the vessel make?
- (b) What insurances, if any, were effected upon or in connection with the vessel for such voyages, and by whom and in whose name were they effected?
- (c) What amount of money, if any, was spent by Mr. Hector Ross on renewals, equipment of and repairs to the ship?
- (d) Was the vessel laid up, and if so, where and between what periods?
- (e) What part, if any, did Mr. Hector Ross take in the management of the vessel?
7. Prior to December, 1928, had a motor engine, stern tube, propeller and shaft been installed on board the vessel? If so, when, where, in what position and how were the propeller and shaft fitted?
- Had the motor engine been removed before the arrival of the vessel at Inverness in October, 1928?
8. At Inverness in December, 1928:—
- (a) Were the stern tube and propeller shaft removed from the vessel? If so, when and by whom was this done? What arrangement was made for filling up the hole in the vessel's shaft? Was the work properly and effectively done?
- (b) Was the vessel put on the slip and inspected by Mr. H. J. Couch, Board of Trade Surveyor? What repairs and renewals were effected under his survey at this time, and what items of equipment were supplied to the vessel at his instance?
9. After such renewals and repairs in December, 1928:
- (a) Was the vessel passed as seaworthy by Mr. H. J. Couch?
- (b) Was she laid up until the end of April, 1929?
10. If the vessel was laid up where was she laid up and was the berth a safe one for the vessel?
11. When, where, and under whose superintendence was the vessel fitted out prior to the voyage commencing at Inverness on or about the 2nd May, 1929?
12. When and where did the vessel load for the voyage in question? Did she take the ground at low water? Was the loading berth a safe one? Was the ship's hold clean and dry before the cargo was loaded into it?
13. What was the amount and description of cargo loaded and who supervised the stowage thereof?
- Was a deck load carried, if so, what was the amount of it, and was it so disposed and secured on deck as not to interfere with the use of the anchors and anchor chains in case of emergency?
14. Who selected and engaged (1) the master; (2) the crew, for the voyage in question?
15. Was the command of the vessel entrusted to a competent person?
16. When the vessel last left Inverness on or about the 2nd May, 1929:—
- (a) Was she properly and efficiently manned for a voyage to Blyth?
- (b) Was she supplied with
- (1) a good and efficient compass?
- (2) a supply of approved distress signals?
- (3) proper and efficient anchors and chains in good and efficient order, and ready for use in case of emergency?
- (4) if either of the anchors on board was of the "Admiralty" type was the stock removed at any time? If so when, by whom, and for what reason was it removed?
- (c) Was the vessel in good and seaworthy condition as regards hull and equipments, including lights, boat and life-saving appliances?
- (d) What quantity and description of oil was on board for use in the lights?
17. After leaving her loading berth at Inverness did the vessel strand in the River Ness? If so, did she sustain any damage thereby?
18. Was the vessel anchored off Cromarty on the evening or night of the 2nd or 3rd May, 1929? If so, what were the reasons or necessity for this?
19. What description of weather and sea did the vessel encounter after leaving Cromarty on the morning of the 4th May, 1929, and how was it that she put back and anchored off Burghead?
20. During this part of the voyage did the vessel make any appreciable quantity of water, and if so what was the cause of it?
21. On what date, at what time, and in what position was the vessel brought to anchor off Burghead? How was she anchored and what was the state of weather and sea at that time?
22. After the vessel had come to anchor off Burghead, were two members of the crew landed at Burghead and discharged by the master?
- If so, when and where were the two men landed and discharged, and was any effort made thereafter by the master to engage other men in place of them?
23. What were the conditions of the weather, wind and sea off Burghead where the vessel was anchored during the afternoon and night of the 5th May and morning and afternoon of the 6th May, 1929?
- Did such conditions of weather alter for the worse at or about 7 p.m. of the 6th May?
- If so, what measures, if any, were taken by the master for the safety of the ship?
- Were such measures, if any, adequate and sufficient?
24. Was the anchor light of the vessel filled with oil, lit and properly exhibited after sunset on the 6th May, 1929? Was the vessel exhibiting any other lights?
25. What were the conditions of weather, wind and sea off Burghead at or about 10.20 p.m. of the 6th May, 1929? Was the vessel then dragging her anchor or anchors and in danger of being driven ashore?
- If so, did the master make signals for assistance or take any other measures or precautions for the safety of the vessel?
26. Was the vessel's anchor light taken down and extinguished, or did it go out at or about 2.10 a.m. on the 7th May? If the light went out, was it re-lighted and exhibited again thereafter, and if not, why not?
27. At what time on the morning of the 7th May did the Cromarty lifeboat arrive alongside the vessel? Was the vessel then in danger and were the lives of those on board in jeopardy?
- Did the master and McAllister the cook voluntarily consent to leave the vessel to be landed or were they coerced or persuaded into doing so by John Watson, coxswain, or other members of the crew of the lifeboat?
28. Was the vessel in fact abandoned by the master or did he express his intention of returning to her again when the state of the weather and sea moderated?
29. When taking the men off the ketch did the lifeboat collide with her, and if so, what damage, if any, was sustained by the ketch through such contact?
30. After being loaded at Cromarty at or about 7 a.m. on the 7th May, 1929, in what way, if any, did the master concern himself for the safety of the ship?
31. Having regard to her position and condition and the state of the weather and sea, and force and direction of the wind after 7 a.m. of the 7th May, 1929, was the vessel in danger of being driven ashore?

