(No. 5807.)

"CASHMERE" (S.S.)

Chief Presidency Magistrate's Court,
15th September 1898.

In pursuance of the directions contained in Government Resolution No. 204, Marine Department, dated 24th August 1898, this Court, consisting of J. Sanders Slater, Esquire, Chief Presidency Magistrate, Bombay, Captain K. Macaulay, and Captain J. B. Macfadyen, Marine Surveyors, assembled at the Esplanade Police Court, Bombay, on the 1st September 1898, and proceeded to enquire into the circumstances attending the grounding of the s.s. "Cashmere" in Makalleh Harbour on the 3rd July 1898.

2. On the assembling of the Court on the 1st September, the commencement of the investigation was postponed to the 7th September to afford Mr. Alexander Gillan, who was chief officer of the s.s. "Cashmere," during the matters under investigation, an opportunity of appearing before the Court. On the re-assembling of the Court on the 7th September it appeared that, though the police at Calcutta had succeeded in serving Mr. Stuart, who was the second officer of the "Cashmere," there was no return of the summons to attend the inquiry to the chief officer, and as the Court had no information as to his whereabouts, it was considered advisable to proceed with the investigation without further delay. The Court, therefore, proceeded to take the available evidence on the 7th, 9th, and 10th September.

3. Before proceeding to record the evidence, the Court caused a copy of the papers in the case to be delivered to Captain George Soutar, the master of the s.s. "Cashmere," and as the investigation appeared likely to involve a question as to whether his certificate should be dealt with, the Court appointed as its assessors, for the purposes of this investigation, Captain T. Turner of the s.s. "Bombay" and Captain T. L. Malony of the s.s. "Perseverance," and proceeded to hear the evidence.

4. It appears from the evidence that the s.s. "Cashmere," which was formerly the s.s. "Thibet" and belonged to the Peninsular and Oriental Steam Navigation Company, is a screw steam-ship of 1,695 tons net register, and is registered at Bombay. She is owned by Mr. Haji Cassum Jussoob of Bombay, her official number being 70,628. She was built of iron at Dundee in 1874 by Messrs. Gourlay Brothers and Company, is schooner-rigged and is propelled by inverted direct acting compound engines furnished by her builders. It does not appear when she was transferred to her present owner. Of her previous history it is sufficient to state that in January 1898 her rudder, which had been broken while she was coming down the Hooghly, was repaired in Bombay by the Docks Iron Works Company.

5. On the 21th June 1898, the s.s. "Cashmere" left Bombay, bound for Makalleh, Aden and Massowah, with a general cargo of about 2,100 tons. She was under the command of Captain George Soutar, who holds a master's certificate granted by the Board of Trade in 1874, which was lost in the wreck of the "Clan MacDuff" off Holyhead and was renewed in December 1881. Captain Soutar has been in command of vessels for about eight years, and has been in command of the s.s. "Cashmere" for about 18 months. He had under his command three deck officers and four engineers, all Europeans and a Lascar crew. The crew numbered 76 all told. The ship was in a seaworthy condition, well equipped and well found in every respect. She had a full set of Admiralty charts and the requisite sailing directions for her voyage, these being kept in the chart-room and being available for use at all times by her officers. She carried no passengers.

6. The s.s. "Cashmere" proceeded on her voyage abovenamed and reached Makalleh in the Gulf of Aden, where she anchored at about 8.30 a.m. on the 3rd of July 1898. She was brought up to a single anchor in 12 fathoms of water and Captain Soutar, who had been in Makalleh on previous occasions, ordered 45 fathoms of chain to be paid out. When she brought up, the flagstaffs on the point and on the palace appeared in one bearing N.N.E. She was then drawing about 21 feet 4 inches forward and 21 ft. 9 ins. aft. She at once began to discharge cargo into lighters and continued to do so until about noon, when a westerly wind set in and the sea rose and the lightermen ceased discharging cargo. About 6.45 p.m. Captain Soutar went ashore in his gig to see his agent at Makalleh, leaving the ship in charge of the chief officer, saying that he would be back in about half an hour; and he directed the chief engineer to have steam ready in half an hour as he had made up his mind to discharge the remainder of his cargo for Makalleh at Burun, about 20 miles to the westward. Captain Soutar put off again from the shore at about 1.45 p.m. and was proceeding to his ship when he saw that she was under way and proceeding to sea. He was unable to overtake her and, therefore, returned to the shore, where he awaited the return of his ship.

