



HOTEL WINDSOR

SPRING STREET

MELBOURNE

Saturday. 12/1/67
Wed 19/1

Thank you 19/1/67
W.D. Atlas
M.C.

Dear Jack,

"W. D. Atlas" Inquiry

Further to my cablegram to you a few days ago I now want to let you know that the Court of Inquiry has agreed to hear evidence from me and I will "take the stand" on Monday, 16th. I expect to be under examination and cross-examination for about 1 1/2 days on matters concerning the Society's procedures and practices regarding classification and load line, and concerning our outlook on stability and on steering of ships.

Gerrard and I have had daily conferences with our Counsel and our Solicitor and I have attended the Court all this week whilst the Owner's evidence was being taken, and which is not quite finished. I have now got "the feel of the Court" and am thankful



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that I was not pitchforked into the witness box on my arrival in Melbourne; the atmosphere is quite different from the English courts and it seems that no holds are barred.

I pressed our Solicitor to weigh-up the situation we find ourselves in at this time and to tell me the possibility or probability of future civil action against us. The Solicitor is a Mr Traill, a bright young assistant to the Society's Solicitor in Sydney, who is Mr Osborne. Traill has been in Court every day since the Inquiry started and I have formed a very good impression of him. I have a good impression of our counsel, Mr Francis, even if I feel he is not as forceful as some of the others in the rough and tumble of the proceedings. I wanted also to know from Traill the chances of damage to the Society's image, not only in this continent but elsewhere, if the Court finds against us. My mind was concerned with the



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degree of effort we must put forward now; it seems my arrival here was only just in time. Traill opines our chances as 50/50 or even less in our favour. He feels that the Court has already made up its mind about Thomas, our Whymalla surveyor, and that he will be criticized. Traill also feels that the Court is also a little critical of us in London; it therefore behoves me to do my best to remove this criticism and to try to help Thomas' position if I can. I feel confident on those facts of the case which concern London, with one exception; the limitation of rudder angle worries me.

I hope the foregoing does not alarm you too much. At least it will give you a little time to consider things. Our Counsel and Solicitor set great store on the final addresses which all Counsel will present to the Court, starting on Tuesday or Wednesday when my evidence has been completed, I bring the

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last witness. The addresses will take about a week or perhaps slightly longer. We come second last and Mr Francis wants me to sit through the addresses and to help him technically with his counter-attacks. Only the Owner's Counsel follows us and I think he is unlikely to attack us. If you can give us any advice on any aspects you think we might miss, then it will have to be by cable. Mr Osborne, the Society's solicitor in Sydney, came down to Melbourne to give me his advice. He, Gerrard and I are to meet our Counsel on Monday evening and again on Thursday evening to help him prepare his address.

You will have heard from Anthony Reid that stability has suddenly become a major issue, contrary to what we thought before I left London. I had perforce to telephone Anthony last night on this matter.



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And now, a few personal comments. Our legal boys have had no mercy on me and I have been working from 5 or 6 a.m. until midnight and beyond to cope with all the documents they insist I read and digest. I feel very much the worse for wear but must keep at it all week-end, so that I can put my best foot forward on Monday.

Mr Gerrard and Mr East have been a great help to me, as I think they have been to the Society's cause before I came to Australia. The Melbourne surveyors, and particularly Mr North, have also been most helpful.

Since I am so very much in the hands of the lawyers I cannot give you any date when I am likely to return.

kindest regards

Yours sincerely,

all 7 5/5 W Macmillan