

(No. 7029.)

"QUEENSLIFF" (S.S.)

AND

"SWAN."

JUDGMENT of the Court of Marine Inquiry on formal investigation into a charge of misconduct (reckless or careless navigation) preferred against Charles Ferdinand Johnson, the mate of the steamship "QUEENSLIFF," of Melbourne (68 tons register, official No. 74655), in connexion with a collision which occurred between that steamship and the ketch "SWAN," of Melbourne (23 tons register, official No. 32154), between Cape Schanck and Port Phillip Heads, four miles off the coast of Victoria, on the 27th day of October, 1906. No lives lost.

Judgment of the Court of Marine Inquiry.

In the matter of a formal investigation held at Melbourne on the 9th, 10th, and 13th days of November, 1906, before J. A. Panton, Police Magistrate, President, and J. F. Anderson and H. W. H. Chatfield, skilled members, into a charge of misconduct preferred against Charles Ferdinand Johnson, in that being then and now the holder of a certificate of competency as a master, issued by the late Victoria Steam Navigation Board on the 7th day of September, 1888, numbered 570, and acting as mate and being in charge at the time and on the date in question of the British steamship "Queenscliff," he did so recklessly or carelessly navigate the said steamship on the 27th day of October, 1906, when between Cape Schanck and Port Phillip Heads, about four miles off the coast of Victoria, that the said steamship did, at about 11 o'clock p.m., collide with and cause the loss and abandonment of the ketch "Swan."

The Court, having carefully inquired into the above-mentioned charge, finds the same as laid fully proved, in that the said Charles Ferdinand Johnson, being the certificated mate in charge of the British steamship "Queenscliff," did, on the 27th day of October, 1906, by his default, so carelessly navigate the said steamship that the same did collide with and occasion the loss and abandonment of the ketch "Swan."

The Court finds that such default was evidenced by the said mate neglecting to keep a proper lookout while the "Queenscliff" was being navigated on her course, and that such default in the premises amounted to a gross act of misconduct.

The Court, taking into consideration his long and honorable career, determines that the certificate of competency as a master of the said Charles Ferdinand Johnson be and the same is hereby suspended for a period of three calendar months from the date of this determination; and the Court hereby orders the said Charles Ferdinand Johnson to pay to the clerk of the court of Marine Inquiry the sum of five pounds five shillings (£5 5s.) on account of the expenses of this investigation.

Annexed hereto are the particulars required by the general rules for formal investigations.

120 Wt 35 1/1907 D & S 1 27059

Annex to Judgment.

In the matter of a formal investigation into a charge of misconduct preferred against Charles Ferdinand Johnson, the mate of the s.s. "Queenscliff," in connexion with a collision which occurred between that steamship and the ketch "Swan" between Cape Schanck and Port Phillip Heads, four miles off the coast of Victoria, on the 27th day of October, 1906.

The evidence taken before the Court of Marine Inquiry consisted of that of the master and mate of the ketch "Swan"; and the master, mate, engineer, an able seaman, and a fireman of the steamship "Queenscliff."

The Court finds that the charge has been sustained for the following reasons:—

The ketch "Swan," 23 tons register, under the command of Johann August Jansson, was on a voyage from Flinders, Westernport, to Melbourne, on the 27th October, 1906; she was on the starboard tack, the wind being northerly, on a course N.W. by W., having her side lights lit, and under reefed mainsail; when about eight miles from Cape Schanck, about 10.30 p.m. he sighted the masthead and side lights of a steamship bearing right ahead, which, as the vessels approached each other, got gradually on the port bow of the "Swan," but when about 50 yards off the steamship showed her green light; the master of the "Swan," who was at the helm, seeing the imminent danger of continuing on his course, put his tiller to starboard and let go his mizzen sheet, and at the same time the officer in charge of the "Queenscliff," who had only sighted the ketch when about 150 feet off, put his helm hard a-port, endeavouring to avoid a collision, and believing the ketch would have kept on her course, but, unfortunately, the "Queenscliff" struck the ketch about the centre of her fore rigging on the starboard side, inflicting such damage that the "Swan" sank in a few minutes, and her crew and a passenger had to take refuge on the "Queenscliff," and the ketch almost immediately afterwards sank.

The mate of the "Queenscliff" stated that when about two miles outside the Heads she was on a course S.E. by E., and at about 10.20 p.m., when on that course, he saw the flash of a red light well on the port bow; about 20 minutes afterwards he saw a vessel's red light on the port bow, only nearly ahead, which he judged to be about 50 yards away, and he put his helm hard a-port; he next saw the vessel's green light under his bows, and he gave the orders "stop" and "full speed astern," but the collision occurred before the orders could be executed.

The mate admitted in his evidence that he had not used his binocular glasses when he had seen the flash of a red light on his bow, and that he had not used them that night, and that although the night was moonlight with occasional passing clouds, he admitted that he might have seen such a vessel as the ketch a mile off, and yet did not do so until she suddenly became visible about 50 yards off.

The Court is therefore of opinion that it was through the neglect of the mate to keep a proper lookout on the "Queenscliff" that the collision occurred, and that the action of the master of the ketch was justifiable under the circumstances.

Dated at Melbourne, this 13th day of November 1906.

(Signed) J. A. PANTON,
President.

We concur in the above,

(Signed) J. F. ANDERSON, } Members.
H. W. H. CHATFIELD, }

(Issued in London by the Board of Trade on the 29th day of January, 1907.)