

IN THE COURT OF THE DISTRICT MAGISTRATE, RANGOON.

General Misc. Proceedings No.6166 of 1955.

REPORT

In the matter of the Formal Investigation under section 248 of the Burma Merchant Shipping Act as applied for by Mr. W.W. Mortimer, for Nautical Adviser to the Government of the Union of Burma & Principal Officer, Mercantile Marine Department, Burma, Rangoon, held at the New Law Courts Building, Rangoon, on the 6th, 7th and 8th days of June 1955 before Wunna Kyaw Htin U Ohn Pe, A.T.M., District Magistrate, Rangoon, sitting as Presiding Officer of the Court of Inquiry, assisted by Capt. H. Davies, Master, M.V. "Staffordshire", Capt. G.H. Jolleff, Master, S.S. "Havildar", and Capt. W.Alexander, Master, S.S."Risaldar", as Assessors into the circumstances attending into the stranding and loss of S.S."Pyidawtha" on the morning of the 6th May 1955.

The statement of the case and questions for the consideration of the Court are at pages, 4, 5 and 6 of the proceedings. The S.S."Pyidawtha", a steamer of 1002 tons net register tonnage left Rangoon for Akyab via Andrew Bay and Kyaukpyu on the 3rd May 1955, with a crew of 59 hands and 164 passengers and a general cargo of approximately 265 tons. On May 6th, 1955 at 0508 hours local time the weather being fine and clear with the wind blowing light airs slight SW swell with a smooth sea, the vessel was steering a course 115° and making about 10 knots. The Chief Officer was in charge of the watch and the Master was on the bridge when the vessel stranded on North Shoal in Latitude 19°28' North and Longitude 92°31' East. The vessel was subsequently abandoned on the 8th May 1955.

From the evidence on record Capt. Richard Stanley Keating had been Master of S.S. "Pyidawtha" since the 18th February 1955 till she went aground. He holds a Certificate of Competency as Master of a foreign-going steamship issued by Order of the Board of Trade, being No.2 6131, dated the 24th day

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of June 1929. Mr. Alexander Cant, also holder of a Certificate of Competency as Master of a foreign-going steamship being No.24073, dated the 10th September 1928, issued by Order of the Board of Trade joined the S.S."Pyidawtha" as Chief Officer since the 17th February 1955. Mr. P. Binda was Chief Engineer and U Maung Tin was Second Engineer of the S.S."Pyidawtha" as stated by Mr.Mortimer. S.S."Pyidawtha" was used as a coastal liner to run between Rangoon and Akyab as a passenger as well as a cargo boat. She can carry 25 First Class passengers and about 207 deck passengers during monsoon and more deck passengers in fine weather. In addition she could carry also between 500 and 550 tons of cargo in 3 hatches. Certificate 'A' regarding the number of passengers to be carried by her is with the Nautical Adviser and this certificate does not cover the cargo. Regarding cargo, a valid international loadline certificate was issued to her by Lloyds Register of Shipping and the International Regulations as well as Regulations of the Union Government of Burma laid down under the Merchant Shipping Act were complied with. Since he became the Master of S.S."Pyidawtha", Capt. Keating had already made 7 voyages between Rangoon - Akyab - Rangoon. He had put into Kyaukpyu harbour 14 times and went out of it 14 times also. Admiralty Chart No.831 first issued in 1908 and re-issued in 1947 corrected up to August 1954 by Motion, Smith and Son Ltd., Singapore was used. It has also been corrected up to Notice to Mariners No.30 of 1952 establishing a light buoy flashing white every second on Reliance Shoal and Notice to Mariners No.9 of 1953 establishing a light flashing white every 5 seconds on west side of Paungnetkyi (Laws Island) issued by Government of Union of Burma. Bay of Bengal Pilot, 8th Edition, 1953, corrected up to date is also supplied to the ship. Official Log Book and Supplementary Official Log Book as issued by the Government of Burma were used starting from 1-3-55. Chief Officer's Log Book was also used starting from 1-4-55. The Master and Chief Officer of the ship had to



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sign at the bottom of each page. Chief Engineer's Log Book was also maintained and Chief Engineer Mr. P. Binda signed at the bottom of every page. Official Wireless Log maintained too was signed by Wireless Officer Mr. Wiltshire. The Master also maintained a bridge order book, also called the Night Order Book, in his own handwriting starting from 18.2.55. A Compass Deviation Book is also maintained. And all these books are produced before the Court as exhibits.

