

(No. 6886.)

"LA BELLA."

Judgment of the Court of Marine Inquiry.

IN the matter of a formal investigation held at Melbourne, on the 29th and 30th days of November, 1905, before J. A. PANTON, Police Magistrate, President, and J. GARSON and J. A. ROBERTS, Skilled Members, into a charge of misconduct preferred by the Marine Board of Victoria, against GEORGE MYLIUS, in that being the master on the date in question of the British ship "LA BELLA," he did so recklessly or carelessly navigate the said ship on the 10th day of November, 1905, that the same was stranded on a reef to the southward of the Warrnambool breakwater, on the coast of Victoria, on the date aforesaid, and subsequently became a total wreck.

Report of Court.

The Court, having carefully inquired into the circumstances attending the above-mentioned charge, finds the same fully proved in that the said George Mylius being the certificated master of the British ship "La Bella," did on the 10th day of November, 1905, by his default so carelessly and recklessly navigate the said ship that the same became stranded and subsequently became a total wreck.

The Court finds that such default was evidenced by the following omissions by the said master on the occasion in question, namely:—

Not being the holder of a pilotage exemption certificate for the port of Warrnambool he failed to make any signal for the services of a pilot.

Knowing approximately his nearness to the shore he steered for the leading lights without a pilot in charge.

The Court further finds that by such default of the said master he occasioned the loss of the said ship and that such default in the premises amounted to a gross act of misconduct.

The Court therefore determines that the certificate of competency* as a master of the said George Mylius be and the same is hereby suspended for a period of twelve calendar months from the date of this determination, and the Court hereby orders the said George Mylius to pay to the clerk of the Court of Marine inquiry the sum of twenty-eight pounds (£28) on account of the expenses of this investigation.

* No. 030794 issued by Board of Trade.

Annexed hereto are the particulars required by the General Rules for Formal Investigations by the Court.

Dated at Melbourne, this 30th day of November, 1905.

(Signed) J. A. PANTON,
President.

We concur in the above Judgment.

(Signed) J. GARSON, }
(Signed) J. A. ROBERTS, } Members.

Annex to Judgment.

In the matter of a formal investigation into a charge of misconduct preferred against George Mylius, late master of the barquentine "La Bella," in connection with the stranding of that vessel on a reef to the southward of the Warrnambool breakwater on the coast of Victoria, on the 10th of November, 1905.

The evidence taken before the Court of Marine Inquiry consisted of that of the late master, second mate, and three able seamen of the said barquentine "La Bella," and the pilot and senior assistant lighthouse-keeper at Warrnambool.

As to the reasons for the Court determining that the charge has been sustained little can be said other than that contained in the Court's formal judgment; the master was not an exempt master for the port of Warrnambool, and assuming that he correctly ascertained his position at noon on the 10th November, he should have known at 7.45 p.m., when he sighted the Warrnambool leading white light, that he had approached the shore so close that he was not warranted in proceeding further without having a pilot on board; he, however, failed to make any signals for a pilot, but, proceeding on his course, ultimately stranded the vessel on the reef off the Warrnambool breakwater; in so proceeding the Court is inclined to the opinion that it was the intention of the master to enter the port without a pilot, as—so it was given in evidence—he had done on a previous occasion.

The master in his evidence alleges that he navigated his vessel in accordance with the instructions laid down in the sailing rules for vessels approaching the port of Warrnambool, namely, with the leading lights in line; had he done so on the course upon which he alleges he was steering his vessel would not have stranded in the position in which she did.

The Court does not hold the master in default for not having used the lead after noon on the 10th November, inasmuch as the weather conditions did not necessitate it.

Dated at Melbourne, this 30th day of November, 1905.

(Signed) J. A. PANTON,
President.

We concur in the above,

(Signed) J. GARSON, }
(Signed) J. A. ROBERTS, } Members.

(Issued in London by the Board of Trade on the 23rd day of February, 1906.)