32. Were any arrangements made between the master and John Watson, the coxswain of the lifeboat and owner and master of the s.s. "Ailsa" for the vessel to be towed to a place of safety?

If not, were the circumstances such as to justify John Watson, master and owner of the s.s. "Ailsa," in proceeding in her to the ketch in order to tow her to a place of safety without consulting or obtaining the consent of the master?

33. At what time on the morning of the 7th May did John Watson and other members of the crew of the lifeboat proceed to the ketch in the s.s. "Ailsa"? At what time did they reach her; what were the conditions of weather and sea at the time? Was the vessel then in the same position in which she had been left?

Was she then in danger of being driven ashore?

34. What measures were taken by John Watson and those on board the "Ailsa" to take the vessel in tow? During these operations did the ketch receive any damage whilst her anchors were being hove up on deck or by coming in contact with the s.s. "Ailsa"?

Was the ketch damaged at any time by her own anchor or anchors or chains? If so when, and what was the nature of the damage sustained?

35. At what time on the morning of the 7th May was the ketch taken in tow? At what time did she reach Lossiemouth?

Was the ketch making water at that time, and if so, to what extent and what was the cause of it?

36. On or after the arrival of the vessel at Lossiemouth were the the ship's papers and or any other articles on board the ketch removed from her and sent away by any person?

If so, what articles were removed? When and by whom were they removed and when, how and to whom were they sent?

37. When did George Gunn, the master, rejoin the vessel at Lossiemouth? At that time were the ship's papers and the 12 new approved distress signals on board her? If not, where were they, and what steps, if any, did the master take to trace and recover them before the vessel left Lossiemouth?

38. Was any of the cargo of timber discharged at Lossiemouth? At what berth did the vessel lie during her stay there? What was the nature of the bottom at the berth? Did the vessel take the ground at low water? Did she sustain any damage to her bottom? Was she making any undue quantity of water? Were any repairs to the vessel executed at Lossiemouth?

39. What new members of the crew were engaged by the master at Lossiemouth? When were they engaged and when did they join the ship?

40. When the vessel left Lossiemouth on the 11th May, 1929, for Blyth, what was her draft of water forward and aft?

Was she in good and seaworthy condition as regards hull and equipments? If the ship's papers were missing, how did she obtain clearance?

41. On the voyage, Lossiemouth to Blyth, 11th to 19th May, 1929, what description of weather and sea were experienced? Did the vessel make water? Was the pump used? If so, at what intervals of time, and did the pump work efficiently?

42. Where was the vessel moored at Blyth after arrival on the 19th May, 1929? How long did she remain at that berth?

43. When and where was the cargo of timber discharged? During the discharge of the timber, were water and black slimy mud found in the hold?

Had the pump to be used to get rid of the water during discharging operations? If so, were these facts known to the master?

44. After all the timber cargo had been discharged, where was the vessel taken to await the loading of another cargo of coal?

45. In the light condition between the time of discharging and reloading at Blyth, did the vessel

make any water, and if so, how often and for what periods of time had the pump to be used?

46. Was the vessel inspected at Blyth internally and externally on both sides above the waterline by Captain H. C. Hood, Board of Trade Surveyor, on the 29th May, 1929? If so, what was the result of his examination as regards (1) damage, if any, sustained by the ship; (2) seaworthiness.

47. When and where at Blyth did the vessel load her cargo of coal? What were the description and amount of coal shipped? Was the vessel's hold dry before the loading commenced? How was the coal loaded into the ship?

Was any damage caused to the ship in consequence of or during the loading of the cargo of coal?

48. On what date and at what time was the loading of the coal completed?

Where did the vessel lie thereafter until she sailed?

49. What members of the crew, if any, were discharged at Blyth? When were they discharged? What new members of the crew were engaged? When did they join the ship?

50. Did the vessel take the ground during her stay at Blyth and if so, did she sustain any damage thereby? Were any repairs effected to the vessel at Blyth, and if so, what were they, and by whom were they effected?

51. From the time the vessel completed loading her cargo of coal until she sailed, was the vessel making an undue quantity of water? If so, what was the cause of it? How often and for what periods was the pump used?

If the vessel was leaking did the master endeavour to conceal the fact?