S.S. "Pyidawtha" left Rangoon on the 3rd May 1955 at 12.15 hours and cleared the Pilot 16.16 Burma Standard Time. She carried a crew of 59 and general cargo of approximately 265 tons. The Master cannot remember the actual number of passengers on s.s. "Pyidawtha" at the time she left Rangoon. On the 4th May 1955 she touched at Sandoway at 17.54 hours Burma Standard Time. She left Sandoway on the 5th May 1955 for Kyaukpyu at 15.45 Burma Standard Time. At this time there were 164 passengers. The courses set and steered after leaving Andrew Bay was 265 degrees true. At 18.27 hours the course was altered to 332 degrees true. At 23.45 hours the course was altered to 347 degrees true. On the 6th May 1955 at 0233 hours the course was altered to 014 degrees true, and at 0320 hours the course was altered to 100 degrees true. From 0400 hours to 0440 hours the course set was 100 degrees true. From 0440 hours till 0508 hours up to the time of casualty the course set was 115 degrees true. The Master went up to the bridge at 0230 hours and was up there up to the time of casualty, 0508 hours. From 0400 hours till 0508 hours the ship was steaming at the rate of 10 knots. The weather was fine, clear and visibility was good. At 0410 hours a rising bearing of Paungnetkyi was obtained 100 degrees true, the distance from Paungnetkyi being 14 miles. Paungnetkyi is a light house flashing every 5 seconds. At 0430 hours a position was obtained with Paungnetkyi 100 degrees true and Pyukyun 190 degrees true. At 0440 Reliance Shoal Buoy was sighted at 100 degrees. The Reliance Shoal Buoy flashed white every second. A position was



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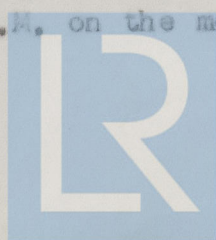
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obtained with Paungnetkyi 102 degrees true and Reliance Shoal Buoy at 110 degrees true. The position of the vessel at 0430 hours on the 6th May 1955 was Latitude 1928 North, Longitude 9327 East with Pyukyun at a distance of 2 miles bearing 190 degrees. The weather was fine and clear. The sea smooth and the visibility was good. Course was altered at 0440 hours to 115 degrees. The vessel being assumed to steaming at 10 knots, 15 degrees was allowed for tide to pass the North Shoal at a safe distance. Echo sounder was used to determine the position of the ship from 0430 hours abeam Pyukyun Island and a depth showing less than 11 fathoms was never observed. The echo sounder was used from 0430 till time of casualty. On the 3rd May 1955 after leaving China Bakor Light Vessel the radar was switched on to pick up Krishna Light Vessel and was found to be defective. It was not in operation since then at any time. It was a full moon day. The moon set at 0430 hours. The state of the tide at the time of grounding was, according to the tide table, 2½ hours flood, low water at Kyaukpyu, being at 0236 hours. The set of the tide should have been due north. The vessel passed south of Giles Bank. The Master saw Kyaukpandu shortly before the vessel grounded, but he stated that he was unable to get a bearing of it as it was not visible to the naked eye. Kyaukpandu was approximately a mile and three-quarter from the vessel at the time he saw it.

On the 6th May 1955 Chief Officer Mr. Alexander Cant took charge of the watch at 0400 hours in the morning. He saw the Master on the bridge from that time until the vessel grounded. He was also on the bridge when the vessel grounded, and that he also did not leave the bridge from the time of taking charge of the watch at 0400 hours till the time of grounding. According to him, when the course was altered at 0440 hours, Reliance Shoal Buoy was on Port bow, the course of the ship at the time she grounded was 115 degrees true.

