

(No. 5019.)

## "ÆOLUS."

SOUTH AUSTRALIA MARINE BOARD.

Loss of the British ship "ÆOLUS."

At a meeting of the Marine Board, held at the Marine Board Offices, Port Adelaide, on Tuesday, the 11th September 1894, the President (Mr. T. N. Stephens, J.P.) submitted the report of the members of the Board who were deputed to make preliminary inquiry, at Port MacDonnell, into the circumstances attending the stranding on the Carpenter Rocks, near Cape Banks Lighthouse, on September 1st, 1894, of the British ship "Æolus," of Greenock, official number 93,184, 1,610 tons register, Charles Campbell, master, and owned by Messrs. Carmichael & Co., of Greenock.

The Board having reason to believe that the loss of the vessel was occasioned by the wrongful act and default of the master, Charles Campbell, resolved to refer the case to the Court of Marine Inquiry. The "Order of Reference," dated September 13th, 1894, to the Court was as follows:—

In pursuance of the powers conferred on them by the Marine Board and Navigation Act, 1881, it appearing to the Marine Board of South Australia that an investigation by the Court of Marine Inquiry into the loss of the ship "Æolus" is requisite and expedient, and the said Marine Board having reason to believe that Charles Campbell, the master of the said ship, has been guilty of gross carelessness, negligence, and recklessness in the navigation of the said ship, and that the loss of the said ship was occasioned thereby, for the following, amongst other reasons:—

1. That he negligently omitted either to personally superintend the navigation of the said ship when near a dangerous shore, or to give any directions to his officers for the management of the said ship in his absence from the deck.

2. That the said ship being in ballast, the said Charles Campbell well knew that she would not stay, and was therefore more difficult to manage.

3. That he negligently omitted to use the lead when nearing a dangerous coast.

4. That he negligently omitted to have the anchors and chains ready and prepared for use on approaching a dangerous coast.

The said Marine Board doth hereby order that an investigation be held by the Court of Marine Inquiry, constituted under the said Act, into the circumstances attending the loss of the said ship, and the conduct of the said Charles Campbell, the master thereof, in relation thereto.

The "Statement of Case," on which the said inquiry was ordered, was as follows:—

1. The British ship "Æolus," of Greenock, official No. 93,184, 1,610 tons net register, built of iron, owned by Messrs. A. and J. H. Carmichael and Company, of Greenock, Charles Campbell, master, holding a Board of Trade certificate of competency as master, No. 027,675, left Cape Town on the 3rd day of August 1894, in ballast, with a crew of twenty-eight hands all told, and bound for Sydney, her draught of water being 13 ft. 6 in.

2. On Saturday, the 1st day of September 1894, the sea being calm, the weather fine, and sky clear, with wind moderate from about S.E. by S. and the vessel making about 3 to 4½ knots an hour, and while the ship was wearing round and carrying all plain sail, she struck on a reef off Cape Banks, and remained fast and became a total wreck.

3. The master, Charles Campbell, immediately prior to the striking of the said ship, had been in his cabin asleep, until called by the chief mate, William Kelly, a few minutes before the ship struck.

4. At the time of the striking of the said ship, and from the hour of 8 a.m. until such striking, the second mate, William Perritt, was the officer of the deck. The chief mate, William Kelly, was at the time of the striking on deck, and had been on deck for some time before such striking.

5. The ship, as the master, Charles Campbell, well knew, would not stay, by reason of her being in ballast, and the said master also knew that he could not wear the said ship under fifteen minutes or within half a mile.

6. The said master, Charles Campbell, also well knew that the coast towards which the said ship was being steered was a very dangerous coast, and that it was unsafe to approach near the shore when his ship would not stay.

7. The master, Charles Campbell, did not use or direct to be used the lead, either when approaching the said land or for some time previously.

8. The said master, Charles Campbell, left the deck of the said ship on the 1st day of September aforesaid without giving any directions to the officer in charge of the deck, or to the first mate as to putting about the said ship.