7. Meanwhile, on board the ship, at about 1.30 p.m., the chief officer called the second officer aft and pointed out to him that the ship was close to the rocks. The second officer states that he saw the rocks less than the ship's length astern about one-third of a cable's length off. The chief officer sent him forward to weigh anchor as the ship appeared to be dragging her anchor, and when he went on to the forecastle head to obey the order he says he found the 30 fathom shackle just at the surface of the water. It does not appear that any one looked out to see if the captain was coming off. The anchor was got in and the ship was put out to sea, and stood off and on till about 5.30 or 6 p.m., when she returned to the roadstead and made ready to let the anchor go. When she got to about the spot where she had anchored in the morning, the chief officer stopped the engines, but did not take the way off the ship and let go her anchor, and she proceeded some way further to the westward and struck violently on the rocks. Her engines were then stopped and put full speed astern. She continued to bump for some 20 minutes, when the captain, who had seen her coming in and getting into danger, boarded her, having come off to her at considerable risk in his boat. Captain Soutar immediately took over the command from the chief officer, put the engines full speed ahead and the helm hard a starboard and took the ship out to sea, standing off and on all night as he could not pick up the anchorage in the dark. About 9·30 p.m. the chief engineer reported to the captain that the ship had struck and that the engines were not working satisfactorily. The wells were sounded and the ship was found to be making no water. On the following morning, the 4th July, the ship was taken into her anchorage again, when it was ascertained that one of the blades of her propeller was gone and that the rudder and rudder post were broken. After discharging more cargo the ship left the same day for Aden, which was reached at noon on the 6th July.

8. On arrival at Aden the ship was surveyed by Lloyd's surveyor, Mr. W. H. Still, and by the port surveyor, Captain H. B. Simpson. They found that two blades of the propeller, all that part of the rudder from the second brace to the step, 13 ft. in length, the keel extension from the propeller post to the rudder step and the rudder post from the step had been carried away, but that the vessel was otherwise uninjured. Their certificate recommends that the two propeller blades be renewed, and also that after the repairs to the rudder and propeller have been effected, the vessel should proceed direct to Bombay to be docked in order that the rudder post, keel extension and the rudder might be renewed. The certificate does not indicate what repairs were to be done to the rudder at Aden before the vessel started on her return to Bombay; but the evidence shows that the repairs were done by the best (if not the only) firm in Aden for such work, Messrs. Luke Thomas and Company, Limited, and that those repairs were prescribed by the gentlemen who had surveyed the ship, one of whom is connected with that firm. The rudder was unshipped and taken ashore for repairs, and was subsequently returned repaired and shipped by the ship's company, under the supervision of the chief officer and

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chief engineer of the vessel. It appears that the rudder as repaired and re-shipped was some two or three feet shorter than it had originally been, and was more tapered off towards the keel. There was no step of any sort to receive the heel as the keel extension and the rudder post had both been carried away, and the captain states he was unable to get them repaired in Aden; so that its only supports were the two pintles by which it was suspended.

9. With the rudder then temporarily repaired and new blades fitted to the propeller in place of those lost the s.s. "Cashmere" left Aden at 3.30 p.m. on the 19th July, not for Bombay, but for Massowah, which place was reached at 10.30 p.m. on the 21st July. The ship had proceeded thither steaming full speed all the way and had steered then so satisfactorily that Captain Soutar wrote, he states, from Massowah to his agent at Aden, that the rudder had given every satisfaction. After discharging all the cargo at Massowah the s.s. "Cashmere" left that place at 5.30 a.m. on the 26th July for Bombay direct. For the first 24 hours the ship had calm weather; after passing Perim there was a heavy swell; and on the third day out she encountered the south-west monsoon with a strong breeze and heavy confused sea. Before leaving Aden, and constantly in the progress of the voyage to Massowah and to Bombay, Captain Soutar had impressed upon the officers and the Sikannies the necessity of extreme care in the handling of the helm, and had given orders that it should not be put over too far or too fast, so as to bring a heavy or sudden strain upon the rudder. These orders seem to have been carefully carried out, and the ship to have proceeded without mishap, until the morning of August 1st, when at 4.45 a.m. the chief officer reported to the captain that something was wrong with the steering gear. On looking over the stern, Captain Soutar saw that the rudder had buckled up so that the heel was close to the surface of the water. He went on to the bridge and found the tell-tale attached to the steering gear pointing to hard a starboard. In answer to his enquiry why the helm had been put so far over, the Sikanni at the wheel stated that the chief officer had ordered him to put it hard over and that he had consequently done so. Captain Soutar ordered him to steady the helm and he did so, and immediately after the rudder broke right off just above the second pintle from the top—that is, just above its lowest point of support. The second pintle itself did not break, but the rudder plates tore away above that point.