52. Was the vessel again seen by Captain H. C. Hood, Board of Trade Surveyor, in a laden condition before she left Blyth? If so, was he satisfied with her appearance and condition then?

53. At the time of leaving Blyth at or about noon of the 11th June for Inverness, was the vessel adequately and efficiently manned?

What was her draft of water forward and aft? Was she making water, and if so, to what extent?

Was the vessel in a good and seaworthy condition as regards hull and equipments?

Was she supplied with a fog horn or bell?

Did she carry a supply of approved distress signals? If not, what had become of those said to have been on board the ship at the time she left Inverness on or about the 2nd May, 1929?

54. After leaving Blyth on the 11th June last, what kind of weather was met with?

What course was steered?

Was any difficulty experienced with the rudder, or in steering the ship?

55. At or about 4 p.m. on the 11th June, 1929, what was the position of the vessel as regards Coquet Island?

What was the condition of the weather and sea, and the force and direction of the wind at this time? What sail was being carried by the ship, and what was the course being steered?

56. When was it known by the master or any members of the crew that the vessel was making a serious quantity of water? Was the pump worked and if so, at what time, by whose orders and by whom was it used?

57. If the pump was worked did it work efficiently whilst it was being used? Did it at any time become choked with coal dust or for any other reason fail to act properly? If so when did this happen and what measures if any were taken by the master to deal with the trouble?

If the pump was not worked why was it not worked?

Did the master refuse to allow the pump to be worked?

58. Was every possible effort made by the master and crew to ascertain the cause of the leak and to keep the water under?

59. At what time on the night of the 11th June, 1929, did the vessel arrive abeam of Coquet Island?

What was the bearing and distance of Coquet Island light, and what was the condition of the ship at this time?

60. When abeam of Coquet Island, what was the state of the weather, and sea, and force and direction of wind? How was the vessel steered thereafter? Who was at the wheel? Was any difficulty experienced with the steering?

61. During the night of the 11th and morning of the 12th June, last, were any shore lights sighted? If so, what lights were they? What were their distances and bearings? Did the master ascertain and verify the position of his vessel from time to time?

62. At or about 2 a.m. of the 12th June, 1929, what lights, if any, were in sight? What was the position of the vessel at that time? Did the master know where the vessel was?

63. When did the master and crew leave the vessel and get into their boat? What was the state of weather and sea, and force and direction of wind? What was the condition of the vessel at this time, and was she under full sail?

64. Had the vessel's rudder been damaged at the time the crew left and got into the boat, and if so, what was the nature of such damage and how had it been caused?

65. Did the master tie the ship's wheel hard to port before getting into the boat? Was the boat attached by a long painter to the ship's stern, and did the vessel afterwards drift with the tide with the boat behind her?

66. For how long was the vessel towing the boat with the crew in her, and what was the condition of the weather and sea? During this period did the master return on board the vessel from time to time, and if so, for what purpose did he go on board and what did he do whilst he was on board on these occasions?

67. When, where and how did the vessel founder?

68. Up to the time the vessel foundered had any signals been made for assistance? What, if any, measures had the master taken for the preservation of his ship, or with the view of obtaining assistance?

69. After the vessel foundered, what happened to the master and crew in the boat? When, where and by whom were they picked up, and when and where were they landed?

70. What was the cause of the loss of the vessel?

Was the vessel navigated with proper and seamanlike care?

71. At the time of her loss what was the value of the sailing vessel "Sutherlandshire Lass"? What insurances had been effected upon and in connection with the ship, and when, by whom, and in whose name had they been effected?

72. Did George Gunn, master, on one of his visits to the "Sutherlandshire Lass" from the small boat when he was accompanied by George McAllister, O.S., instruct George McAllister to give him a hammer and bar or iron chisel? What was his object in so doing?

73.—(a) Did Andrew Ross, manager, and George Gunn, master, or either of them induce Alexander McLean, O.S., to impersonate George McAllister, O.S., in the office of Athole, G. MacKintosh, solicitor, 20, Church Street, Inverness, on 18th June, 1929, and to sign an affidavit as George McAllister?

(b) Did Andrew Ross, manager, and George Gunn, master, or either of them induce Alexander McLean, O.S., to impersonate George McAllister, O.S., and to emit a declaration as George McAllister before the Deputy Receiver of Wreck at Inverness on 23rd August, 1929, and did they or either of them coach Alexander McLean as to what he was to say?

74. Was the loss of the sailing vessel "Sutherlandshire Lass" caused by the wrongful act or default of George Gunn, the master, John Matthews, mate, and Stanley Newlands, O.S., and George McAllister, cook, or of any and if so, which of them?

Does blame for or in connection with the loss of the vessel attach to Mr. Andrew Ross, manager, Mr. Hector Ross, the registered

owner, and Mr. Alexander Munro Ross, previous owner, or to any, and if so, which of them?