Mg Khin Maung, who joined the s.s. "Pyidawtha" as Quarter Master, came on watch at 4 A.M. on the morning of the 6th

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May 1955. At the time he came on watch the Captain, Chief Officer and Second Officer were on the bridge. Five minutes later the Second Officer went away from the bridge, and both the Captain and the Chief Officer were on the bridge up to the time the vessel grounded. The Chief Officer gave him helm order just before the vessel went aground to alter the course from 98 degrees to 120 degrees. The course she was steered at was 120 degrees before she was grounded.

Mg Hla Myint, was Lookout on the s.s. "Pyidawtha" on the 6th May 1955, from 4 A.M. According to him the surface of water is as usual and he did not see any rock just before the vessel went aground.

In addition to the questions for the consideration of the Court filed at pages 5 and 6, in the light of the statements made by the witnesses already related above, some more questions were asked and the answers made to them by Capt. Keating are summed up as follows :

The ship would have been abeam of Reliance Shoal Buoy at 0500 hours. He also described his normal method of approach, that on a flood tide, was to steer for Reliance Shoal Buoy ahead approximately 110 degrees, until Ledaung Kyun is about 3 points on the port bow, and then enter harbour passing Reliance Shoal Buoy to starboard half a mile distance. That after he had altered course at 0440 hours to 115 degrees true, the Reliance Shoal Buoy was on the Port bow. In his opinion the cause of the grounding was an unexpected strength and unusual direction of the tide, the reduction in engine revolutions without the bridge having been informed, lack of certain navigational aids namely, three buoys which are charted but not in existence. Had the buoy which is charted on the south west corner of North Shoal Buoy been in position it is almost certain that it would have been observed in time to take the avoiding action. The existing navigational aids are inadequate when making this harbour during the hours of darkness and during the monsoon. And to the



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question, was the vessel lost or abandoned, Capt. Keating answered that the vessel was declared abandoned on the 8th May at noon. On cross-examination by his Counsel Mr. Soorma, Capt. Keating mentioned about the absence of a buoy at North Shoal and he considered the absence of a buoy to be an unnecessary hazard. He also maintained that the absence of buoys at Giles Bank and Bombay Shoal constituted an unnecessary hazard. He complained also of the non-existence of an additional buoy charted north of Dicey Shoal. The light on Reliance Shoal Buoy was re-lit in early April 1955 on the report made by him. That on reflection since occurrence, he also considered that the engine revolutions had been reduced without the bridge being informed and that he had an exceptionally strong set and drift of the tide. He also mentioned that there are four unlit buoys on the Chart No. 831, namely, North Shoal, Bombay Shoal, Giles Bank and Dicey Shoal. But to the question whether he had during his time in command of S.S. "Pyidawtha" had those buoys as aids to navigation, he answered in the negative.

In view of these fresh statements of Capt. Keating some more questions were framed and put to him as well as the Chief Officer and Mr. W.W. Mortimer with the consent of the Court by the Assessors. To be able to appreciate them fully they are recorded verbatim as questioned to and answered by them.

To Capt. Keating :

Q. If the absence of the buoys made entering the harbour dangerous, in your opinion would it not have been safer to have waited for daylight?

A. I agree that it would have been safer to wait for daylight, but the conditions at the time of grounding were better than will be experienced in daylight hours during the monsoon.

Q. On arriving at about latitude 1928 North and Longitude 9326 East, was the visibility such that the surrounding land shown in profile on Chart could be distinguished?

A. The island of Pyu Kyun was clearly visible.

Q. In accepting the sounding, of depths obtained at 0440 in preference to the Chief Officer's bearings, was allowance made for the flood before comparing it with the charted depth?

A. No.



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Q. On raising Paungnetkyi Island light why was it not brought to bear 099° and kept on that bearing as recommended by both Sailing Directions and Chart No.831?

A. I have always approached on a bearing of 100°. I have no reason to offer why I did not steer 099°.

Q. While steering at 115° did you notice the Reliance Buoy Light drawing ahead?

A. Yes.

Q. Did you take any action when you saw Reliance Buoy Light drawing ahead?

A. No Sir. I did not alter the course because Paungnetkyi light was maintained on a bearing of 102° and the echo sounder was still showing not less than 11 fathoms.