10. After this the speed of the ship was reduced and the engines subsequently stopped and head sails were hoisted. Attempts were made to steer the ship by means of a hawser towing astern, but they were unsuccessful. On the 3rd August the s.s. "Clan Shaw" fell in with the "Cashmere" and passed her a hawser, by which she attempted to steer the "Cashmere," but the hawser carried away almost immediately. On the following day another hawser was passed between the vessels, and the "Clan Shaw" again attempted to steer the "Cashmere," and succeeded in doing so from the morning of the 4th till about 9.30 p.m on the 5th August, when the hawser again parted, and, after standing by the "Cashmere" till the morning of the 6th, the "Clan Shaw" left her on account of the heavy weather. On the 12th August the s.s. "Haddon Hall" spoke the "Cashmere" and offered her provisions, and also offered to take off her crew, but these offers were declined. Meanwhile efforts had been made to rig a jury rudder which had been got ready on board, but the chief officer insisted, apparently in defiance of Captain Soutar's orders, in trying to get it into position after dark, and it was lost overboard. An iron plate rudder was also constructed on board, but could not be shipped, owing, the chief engineer states, to the refusal of the chief officer to render any assistance. Eventually, about 2 a.m. of the 13th August, the s.s. "Naseri" came up with the "Cashmere," and at daylight a hawser was passed by her to the "Cashmere" and the "Cashmere" towed her into Bombay, the "Naseri" steering the "Cashmere" as they went. At the time the "Naseri" picked up the "Cashmere" the vessels were about 47 miles W. by N. from Bombay.

11. On arrival in Bombay, the s.s. "Cashmere" was docked and surveyed. The report of the engineer and shipwright surveyor to the port is annexed to these proceedings—Exhibit D. It appears from that report that the ship had sustained material damage, which this Court finds to have been caused mainly by the ship striking the rocks at Makalleh on the 3rd July.

12. Under the foregoing circumstances, and seeing that the chief officer is not before the Court, the Court put the following questions to the Assessors :—

(1) Was Captain Soutar justified in going ashore at the time he did on July 3rd at Makalleh and leaving his ship in charge of the chief officer?

(2) Was Captain Soutar justified in proceeding from Aden to Massowah and thence to Bombay with his rudder in the condition in which it was at the time he left Aden?

13. It appears to the Court that if Captain Soutar was justified in going ashore as he did at Makalleh, he cannot be in any respect held liable for the stranding of the ship there. There is nothing in the evidence to show that Captain Soutar had any reason to suppose that during his temporary absence from the ship there would be any necessity for her to be moved from her anchorage or that she would drag her anchor. He had no cause, then, to suppose that she was not properly and efficiently anchored and that cable had not been paid out in accordance with his orders. He had no grounds for doubting the efficiency or conduct of his chief officer or the safety of the ship while in his charge. Therefore when the necessity arose for his going ashore to see the ship's agent, the Court is of opinion that he was justified in leaving the ship as and when he did in the chief officer's charge. The assessors agree with the Court in this opinion.