#### ANSWERS.

1. The "Sutherlandshire Lass" Official No. 105,303, was acquired by Andrew Ross from the Liverpool Salvage Association, for the sum of £25 in the Autumn of 1923.

Andrew Ross stated that £1,173 7s. had been expended on the vessel, but produced no vouchers.

2.—(a) Engaged in the iron and brick trade between Wales and Ireland, and the west coast of Scotland.

(b) From January 1st, 1924 to 19th July, 1924.

From January 1st, 1925, to 6th February, 1925.

From September 17th, 1925, to 26th April, 1926.

Also during the month of June, 1926.

(c) Andrew Ross.

(d) Stated as £400, but no vouchers produced.

(e) £800 in the name of Andrew Ross.

3. In August, 1926, ownership was transferred to Alexander Munro Ross, son of Andrew Ross. No payment in cash was made to Andrew Ross who was in debt to his son to the extent of, it was stated, the sum of £100 to £120.

It was arranged between them that Andrew Ross was to be manager, his remuneration being 5 per cent. of the gross earnings.

4.—(a) Not employed to the knowledge of Alexander Munro Ross, but employed during the following periods, namely, January 16th to 24th, 1927.

April 24th to 17th September, 1927.

(b) Laid up from 24th January, 1927, to 4th April, 1927, and from 17th September, 1927, to end of August, 1928.

(c) About £100 stated as paid, but no vouchers produced.

(d) £900 in name of Currie after engine installed.

(e) He took no part in the management of the vessel.

5. About the end of 1928.

No money passed between the parties.

Andrew Ross was to continue in the management of the vessel on the terms of 5 per cent. on the gross earnings.

6.—(a) Left Bonar Bridge 11th September, 1928, and reached Inverness 9th November, 1928.

(b) £900 in name of Currie.

(c) About £250.

(d) From 8th August to 11th September, 1928, at Bonar Bridge, and from 9th November to end of December, 1928, at Inverness.

(e) He took no part in the management of the vessel.

7. A propeller, stern tube, and shaft had been installed about 1925. The engine was put in in 1928 and never finished owing to missing parts. The said engine was removed prior to 4th December, 1928.

8.—(a) Yes, by one of the crew previous to 4th December, 1928.

A plug was driven in to the sea end of the stern tube, and a wooden patch fitted on in the inside. The work was properly and effectively done.

(b) The vessel was put on the slip and inspected by Mr. H. J. Couch, Board of Trade Surveyor. Minor repairs to cargo hatches; cleats refastened; forward companionway repaired; one or two straps round stern post put on; port quarter planking was caulked and tarred; wood was inserted in gaping seam near sternpost; lamp burners were replaced by 1½ inch burners in lieu of 1 inch; anchor light repaired; two not under-command lamps ordered; a new medicine chest; 1 dozen hand rockets supplied.

9.—(a) The vessel was passed as seaworthy by Mr. Couch.

(b) She was laid up until the end of April, 1929.

10. At Inverness. The berth was a safe one.

11. The vessel was fitted out under the superintendence of Andrew Ross at Inverness during the period January to April, 1929.

12. The vessel loaded in Inverness. She took ground at low water. The loading berth was a safe one. The ship's hold was dry before cargo loaded into it.

13. The cargo is described as timber in 5 to 6 foot lengths, and 95 tons were loaded into the hold. The deck load was 3 tons of timber disposed so as not to interfere with the working of the vessel. The stowage was supervised by George Gunn the master.

14.—(1) Andrew Ross selected and engaged the master.

(2) Andrew Ross and George Gunn jointly selected the crew.

15. The command of the vessel was entrusted to George Gunn, a man who, although he had no certificate, was apparently a competent man.

16.—(a) She was neither properly nor efficiently manned owing to the fact that, although the number was ample, no one but the master had any technical knowledge nor sea experience.

(b)—(1) She was supplied with an efficient compass under the order of the Board of Trade, but this was removed by instructions of Andrew Ross and sent on shore before sailing. This was replaced by an older compass. There is no evidence as to who removed the compass, but there is evidence that it was seen at the house of a Mrs. McSloy, Inverness.

(2) Approved distress signals were supplied as ordered by the Board of Trade Surveyor, but some of these were removed and taken to Mr. Andrew Ross' office.

(3) Proper and efficient anchors and chains were supplied, and were in good order when the vessel left Inverness.

(4) The port anchor was of "Admiralty" type and was used at Inverness and Cromarty, and was in order. The vessel on putting back to Burghead let go the port anchor and later the starboard anchor. After George Gunn abandoned the vessel and boarded the lifeboat, the "Sutherlandshire Lass" was salvaged by the s.s. "Ailsa." The crew of this vessel, when lifting the anchors of the "Sutherlandshire Lass," found that the stock of the port anchor was unshipped. There is no evidence to show how this occurred.