Q. Having had a position at 0430 hours and another at 0440 hours why was not one taken at 0500 hours?

A. Between 0440 hours and 0500 hours the bearing of Paungnetkyi light was frequently checked and also the depth recorded by the echo sounder, these two in conjunction were to my mind more satisfactory than a position obtained by a light and a buoy.

Q. Did you ever notice Reliance Shoal Buoy on the Starboard bow?

A. Reliance Shoal Buoy commenced drawing ahead about 0445 and shortly before grounding was fine on the starboard bow.

Q. During your previous entries into this harbour, have you noticed signs of shoal water around North Shoal?

A. The extent of North Shoal can never be determined from a ship's bridge. During fine weather it does not break. When it is blowing, broken water, tide rips, and whirlpools extend clear across the strait.

Q. Referring to your statement at the beginning of re-examination on page 8, regarding reduction of engine speed without informing the bridge, has this happened before?

A. No.

Q. In your opinion was the engine department run efficiently?

A. No Sir.

Q. Do you know who wrote up the Chief Engineer's Log Book and from where did he get the information to make these entries?

A. No Sir.

Q. Do you know who was in charge of the engine room between 0440 hours on 6.5.55 and the time of stranding?

A. The second engineer was in charge of the engine room.

Q. Who personally gave half an hour's notice to the engine room?

A. The Chief Officer.

Q. By what means were the Charted positions from 0230 hours till rising of Paungnetkyi Light obtained?

A. By dead reckoning.



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Q. Was the impact felt when the vessel grounded?

A. The vessel first grounded apparently on a mud or sandbank and immediately afterwards struck another sandbank and the rock.

Q. Having navigated on dead reckoning position from 0230 hours till raising of Paungnetkyi light, do you consider the course of 100 degrees true from 0320 hours to have been a wise one as it showed the passing of a rock which dries at 2 feet in a position 1922 North, 9318.5 East at a Distance of 1.25 miles?

A. Yes, Sir, Because there was the full moon. This rock breaks heavily and would have been observed in time and the set of the tide was to the northward.

Q. Who was in charge of navigation from 0400 hours on the 6th May 1955?

A. I was in charge of the navigation.

To Mr. A. Cant:

Q. Was the vessel being navigated on the standard or steering compass? If by the standard compass, who steadied the vessel's head on 115°? What is the difference between the standard and the steering compasses on 115°? What is the error on 115°?

A. The vessel was being navigated on the standard compass. I steadied the vessel's head on 115° on the standard compass. I believe the difference between the two compasses was 2 degrees plus. The error allowed was 1 degree East.

Q. Where does the officer of the watch obtain the information he enters in the Deck Log Book produced in Court?

A. The officer of the watch on completion of his watch enters up details concerning alteration of course, points of land passed and other observations relative to his spell of duty. It is the usual custom to mark on the chart the time and log reading of passing various objects and land marks. The officer at the end of his watch refers to the chart for the information necessary to enter into the rough log book.

Q. Was the assumed reduction of speed from 10 knots to 6 or 7 knots noticed by you on the bridge?

A. I noticed no reduction in the vessel's speed.

Q. Who received half hour's notice given to the engine room?

A. The second engineer took the message over the telephone.

Q. Did you check the steering compass after steadying the ship on 115° by standard compass?

A. No. The Master was in the wheel house and he checked the steering compass. This fact I confirmed when I descended from the Monkey Island to the wheel house.

Q. What was the course by steering compass?

A. The course by steering compass was 117 degrees.

Q. Why was no bearing charted at 0500 hours?

A. I received no instructions to take bearings at this time.

Q. Did you ever notice Reliance Shoal Buoy Light on the Starboard bow?



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A. Reliance Shoal Buoy Light was picked up fine on the Starboard Bow.

Q. Did you observe Reliance Shoal Buoy Light on the Starboard bow at any time after the course was altered to 115°?

A. No. After the alteration of the course to 115° Reliance Shoal Buoy Light was observed to be on the Port bow.

Q. Are you in the habit of waiting for orders before taking any bearings?

A. When I am in charge of the bridge I take frequent bearings for my own satisfaction, but when I am not in charge of the bridge it is my practice to await instructions.

Q. After the position at 0440 hours had you at any time any reason to suspect that the vessel was north of where you thought she was?

