(No. 4384.)

"JOSEPH H. SCAMMELL."

PROCEEDINGS of the Court of Marine Inquiry of Victoria in connection with the wreck of the British ship "JOSEPH H. SCAMMELL," of St. John's, New Brunswick, 1,410 tons register, official No. 88,675, John Albert Chapman, master, about 15 miles W.S.W. from Port Phillip Heads, on the 7th day of May 1891. No lives lost.

Investigation into Casualty.

At the instance of the Marine Board, the Court, consisting of C. H. Nicolson, Police Magistrate, President, and H. J. M. Draper and J. R. Gourlay, skilled members, first investigated generally the circumstances in connection with this casualty, and found that the loss of the said ship was occasioned by the default of the master, John Albert Chapman. The Court also replied as follows to the questions raised by counsel on behalf of the Marine Board:—

1. The "Joseph H. Scammell" was off Cape Otway at 7 a.m. on the 7th May, and the master then ascertained his position to be about eight miles therefrom, bearing W. by N. ½ N.; the position of the vessel was again ascertained at 10.30 a.m., when off Split Point, and again when off Addis Point, at 11.30 a.m., when a squall came on from the S.W., whereupon canvas was shortened and the vessel hauled off for four hours and a-half on the starboard tack to the S.E. for a distance of about 20 miles. At 4 p.m. the vessel was wore round on the port tack, making a W.N.W. course, which course was improperly continued for seven hours until the vessel stranded on Zealey Point at 11 p.m.

2. Safe and proper courses were steered up to 4 p.m., but due and proper allowance was not made for headway and leeway when the vessel was on the port tack standing to the westward.

3. The Cape Schanck Light was sighted at 7.30 p.m., bearing E. by N. ½ N., and soon after a bright light was seen bearing N.N.E., which was probably the light of the pilot schooner. Other lights were seen before the vessel struck, two of which appear to have been the lights of the pilot schooners on their respective stations; but the Court is of opinion that the positions of the lights seen were not such as to justify the master in steering as he did after sighting such lights.

4. The lead was used twice only, once when the vessel wore round on the port tack at about 4 p.m., and again just as she struck. In the opinion of the Court the lead was not used with sufficient frequency previously to the ship stranding, having in view the circumstances under which the vessel was being navigated, namely, the state of the weather, the uncertainty of the position of the vessel, and the master being a stranger to the port.

5. The master was not below at any time when the safety of the vessel required his attendance on deck.

6. From the evidence it would appear that a good and proper look-out was kept until the vessel stranded, but the report "Light right ahead," given a quarter of an hour before she struck, and subsequently the report "Land right ahead," about three minutes before she struck, were not heeded, inasmuch as that the course of the vessel was not altered, nor was any attempt made to let go the anchor.

7. The vessel was not navigated with proper and seamanlike care in that:—

1. Sufficient canvas was not carried to enable the ship to hold her course.
2. No reckoning was kept as to the headway and leeway the ship was making.
3. No signal was made after sunset to secure the services of a pilot.
4. The lead was not used sufficiently.

8. The cause of the stranding of the "Joseph H. Scammell" is attributable to the want of proper caution in the navigation of the said vessel.

9. The question as to whether all was done by the master and crew that was requisite and necessary for the safety of the ship after stranding is not appropriate to the circumstances that existed in that from the evidence adduced the vessel had to be immediately abandoned to save life, and subsequently became a total wreck.

10. In the opinion of the Court, the master only is deemed to be in default, in that he did not exercise that vigilance and precaution which the circumstances required for the safe navigation of the vessel under his command.

11 and 12. The evidence shews that the pilot schooners were each cruising within the limits of their respective station on the day and night of the 7th May, in accordance with the regulations of the Marine Board, and that the pilots on board maintained an efficient look-out for inward bound vessels; the evidence also shews that the "Joseph H. Scammell" was not in sight from the outer pilot schooner during daylight, and that after sunset no signal was made for the services of a pilot.

Dated at Melbourne the 3rd day of June 1891.

Investigation into Charge.

The Court subsequently investigated the matter in the aspect of a charge of misconduct made against the said John Albert Chapman, by direction of the Marine Board, with result as follows:—

Judgment.

In the matter of a formal investigation held at Melbourne on the 9th day of June 1891, before C. H. NICOLSON, Police Magistrate, President, and W. F. A. H. RUSSELL and J. A. ROBERTS, skilled members, into a charge of misconduct preferred against John Albert Chapman, the late master of the British ship "Joseph H. Scammell," in that he did carelessly navigate the said ship on the 7th day of May 1891, whereby the said ship was, on the said 7th day of May 1891, wrecked near Zealey Point, about 15 miles W.S.W. from Port Phillip Heads.

The Court having carefully inquired into the circumstances attending the above-mentioned charge, finds, for the reasons stated in the annex hereto, that the charge of misconduct preferred against the said John Albert Chapman has been fully sustained, and that such misconduct amounts to gross misconduct; the Court, therefore, suspends his certificate of competency as master, No. 1,016, issued at St. John's, New Brunswick, for a period of twelve calendar months from this date, and orders the said John Albert Chapman to pay to the Clerk of the Court of Marine Inquiry the sum of ten pounds ten shillings (10*l.* 10*s.*) on account of the expenses of this investigation.

Annex to Judgment.

In the matter of a formal investigation into a charge of misconduct preferred against John Albert Chapman, late master of the British ship "Joseph H. Scammell," wrecked on the coast of Victoria on the 7th day of May 1891.

The evidence taken before the Court of Marine Inquiry in support of charge consisted of that of a number of the crew, including the boatswain and carpenter, and also the Inspector of Shipping; no witnesses were called in refutation of the charge.

The Court of Marine Inquiry, after hearing evidence in connection with the above-mentioned charge, finds that such charge has been fully sustained for the following reasons:—

That about noon on the 7th day of May, the "Joseph H. Scammell" was about five or six miles from Split Point, and was then put on the starboard tack and headed to the south-east, which course was maintained for about four hours, namely until 4 p.m., going at the rate of about three to four knots; at 4 p.m. the vessel was wore round on the port tack, and headed for the land on a W.N.W. course, which course was continued for about seven hours, *i.e.*, until 11 p.m., when the vessel struck on a reef near Zealey Point.

That when steering such latter course, whereby the vessel was approaching the land, the master did not

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exercise that care and caution in the navigation of the said vessel that the circumstances demanded, in that:—

He did not use the lead or otherwise ascertain whether the vessel was over-running her distance on such a course.

He did not at a proper time in the navigation of the said vessel assure himself of her position, or, failing that, he did not heave his ship to until daylight.

He did not make any signal for a pilot after sunset.

That, notwithstanding the look-out reported (1) "A light right ahead" about 10 to 15 minutes before the ship stranded, and (2) "Land right ahead" about five minutes before she struck, no action was taken by the master to alter the course of the vessel or bring the vessel to an anchor.

And that therefore the "Joseph H. Scammell" was carelessly navigated by the said John Albert Chapman, and as a result of such carelessness the said ship was stranded and became a total wreck.

The decision of the Court is that the certificate of competency as master of the said John Albert Chapman be suspended for a period of twelve calendar months from this date.

Dated at Melbourne this 10th day of June 1891.

(Signed) C. H. NICOLSON, P.M., President.

We concur in the above.

(Signed) W. F. A. H. RUSSELL, J. A. ROBERTS, } Members.