(c) The vessel was in good and seaworthy condition as to hull, boat and life-saving appliances and equipment, except items mentioned in 16 (b) (1) and (2) of this question.

(d) Ten gallons of paraffin and 2 gallons of other oil not specified.

17. Yes. The vessel lay for some time on a mud flat. She sustained no damage.

18. Yes. The anchoring off Cromarty is stated by the master to have been due to heavy weather which is not substantiated by any of the weather reports from the various Coastguard Stations—see weather reports.

19. The weather was moderate. The evidence does not afford any reasonable explanation as to why, when off Troup Head, the vessel put back and anchored off Burghead.

20. The vessel made no appreciable quantity of water beyond the natural leakage of a wooden vessel easily kept under by the pump.

21. 5th May about noon. She anchored three-quarters of a mile N.N.W. off Coastguard Station. Single port anchor. Weather calm. Sea smooth.

22. After the vessel anchored off Burghead, two members of the crew—James Taylor, mate, and Alexander McLean, cook—were landed and discharged by the master. They were landed and discharged at Burghead. Such efforts as were made—if any—were unsuccessful.

23. The afternoon and night of 5th May and morning of 6th May were calm with smooth sea. Conditions of weather did alter after 7 p.m. on 6th May. Wind increased and squalls were frequent.

The master states that he let go the starboard anchor.

Measures taken were inadequate as evidence points to the starboard anchor chain being up and down, and this anchor only just reaching the ground.

24. Yes. No other lights were exhibited.

25. Strong wind and squally, with corresponding sea. Vessel was observed by the Coastguard to be dragging her anchors and to be in some danger as they considered they might go ashore. The master did not make any signals for assistance. The evidence

does not show that any measures or precautions were taken for the safety of the vessel.

26. In our opinion, the vessel's anchor light was blown out by the wind about 2.10 a.m. It was not relit.

27. The Cromarty lifeboat arrived alongside the vessel shortly after 3 a.m. on 7th May. There was a slight risk that the vessel might go ashore. The lives of those on board were not in jeopardy. The master and McAllister left the vessel of their own free will, and were not coerced by John Watson, the coxswain or other members of the lifeboat crew.

28. The vessel was in fact abandoned by the master who expressed no intention of returning. He was heard by several members of the lifeboat crew to express the hope that his vessel would drive ashore.

29. The lifeboat did collide with the ketch, but damaged the bulwarks only and in such a manner as not to affect the seaworthiness.

30. The evidence does not show that after being landed at Cromarty at or about 7 a.m. on 7th May, the master concerned himself for the safety of the ship.

31. The weather having moderated, there was little or no risk of the vessel being driven ashore.

32. No arrangements were made between the master and John Watson for the vessel to be towed in to a place of safety.

The circumstances were such as, in our opinion, to warrant John Watson acting as he did, the ketch having been abandoned and consequently a danger to other vessels under weigh.

33. The s.s. "Ailsa" left Cromarty shortly after 8 a.m. reaching the s. "Sutherlandshire Lass" shortly after 10 a.m. The weather was fine and the sea smooth. The vessel was then further out from the shore and more to the westward. She was then in no danger of being driven ashore.

34. Clearing and heaving up anchors which were foul, and the two cables twisted up, having three complete turns round each other. During these operations the ketch did not sustain any damage caused by her anchors or chain being hove up, or by coming in contact with the s.s. "Ailsa."

The ketch sustained no damage caused by her anchors and chains.

35. The ketch was taken in tow before 2 p.m. on 7th May. She reached Lossiemouth at 2.30 p.m. on the same day. At that time she was making very little water. The cause of it was natural leakage.

36. After the arrival of the vessel at Lossiemouth a kit bag believed to contain ship's papers was sent away from Lossiemouth to Cromarty consigned to George Gunn, master of the s. "Sutherlandshire Lass."

No articles are known to have been removed.

37. George Gunn, the master, rejoined the vessel at Lossiemouth on Friday, 10th May. The ship's papers were not on board then. The evidence is not conclusive as to the 12 new approved distress signals being on board. No steps were taken by the master for recovery of the ship's papers before the vessel left Lossiemouth.

38. No part of the cargo of timber was discharged at Lossiemouth. During her stay there, she lay at a berth in the Inner Harbour. The bottom of the berth was of soft mud. She took ground at low water. She sustained no damage. She made very little water during the four days she lay there. No repairs to the vessel were executed at Lossiemouth.

39. John Matthews, mate, and A. Orr, A.B., were engaged by the master at Lossiemouth. They were engaged and joined the ship before she sailed for Blyth.

40. When the vessel left Lossiemouth on 11th May for Blyth, her draught was 7 ft. 4 in. forward and 8 ft. 6 in. aft. She was in good and seaworthy condition as regards hull and equipments. She obtained clearance from the Custom House on the condition that she would obtain the papers before she left Blyth.