A. From 0440 Hours I have no reason at any time to suspect that the vessel was to the northward of her supposed position.

Q. Were any bearings taken of Paungnetkyi Light after 0440 hours?

A. Yes. Several bearings of Paungnetkyi were taken by myself.

Q. Why were they not charted?

A. Because I was asked by the Master to check the bearing of Paungnetkyi Light. In addition to this I was busy giving instructions to the deck serang for the preparation of the ship for working cargo immediately on arrival. This entailed stripping the awnings, stowage of same, removal of awnings, ridge wires and stanchions. Also rigging derrick.

Q. Tell the Court exactly where you were standing when the vessel grounded?

A. I was standing in the wheel house alongside the engine room telegraph which is situated in the starboard forward corner of the wheel house.

Q. Did you feel the impact when the vessel grounded?

A. Yes. I experienced a gentle lift as if we had struck a mud or sand bank.

Q. What were you doing in the wheel house at the time of grounding?

A. Conning the vessel.

To Mr. Mortimer.

Q. Has the position of Reliance Shoal Buoy been verified since the grounding?

A. Yes. It was verified after the grounding of S.S. "PYIDAWTHA" by the Inspector of Lights when he was there in the MEE PYA.



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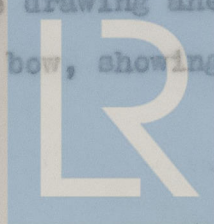
Whatsoever has been hazy and not clear so far are now dispelled by the lucid and concise answers contained in the above questions and answers to them, and so the Assessors after a short conference amongst themselves could give their opinion in writing signed by all three of them and filed at page of the proceedings, under section 254 (2) of the Burma Merchant Shipping Act.

Here, mention must be made of the appreciation of the assistance rendered by the Assessors, who gave their services unstintingly during the short available time of their stay in the port. In fact, after three days continuous sittings, the Assessors immediately held a short conference amongst themselves to give their opinions in writing as one of them had to depart a day after, having barely sufficient time to attend to his matters. So insistence could not be made to the Assessors to give their reasons for their opinions as desired in the instructions for the formal investigations in writing.

The unanimously considered opinions of the Assessors are as follows:-

The stranding was caused by

- (1) The Master placed too much reliance upon Dead Reckoning positions.
- (2) The bearing of Paungnetkyi Light was not maintained on 099 degrees as recommended on Chart No.831 and in Bay of Bengal Pilot, 8th Edition, 1953.
- (3) Too much reliance was placed upon soundings obtained by echo sounder and no allowance being made for rise of tide.
- (4) Failure to chart a position after 0440 hours on 6th May 1955.
- (5) When course was altered at 0440 hours to 115 degrees insufficient allowance was made for the current as shown by the two bearings namely that at 0430 hours and 0440 hours.
- (6) Because the course was not altered when Reliance Shoal Buoy Light was observed to be drawing ahead from the Port bow and then seen on the Starboard bow, showing the vessel to



be setting northwards.

We are also of the opinion that if the speed of the engine was altered without the knowledge of the Master of the ship, as assumed by Captain Keating, this would have caused a greater set on the vessel to the northward than he allowed for. However, this could have been ascertained by cross bearings.

We think that there has been a certain amount of negligence in navigation both on the part of the Master and the Chief Officer.

From the trend of evidence elicited during the investigation I am also of opinion that the Assessors can only come to the opinions already given by them above and I am in total agreement with them in their opinions.

We, the Assessors and myself, are also of the opinion that no wrongful act, default, or negligence can be attributed to any other person, as all concerned acted under the direct orders of the Master and no lives were lost.

Taking things as a whole, I consider that Captain Richard Stanley Keating was negligent in navigating the vessel as he did and I would recommend his Master's Certificate be suspended for a period of six months with effect from the day after the vessel was declared abandoned. I also consider that Chief Officer Mr. Alexander Cant was also negligent in navigating the vessel as he did and I would recommend that Chief Officer Mr. Alexander Cant be censured.

Sd.

District Magistrate,
Rangoon.

Dated the 14th June 1955.

We concur,

(Capt. H. Davies).

(Capt. W. L. Alexander).



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