

(No. 3759.)

“PYAH PEKHET” (S.S.)

AND

“CHOW PHYA” (S.S.)

FINDING of a Marine Court of Inquiry, held at Singapore, on the 28th January 1889, into the collision between the British Steamer “PYAH PEKHET” and the British Steamer “CHOW PHYA,” in the Klang Strait.

Finding.

Having carefully examined into the matter of the collision which occurred on the morning of the 13th January 1889, between the British steamer “Pyah Pekhet,” official No. 72,381, of Penang, and the British steamer “Chow Phya,” official No. 71,507, of Penang, we consider that all blame for the collision falls upon the captain of the “Chow Phya,” and that he is alone responsible for the collision. We find that after the collision took place everything was done that could be done by the captain, officers, crew and passengers of the “Chow Phya” to save life, and that they deserve all credit for the steps they took: that only fourteen were drowned out of a total of 86 souls, all told, on board the “Pyah Pekhet,” speaks for itself. The collision having taken place at about 3.15 a.m., and the ship sinking a minute after she was struck, many of the drowned must have been carried down with her. We also consider that credit is due to Captain Cockburne and Mr. Stewart, engineer of the “Chow Phya,” for the steps they subsequently took to save their ship, in which they were successful. In coming to the above conclusions, we have, as far as we were able, solved the matter by admitted facts. We consider that from the time the “Chow Phya” got between the Klang Lighthouse and Pulau Lumaut, the captain had no option in regard to carrying out Article 21 of the Regulations for Prevention of Collisions at Sea, but was bound to obey it strictly. Seeing three white lights $1\frac{1}{2}$ to 2 points on her starboard bow, about 2 miles off, that he supposed to be wood boats lying at anchor some 20 to 30 yards from shore, was no reason for starboarding when he was already on the port side of the middle of the channel: he could have stood on with perfect safety, or cleared the lights by porting, as he said he could have done had he known the lights were carried by a steamer. We consider that no “very clear case of necessity” has been shown such as would justify a departure from Article 21.

After the collision was apparently inevitable, everything was done by easing and going astern on board the “Chow Phya” that could be to minimize damage. As regards lights, the evidence of the “Chow Phya” goes to show that only white lights were seen to starboard, whilst by the evidence of the “Pyah Pekhet” she was all the time on the port side of the “Chow Phya,” so that her coloured lights would have been on that side. We see no reason to doubt the direct evidence of the captain and men of the “Pyah Pekhet” that their lights were burning, or to prefer to it the negative evidence of the captain and men of the “Chow Phya” that they were not. The evidence and the state of the “Chow Phya’s” bows go to show that she struck the “Pyah Pekhet” broad on the port bow, abaft or just at the break of the forecastle, and then was slewed at right angles by the “Pyah Pekhet” forging ahead at the moment of collision, and that the “Chow Phya” must have also had considerable headway on her. There does not seem to have been any contributory negligence on the part of the “Pyah Pekhet.” We consider there were no grounds for calling in question Captain Angus’s sobriety on the night in question, and that he was perfectly sober and fit for duty. We wish to call attention to the gallant conduct of the 2nd engineer of the “Pyah Pekhet,” who remained at his post to stop the engines, after sending all the native firemen out of the engine-room, and thereby lost his life. In conclusion, we consider it would add much to the safe navigation of these coasting steamers if their captains were informed of the fact that the master of a vessel has by law no discretion as to obeying or departing from the Regulations for Preventing Collisions at Sea, except in a very clear case of necessity, and their attention particularly called to Article 21: also, that in the case of coasting steamers licensed for over one hundred passengers, and especially where the mate works the cargo, more than one European mate should be carried.

We, therefore, suspend for six months the certificate of Mr. William Cockburne, master of the “Chow Phya,” recommending that, during such suspension, he should be granted a mate’s certificate, and direct that he pay \$100 towards the costs of this inquiry.

(Signed) S. LESLIE THORNTON,
President.
G. A. GEFFARD,
Commander R.N.
C. Q. G. CRAWFORD,
Retired Commander R.N.,
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JOHN SLAKER,
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