41. On the voyage, Lossiemouth to Blyth, it would appear that the weather was good—light winds being experienced—and the sea smooth to moderate, the master's assertion to the contrary not being confirmed by the crew. The vessel made water, but



nothing unusual. The pump was used morning and evening, and also at frequent intervals. The pump worked efficiently.

42. The vessel was moored alongside s.s. "Elvington" in South Harbour. She remained at that berth for 24 hours.

43. When the s.s. "Elvington" sailed, the s.v. "Sutherlandshire Lass" took her berth and commenced discharging at 1.30 p.m. on 21st May. Discharging was completed at 10.50 a.m. on 22nd May. Water and black slimy mud were found in the hold. The pump was used at short intervals for brief periods during discharging operations. These facts were known to the master.

44. After the cargo had been discharged, the vessel was moved a few lengths along the quay.

45. Between the time of discharging and reloading at Blyth, the vessel did not make much water. The pump is said to have been used night and morning, but the evidence as to its use is not satisfactory.

46. The vessel was inspected at Blyth on 29th May, 1929, by Captain Hood, Board of Trade Surveyor. He observed the damage on the bulwarks on the port side caused by the lifeboat, but did not consider it serious. The master undertook the temporary repair. The Surveyor was satisfied that everything was as it should be, and all was in order as far as he could see, and the vessel seaworthy.

47. The vessel was loaded at 9 and 10 Spouts N.Blyth. Ashington large—128 tons. The vessel's hold was dry before loading commenced. The coal was loaded into the ship through spouts lowered into the holds to lessen distance of drop. No damage was caused during the loading of this cargo of coal.

48. The loading of coal was completed at 2.15 p.m. on 5th June. When loaded she lay at the Import Dock, Blyth.

49. A. Orr was discharged at Blyth on 25th May, 1929. Stanley Newlands was engaged on 3rd June, 1929. He joined the ship on the date on which he was engaged.

50. The vessel did not take the ground during her stay at Blyth. Slight repairs were effected to bulwarks by the crew.

51. After the time the vessel completed loading her cargo of coal she made more water than she did prior to loading. Shortly before sailing the vessel was making an undue quantity of water. The evidence does not disclose or explain the cause. The pump appears to have been used night and morning, but at what other times is far from clear on the evidence.

The evidence is insufficient to justify the view that the master endeavoured to conceal the fact.

52. The vessel was again seen by Captain H. C. Hood, Board of Trade Surveyor, in a laden condition on 8th June. He was satisfied with her appearance and condition and did not consider her overloaded.

53. At the time of leaving Blyth on 11th June, the vessel was adequately and efficiently manned.

Her draught of water was—Forward 7 ft. 6 in. and aft 10 ft. 6 in. as given by Captain Hood, Board of Trade Surveyor.

There is no evidence of other than natural leakage, the extent of which is uncertain.

The vessel was in a good and seaworthy condition as regards hull and equipments.

She was supplied with a fog horn and bell.

She did not carry a supply of approved distress signals, there being, however, on board some old flares of doubtful condition. Distress signals said to have been supplied and missing at Lossiemouth had not been replaced. There is evidence to the effect that these distress signals were seen in Mr. Andrew Ross' office.

54. After leaving Blyth on 11th June last, there was a nice sailing breeze, and ketch was under full sail—mainsail, mizzen, stay foresail and two jibs—making 3 to 4 knots.

The course steered was N.E.  $\frac{1}{2}$  E., afterwards altered to N.  $\frac{1}{2}$  E.

The members of the crew who steered experienced no difficulty with the rudder and found the steering easy. The master stated that there was something wrong with the heel of the rudder, a statement which is not corroborated.

55. At or about 4 p.m. on 11th June the vessel was about 7 miles off Coquet Island bearing W.N.W. from the ship.

Weather fine, Wind S.E., Force 3 to 4. The sail carried was as in answer to question 54. The course steered was N.  $\frac{1}{2}$  E.

56. John Matthews appears to have been well aware that there was an undue quantity of water in the vessel when she sailed from Blyth, and he stated that there was too much water in her to have ever gone to sea, and that he was stopped from pumping by the master on the morning of sailing day.

57. No pumping was done after the vessel sailed. The alleged choking of the pump is uncorroborated. The master did not allow the pump to be worked but pulled it to pieces.

58. No effort was made by the master and crew to ascertain the cause of the leak and to keep the water under.

59. The vessel arrived abeam of Coquet Island between 4 and 5 on the afternoon of Tuesday, 11th June.

Coquet Island bore W.N.W. about 7 miles. The condition of the ship at this time was that she was leaking badly.

60. Weather fine. Wind S.E., Force 3 to 4. Sea—Smooth. No steering was done after 9 o'clock on Tuesday night, the master having lashed the wheel.