9. The said master knew when he went below that it would not be safe to delay putting about the said ship and standing off the land after about 9 a.m. of the said 1st day of September 1894.

10. The depth of the water in the vicinity of the place where the ship struck is five fathoms.

11. The total loss of the said ship was caused by and occurred through the gross negligence and culpable recklessness, carelessness, and wrongful act and default of the said master, Charles Campbell—

1. In recklessly navigating the ship close to a dangerous coast, especially as he knew that the ship would not stay, and was therefore to some extent unmanageable, and also knowing that should the wind change to the westward, and short tacks be required, the vessel must inevitably go ashore:

2. In being absent from the deck and in not personally attending to the navigation of the ship, or giving instructions to his officers respecting such navigation in his absence:

3. In not verifying the position of the ship either by bearings, sufficient use of the log, use of the lead, or otherwise from time to time finding out the exact distance off the land, and the actual rate at which the vessel was approaching it:

4. In not taking the course which a prudent master would have taken under such circumstances, viz., putting the ship about at 8 a.m. when all hands were on deck, and when the ship was supposed to be from eight to ten miles off the land:

5. In not having the anchors ready and the chains on deck when approaching the land.

On the 26th and 27th September 1894 the case was heard at the Supreme Court House, Adelaide, before the Court of Marine Inquiry, consisting of the Honourable S. J. Way, Chief Justice of the Supreme Court, President of the Court, and Captains Gibbon and Malzard, nautical assessors.

The Crown solicitor, Mr. J. M. Stuart, appeared for the Marine Board; and Mr. J. H. Symon, Q.C., with Mr. Webb, for the master.

After taking the evidence of the first and second mates and the master, and hearing counsel for the defence, His Honour delivered judgment to the following effect:—

The Court was sitting as a Court of Inquiry, to make investigation as to the wreck of the British ship "Æolus," on September 1st, 1894, near Cape Banks Lighthouse.

The vessel, which was built of iron in 1886, left Cape Town on August 3rd, 1894, in ballast, drawing 13 feet 6 inches, bound for Sydney, New South Wales, with a crew of twenty-eight all told, including the master and two certificated mates.

On the evening of August 31st, land was sighted for the first time during the voyage. The master knew his position, having seen the lights of Penguin Island and Cape Banks Lighthouses. At 4 o'clock on the morning of September 1st, the ship was wore round, and was then standing toward the land. At sunrise the master saw the Cape Northumberland Lighthouse, and he took a rough bearing and estimated the distance. At that time he was under the impression that he was twenty miles from the coast. The vessel was making about four miles an hour, and the master intended to continue on that tack until 9 or 9.30, when there would be an opportunity of signalling Cape Banks Lighthouse as he went round on the other tack. The ship was lost on a clear, fine morning, with a light wind and all sails set, at a place shown to be dangerous on the chart and in the