14. With reference to the question as to whether Captain Soutar was justified in leaving Aden and proceeding to Massowah and thence to Bombay with his rudder unsupported below the second pintle, there are several points which require consideration. The first is whether, on arrival at Aden, Captain Soutar took all reasonable care to make his ship as seaworthy as possible for the voyage. It appears that he had the ship surveyed by Lloyds' surveyor in conjunction with the port surveyor. It has not been suggested that Aden affords any more skilful advisers than these gentlemen. On receiving their report, Captain Soutar entrusted the requisite repairs to the firm or company with which Lloyds' surveyor was himself connected, thereby ensuring, as far as he could, the efficient execution of such repairs as were then practicable. Mr. Ferguson states that he thinks the surveyors at Aden might have made a better job of the rudder than to leave it unsupported from the heel upwards for a length of from 9 to 13 feet. The Court, however, is bound to presume, in the absence of any evidence to the contrary, that the surveyors at Aden are competent men and that they are better acquainted with the possibilities of that port in the way of repairs to ships than surveyors elsewhere are likely to be; and this Court is of opinion that all the repairs practicable at Aden were done to the ship before she sailed. The Court, however, is of opinion that it would have relieved Captain Soutar of responsibility if he had had the repairs to the rudder surveyed after execution and before proceeding to sea.

15. The next consideration is whether the ship was in fact seaworthy for the voyage when she left Aden. The Court considers that the answer to that question is provided by the proved facts in this case. The run from Aden to Massowah was performed without hitch or difficulty. Captain Soutar was quite alive to the weak point of his vessel, and not only gave strict orders to his officers and men for the protection of that weak point, but also took every care himself to see that his orders were carried out. The result was, that for two days between Aden and Massowah, and for six days after leaving Massowah, during three of which the ship experienced monsoon weather, the "Cashmere" proceeded on her voyage in safety, and in all probability she would have continued to do so had the captain's orders been obeyed, for the Court is of opinion that the cause of the breaking of the rudder on August 1st was putting the helm hard over to starboard. It has been suggested that stops should have been fixed in such a manner as to prevent disobedience of the captain's orders as regards the helm. Captain Soutar states that if such stops had been placed on the steering gear or rudder either they or the steering gear would have carried away. The Court considers that the fixing of such stops would not have precluded an injudicious use of the helm, while it might have caused damage to the steering gear, and that Captain Soutar's constant vigilance was preferable to mechanical means for restraining the use of the helm. Under the circumstances, the Court is of opinion that the vessel was in a seaworthy state when she left Aden.

16. The next question is whether Captain Soutar was

justified in proceeding to Massowah from Aden instead of direct to Bombay. His purpose in doing so, he says, was to postpone his voyage across the Indian Ocean until the height of the south-west monsoon might reasonably be expected to have passed. The Court thinks that in doing this Captain Soutar added no appreciable risk to the voyage before him, while he gave his ship a recognised chance of better weather for the critical part of her voyage, and that in going to Massowah before he proceeded to Bombay he exercised a wise discretion.

17. The Court considers that after the rudder broke on August 1st, Captain Soutar and the chief engineer adopted all measures open to them for the safety of the ship and her crew.

18. In conclusion, the Court desires to place on record the dissatisfaction it feels that, owing to the absence of the chief officer, Mr. Alexander Gillan, it is unable to hear that officer's explanation of many of the circumstances occurring in the evidence which reflect very gravely on his competency and conduct, and which in fact ascribe the whole of the casualty to one or other of these causes. As Mr. Gillan has not been served with the summons issued to procure his attendance before this Court, the Court refrains from pronouncing any opinion as to his culpability or otherwise for the accidents which befell the s.s. "Cashmere" on this voyage. If the second officer's statement that he informed the Calcutta police where Mr. Gillan was to be found is correct, there could have been very little difficulty in serving the summons to attend upon him, and the Court is of opinion that the display of a very limited amount of energy on the part of the Calcutta police would probably have ensured his attendance at this investigation, as he is stated to be at present employed in a local steamer.

19. While the Court absolves Captain Soutar from all blame in respect of the casualties which occurred to the "Cashmere," it feels that in signing the chief officer's log without remarking upon the misstatements therein and the lax manner in which it was kept, and also for not officially logging the chief officer for his alleged acts of misconduct, he did not display the necessary strictness and decision which such circumstances call for in the master of a steamship.

J. Sanders Slater,
Chief Presidency Magistrate.

K. Macaulay,
Marine Surveyor.

J. B. Macfadyen,
Marine Surveyor.

(*Issued in London by the Board of Trade on the 30th day of December*, 1898.)