61. During the night of the 11th and morning of 12th June no lights were sighted. The master alleges fog, so that he could not ascertain the position of his vessel by means of bearings, lights being invisible, and no soundings were taken.

62. At or about 2 a.m. of 12th June no lights were in sight as it was foggy. The master did not know where his vessel was, and the evidence does not enable us to determine his position.

63. The master and crew left the vessel and got into their boat about 2 a.m. on 12th June. Light wind. Misty and foggy. Sea smooth. No evidence of wind direction. Water rising rapidly. All sails set.

64. We refer to our answer to question No. 54. The evidence does not suggest that the rudder was in any other condition at the time when the master and crew got into the boat.

65. The wheel was lashed hard aport before the master got into the boat. The boat was attached to the vessel by a rope, and the vessel afterwards drifted with the tide with the boat behind her.

66. The vessel towed the boat for approximately 18 hours. Light airs and calms. During this period the master boarded the vessel two if not three times. On either the first or second occasion he cut one of the ropes in order to lengthen the painter. The purpose of his last visit is dealt with in the answer to No. 72.

67. The vessel foundered at about 8 p.m. on Wednesday, 12th June, somewhere to the eastward of the Farne Islands, as near as we can judge from the very vague evidence given.

68. Up to the time the vessel foundered no signals for assistance had been given. No measures for the preservation of his ship or with the view of obtaining assistance were taken by the master. About noon on Wednesday, 12th June or about 8 hours before the vessel sank, a steam trawler passed within hailing distance, but signals for assistance were not given.

69. After the vessel foundered, the master and crew in the boat steered various courses. They were picked up by the motor fishing boat "Nelsons" off Seahouses in the early morning of Thursday, 13th

June, about half a mile north of the Longstone Light-house. They were landed at Seahouses.

70. The cause of the loss of the vessel was excessive leakage—the cause of which the evidence does not disclose—and the failure of George Gunn, the master, to use the pump between mid-day on Tuesday, 11th June, when the vessel left Blyth, and 8 p.m. on Wednesday, 12th June, when the vessel sank. The vessel was not navigated with proper and seamanlike care.

71. It is difficult to state what was the value of the s.v. "Sutherlandshire Lass" at the time of her loss, as the only evidence of value adduced is that of Mr. A. R. Smith, Engineer and Ship Surveyor, Aberdeen, who considered that the value was about £200

Regarding insurances, the insured value of the vessel was £900, and insurances to that amount had been effected on April 30th, 1929, in the name of C. J. Currie on Lloyds', Policy number 18,843, the vessel on that date being represented as a motor vessel. On 11th June it was notified that it was a sailing vessel.

72. On his last visit to the vessel before she sank, George Gunn, the master, instructed George McAllister to give him a sharp pointed crowbar or iron instrument and a hammer. On getting them, Gunn drove the iron bar between two deck planks near the bulwarks and opened the deck seam to allow the water, which was then over the deck amidships, to run into the vessel. His object in doing so was to hasten the sinking of the vessel.

73.—(a) Yes. On 15th June last, Andrew Ross, the manager, and George Gunn, the master, called at the office of Messrs. Anderson, Shaw and Gilbert, Solicitors, Inverness, with reference to the execution of a Protest relative to the loss of the s.v. "Sutherlandshire Lass." Mr. MacKintosh, one of the firm's partners, made the necessary notes, and on Monday, 17th June, the Protest was ready for signature. The Protest, which was solely with reference to the vessel's last voyage, narrated that George Gunn solemnly represented and set forth *inter alia* that the vessel set sail from Blyth on 11th June, 1929, and foundered and sank about 20 miles N.E. of St. Abb's Head, Berwickshire. At the meeting in the Solicitors' office on 17th June said Protest was read over in the presence of Andrew Ross and George Gunn, and was signed by Mr. Gilbert, Notary Public, a partner of said firm, as representing George Gunn, and by Andrew Ross and Mr. MacKintosh as witnesses to his signature. Andrew Ross and George Gunn were then informed that the Protest would have to be signed by other members of the crew, and Gunn mentioned that the other members of the crew were Matthews, Orr and McAllister. By arrangement with Andrew Ross, made after they left the Solicitors' office, George Gunn, on Tuesday, 18th June, took McLean to the Solicitors' office and introduced him to Mr. MacKintosh as "George McAllister." Mr. MacKintosh thereupon, in Gunn's presence, read over the Protest to McLean, or as he (Mr. MacKintosh) believed to be "George McAllister" and thereafter he (McLean) appended to the affidavit annexed to the Protest, the signature "George McAllister." As Andrew Ross was aware of (a) the terms of the Protest; (b) that McLean had left the vessel at Burghead on 5th May; and (c) that the reason for McLean going to Mr. MacKintosh's office was to depone as an eye-witness to events between the time when the vessel left Blyth and the time when she foundered, he cannot escape sharing with Gunn the responsibility for inducing McLean to impersonate McAllister, and as "McAllister" to depone to the truth of the statements contained in the Protest, and to forge McAllister's signature.