sailing directions, and that by itself would raise a strong suspicion of carelessness. Certainly the condition of things required explanation in order to exonerate the master navigating the ship. The first mate shortly after 8 o'clock warned the master that the land was all round the ship's head and on either bow, which was an important indication that the position of the vessel so near the land needed attention. The master's answer to the information was "all right," from which it might be inferred that he was satisfied with the situation of the ship. Later on the second mate called the first mate's attention to the fact that the ship was approaching land, and the latter gave it as his opinion that she appeared to be making the land faster than she was sailing. The mate then in some alarm ran down and called the captain, but meanwhile, without waiting for him, gave orders to wear the ship, unfortunately too late, for whilst she was wearing she struck twice, heavily, filled her hold, and eventually became a total wreck. As a matter of fact, the vessel broke up in six days. The captain's explanation substantially was that in the ordinary course of duty the first and second mates were in charge of the deck, and that when he was spoken to by the first mate at 8.30 he was in his cabin winding his chronometer, and as he had been up on deck when the ship was six miles off the coast he felt no alarm, and being very weary with a long period of duty fell asleep. Now, perhaps, but for the captain falling asleep he would have been upon deck, and the catastrophe would not have happened, and in all probability the explanation made was correct. But that did not conclude the inquiry, for the question was, What would be the duty of the master of a vessel in such a position? Captain Campbell, although he had made one voyage to Australia before, was not familiar with that particular part of the coast—all his knowledge was gained by means of charts and sailing directions, and it behoved him to take special care. By reference to the charts it was seen that there was a current in the vicinity of Rivoli Bay, and there was a further warning that several ships had been lost on that coast, and that a careful look-out should be kept in consequence. Now it seemed to him—and he was supported in his opinion by the nautical assessors—that it was impossible for a shipmaster, however skilful and unblemished in character he might be, to reasonably contend that under these circumstances he was justified in relying upon that one rough observation made at 6.30 in the morning. It was easy to take soundings—there was no need to heave the ship to for that—and bearings might have been taken also from time to time, by which the captain could have ascertained the ship's position. He could have discovered the peril into which the ship was rapidly drifting. To him (the Chief Justice) it seemed remarkably imprudent that a rough bearing—one bearing only—should have been relied upon, and that a man evidently so intelligent and ordinarily so careful a mariner as Captain Campbell was reputed to be, should fall into such a mistake. One would have thought that, standing as he was into a dangerous coast, unknown to him, and dangerous from its peculiar physical features, he would have been more on the alert. As to the first and second mates, whatever criticism they might have merited, and however

blameworthy they might be, the master had taken upon himself the charge of the ship, and it rested upon him in the first place. His officers were youthful, and he was a man of confidence and skill. Now for two or three days and nights previously, while the weather was fair, he had not got out of his clothes, because he knew he was approaching a dangerous coast; and yet at the most critical point, where the most care was needed, the catastrophe occurred for the lack of watchfulness. The place for the captain when land was sighted that morning was on deck. This was really the point of all the previous care and alertness. He said emphatically that it was negligence to entrust the safety of the ship to others at that time. The Court had therefore come to the conclusion that the ship was lost in consequence of the default of the master in neglecting the navigation at a critical juncture. With respect to the two mates there was no charge brought against them, and therefore the Court were not going to pass judgment as to their conduct, but he could not help thinking that if a charge had been made there would have been a great deal that they would have had to explain away for not having taken more active steps to attract the attention of the master to the position of the ship when she was drifting on to the rocks. He was sorry to hear that the second mate had not even the curiosity to ascertain the course of the ship, and he was surprised that the first mate, after half-past eight, did not deem it necessary to call the captain's attention to the fact that land was all round the vessel's head and on either bow, and that not until 9.10 did he draw direct attention to the fact that she was drawing close to the land. The Court regretted that a young and capable officer like Captain Campbell—a man of hitherto unblemished and successful career—should, by over confidence, find himself in this position, but the Court bore in mind that the inquiry was not for the purpose of penalising a person, but was instituted for the benefit of the mercantile marine. It was of the utmost importance to the nation and the empire, which depended so much upon the merchant shipping trade, that the strictest vigilance should be observed by those entrusted with the charge of ships. The "Æolus" was a ship worth 18,000*l.*—she was insured for 13,000*l.*—and there were what was of infinitely more importance—the lives of twenty-eight people composing the crew. Had the wind risen those lives might have been lost: they were jeopardised. It must always be a painful recollection to Captain Campbell in his future career that there was occasion for this inquiry, and the Court took that circumstance into consideration. The Court did not deem it necessary to cancel the master's certificate, but there must be a substantial suspension to mark their disapproval of his action. The master's certificate would be suspended for six calendar months from September 1st, 1894, the date of the wreck, and a recommendation made for a mate's certificate to be given Mr. Campbell.

Order made accordingly.

(Signed) JOHN DARBY,  
Clerk of the Court of  
Marine Inquiry.

Port Adelaide, South Australia,  
28th September 1894.