

No. 53.—The following Finding of the Marine Court of Inquiry held on the 22nd, 23rd, 24th, 25th and 30th January, 1918, to enquire into the circumstances of misconduct and disobedience of lawful orders on the part of Mr. N. G. MAJER, Chief Officer of the British Steamship *Manapouri*, is published for general information.

#### FINDING.

We find that the Steamship *Manapouri*, Official No. 75229 of Shanghai of whom MONTAGU B. WILSON, Official No. of Certificate 026699 of Liverpool was Master left Hongkong on a voyage to Saigon and at noon on the 12th November, was estimated by D. R. to be N. E. of Pulo Kambir some 20 miles. During the Master's temporary absence from the Bridge for tiffin the Chief Officer sighted discoloured water and altered course to S. E. After doing so he took no steps to inform the Master at the time nor did he enter this alteration of course in the Rough Log, both of which it was his duty to do.

At 1.30 p.m. the Master returned to the Bridge from tiffin and the Chief Officer and 2nd Officer then alleged that he appeared to be under the influence of liquor. The Court can find no evidence of this in the actions of the Master. Up to 4 p.m. the navigation of the ship was carried out to make the land in the usual way and when the land was sighted the course was altered as necessary and a cast of the lead taken. The Court are satisfied that the Master actually gave the orders for this cast of the lead.

At 4 p.m. the ship was brought up to the wind N. E. the engines put to slow by order of the Master. From 4 to 6 p.m. the Chief Officer was in charge of the watch and he alleged that the Master became more and more drunk, and that some time before 6 p.m. he the Chief Officer saw a large steamer painted lead colour light in the water with her propeller well out of the water crossing the bow from starboard to port and that he asked the Master's permission to port so as to clear her which was eventually given. The Master denies this or that he ever saw the ship. This is borne out by Mrs. WILSON'S evidence who was on the Bridge and saw the steamer when she passed on the portside. (But said Captain WILSON was not there.) The Court cannot understand why the Chief Officer in charge of the watch should have considered it necessary to ask the Master's permission to port in order to clear a steamer that it was obviously his duty to give way to as Officer of the watch. So that up to 6 p.m. it seems to the Court that there was nothing abnormal in the Master's behaviour. From 6 to 8 p.m. there is a considerable discrepancy in the times given in the various evidence by the Master, Mrs. WILSON, Chief Officer, and 2nd Officer. But sometime between 6.30 p.m. and 7.45 p.m. a white light was reported by the 2nd Officer to the Master, who according to the evidence walked across the deck from starboard to port and had this light pointed out to him. The Master then told the 2nd Officer to go below for a spell. Shortly after this the Chief Officer rushed up on the Bridge as the result of being urgently requested to do so by the 2nd Officer, and reported a white and green light on the port bow saying at the same time 'She will crash into us'. The Master answered 'No, it is a stern light', and ordered the helm to be starboarded. The Court consider this order was quite unnecessary. Before this order could have been carried out the Chief Officer rushed to the wheel and put it hard aport, and then sent for the 2nd Officer who when he arrived on the Bridge was told to keep the helm hard aport. The Chief Officer then rang up full speed ahead on the engines. The Court are of opinion that this action by the Chief Officer of porting across a steamer which he estimated at between 200 and 300 yards showing white and green light 3 points on port bow was wrong as it would bring the *Manapouri* broadside on to the crossing ship, the worst possible position for a collision which was then inevitable if this steamer was showing a white and green light and was the distance off as sworn to by defendant. The only proper thing then to do was to go full speed astern.

After thus taking charge of the ship out of the Master's hands, defendant swung the ship around through S.S.W. and steadied on W.N.W., and it appears that the ship was steered on this course steaming slow for some considerable time probably about 2 hours unwatched and running towards the land, and it was only when the Master again with consent of defendant took charge that the mistake in the course was discovered, and the course was then altered by the Master to N.E. at about 8.45 p.m.

Now when the ship was heading S.S.W. the 2nd Officer saw the steamer light which caused all the trouble, bearing on the port quarter, that is still practically bearing N.E.

so the Court are of opinion that the lights seen were those of a steamer hove to and perhaps yawning off and to the wind. So that in that case her stern light would have been also visible to the *Manapouri*.

The question now arises "Was defendant justified in his action in taking the ship out of the Master's hands in the manner in which he did on November 12th?"

Mr. MAJER in his evidence states that he was greatly exercised in his mind during the p.m. of the 12th November by the muddled state of the Master, and the dangerous position of the ship. The Court can hardly understand this, as Mr. MAJER seems to have had a considerable voice generally in the navigation of the ship heretofore, and it would seem a simple matter for him to have discussed the situation with the Master and then if satisfied that the Master was incapable of understanding, and the safety of the ship was threatened decided action should then have been taken by the Chief Officer with all the other Officers, and the Master placed below by force or otherwise as necessary. The ship then should have been navigated by the Chief Officer into Saigon and the matter at once reported to the British Consul there, a full report being written in the Official Log and signed. We therefore consider that for the reasons given Mr. MAJER's action was not justified.

The defendant alleges that the Master was still drunk at the time he took charge of the ship, and calls the 2nd Officer and Chief Engineer to corroborate this charge. Now the Chief Engineer had not seen the Master during the day on November 12th or until 8.10 p.m. or thereabouts, when he came on the Bridge by request of the Chief Officer, at which time the Master was very excited at the action of the Chief Officer. So that the Court are of opinion that the Chief Engineer's evidence is naturally prejudiced by the state of excitement in which he then found the Master to be.

The 2nd Officer would seem to be uncertain in his mind between the time he signed the report written to the owners by the Chief Officer, and the 5th January when he signed a contrary statement as to whether the Master on the 12th of November was under the influence of drink or only highly excited. So the Court are not satisfied that on November 12th the Master was under the influence of drink and unfit for duty.

Now we come to the conduct of the Master after what happened on the 12th November between 6.30 p.m. and 8.45 p.m. The ship had been taken out of his hands by the defendant, and his orders countermanded. Yet there is no entry in the Official Log. No report is made to the British Consul or to his owners, and the incident is slurred over as if it were an every day occurrence.

In justification of this he the Master pleads that Mr. MAJER was an excellent officer of long experience, and that up to this there had been no friction between them, and that when angry he had called defendant hard names.

Taking all this into consideration we are strongly of opinion that the Master's conduct after the trouble was over, was contemptible and detrimental to all good order and discipline and taking also into consideration all the circumstances of this case and Mr. MAJER's previous blameless record extending over some 30 odd years we dismiss the case against him with a severe caution.

Given under our hands at Victoria, in the Colony of Hongkong, this 4th day of February, 1918.

(Signed) C. W. BECKWITH, Commander, R.N.,  
*Stipendiary Magistrate and President of the Court.*

„ F. D. B. GIBSON, Commander, R.N.,  
*H.M.S. Tamar.*

„ W. DAVISON,  
*Master, British S.S. Empress of Asia.*

„ T. A. MITCHELL,  
*Master, British S.S. Chipshing.*

„ R. A. BIRSS,  
*Master, British S.S. Taishan.*