(b) In view of (1) the similarity in their (Gunn's and McLean's) depositions; (2) Gunn's actings with reference to the impersonation and deception practiced in the Solicitors' office; (3) the obvious reason for not allowing George McAllister to depone to the events which occurred during the vessel's last

voyage; and (4) Gunn's contradictory and inconsistent evidence we find that he induced Alexander McLean to impersonate George McAllister, and to emit a deposition as "George McAllister" before the Deputy Receiver of Wreck at Inverness on 23rd August, 1929. As McLean was coached by Gunn with reference to the events connected with the vessel's last voyage, prior to deponing to the truth of the statements in the Protest, it is probable that no further coaching was required prior to his (McLean) going into the office of the Deputy Receiver of Wreck on 23rd August.

In view of his participation in the acts of impersonation and misrepresentation in the Solicitors' office with reference to the Protest, Andrew Ross cannot, in our view, escape also bearing a share of the responsibility for the impersonation and misrepresentation before the Deputy Receiver of Wreck. The deposition before this official was the natural sequel to the Protest, and Andrew Ross's and Gunn's action in arranging for McLean to impersonate McAllister with reference to that document inevitably led to McLean practising a similar deception before the Deputy Receiver of Wreck. This conclusion is inevitable if McLean's evidence is, on this aspect of the Inquiry, accepted. We do accept it, for whatever blame may be attached to McLean for his share in the fraudulent acts referred to, we are satisfied that on this matter the evidence proves that he is telling the truth. We feel, however, bound to add that McLean's actings as above narrated merit our severe condemnation.

74. The loss of the s.v. "Sutherlandshire Lass" was caused by the wrongful acts or default of George Gunn, the master, his wrongful acts or default being as follows:—

(1) When the vessel began to show considerable leakage, he failed to take any steps to ascertain the cause of the leakage.

(2) On observing leakage on a considerable scale, at an early stage in the voyage, he made no effort to return to Blyth or to make for land.

(3) Although he knew that the magnitude of the leakage rendered the frequent use of the pump imperative, he failed to make any use of the pump between the time when the vessel left Blyth and the time when her small boat was launched and the crew got into her.

(4) He dismantled the pump at the time when its use was absolutely essential.

(5) When a passing trawler was within hailing distance some eight hours at least before the vessel sank, he failed to signal for assistance.

(6) So far from trying to save the vessel he deliberately drove a sharp pointed bar between the deck planking and opened the seams in order to hasten her sinking, an act which, following on his other acts of default, was utterly unjustifiable.

In reaching these conclusions we have proceeded on the assumption that the abnormal leakage was due to natural causes, but having regard to the facts narrated above, we think there is grave reason to believe that the natural leakage was assisted.

We consider that George McAllister was in a minor degree an accessory to the final sinking of the vessel.

We exonerate John Matthews and Stanley Newlands from all blame.

Upon the evidence as it stands we hesitate to affirm that blame attaches to Andrew Ross in connection with the loss of the vessel. At the same time, in view of (1) his inconsistent and unsatisfactory evidence with reference to (a) the successive transfers of the vessel in spite of which he retained control of the vessel, (b) the correspondence on insurance after the loss of the vessel, (c) the cost of repairs to the vessel and trading balance sheets, and (d) the contradictory nature of his evidence as a whole and particularly with respect to his presence in Inverness on or about 23rd August, 1929, and his communings with Gunn prior to McLean signing the



Protest as "George McAllister"; (2) his having been a party to the fraudulent impersonation and misrepresentation referred to in the answers to questions 73 (a) and (b) and (3) the impossibility of understanding Gunn's whole course of action between the time when on 2nd May the vessel left Inverness until the vessel was lost on 12th June, except on the assumption that between him and Andrew Ross there was a tacit or secret understanding as to sharing the insurance money payable in the event of the loss of the vessel, we feel bound to record our conviction that there are strong grounds for believing that a share of the responsibility for the loss of the vessel must rest upon Andrew Ross.

The evidence does not justify the view that either Mr. Hector Ross the registered owner, or Mr. Alex-

ander Munro Ross, the previous owner, were implicated in the events which led to the loss of the vessel. At the same time we are satisfied on the evidence that the successive transferences of ownership in the vessel were more nominal than real, as Andrew Ross throughout retained the supreme control of the vessel.

A. J. LOUETT LAING,  
*Judge.*

We concur,

R. WM. B. BLACKLIN,  
F. W. KERSHAW,  
*Assessors.*

(Issued by the Board of Trade in London  
on Friday, the 21st day of March, 1930.)

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