

(No. 7430.)

“SPECULANT.”

*Judgment of the Court of Marine Inquiry.*

IN the matter of a Formal Investigation, held at Melbourne on the 22nd and 24th days of February, 1911, before C. A. C. CRESSWELL, Police Magistrate, President, and J. A. ROBERTS and E. SMITH, skilled members, into a charge of misconduct preferred against James Jacobson, in that being the holder of a certificate of competency as a master, numbered 99159, issued by the Board of Trade of Great Britain, and being the master on the date in question of the British ship “SPECULANT,” he did so recklessly or carelessly navigate the said ship between 9 p.m. on the 9th February and 3 a.m. on the 10th February, 1911, that the same became stranded in the vicinity of Cape Patten, 17½ miles north-east from Cape Otway, on the coast of Victoria, at about 2.30 a.m. on the 10th day of February, 1911.

*Report of Court.*

The Court, having carefully inquired into the circumstances of the above-mentioned charge, finds, for the reasons stated in the Annex hereto, the said charge to have been proved, and the said James Jacobson to be guilty of a gross act of misconduct within the meaning of the Marine Act, 1890, inasmuch as he did so recklessly or carelessly navigate the said British ship “Speculant,” of which he was the master, from 10.30 o'clock p.m. of the 9th February instant till about 2 o'clock a.m. of the 10th February instant, by not taking steps to accurately verify the position of the vessel with respect to Cape Otway when the light was visible as indicated in the annex, and by not setting a safe and proper course considering the direction of the wind and the heavy beam sea setting the vessel on to the land, and the unsettled state of the weather, in consequence of which neglect the vessel became stranded in the vicinity of Cape Patten, on the coast of the State of Victoria, at about 2 o'clock a.m. on the 10th February, 1911, and this Court determines that the certificate of competency of the said James Jacobson as a master be, and the same is, suspended for a period of six calendar months from this date; and this Court further orders the said James Jacobson to pay to the clerk of this Court the sum of six pounds for the costs and expenses of this investigation.

Dated at Melbourne, in the State of Victoria, this 24th day of February, 1911.

(Sgd) C. A. C. CRESSWELL,  
President.

We concur in the above Judgment.

(Sgd.) J. A. ROBERTS, } Skilled  
(Sgd.) E. SMITH, } Members.

*Annex to Judgment.*

In the matter of a Formal Investigation into a charge of misconduct preferred against James Jacobson, the master of the British ship “Speculant,” in connection with such ship stranding on the coast of Victoria, on the 10th day of February, 1911.

The circumstances of the case, as disclosed before the Court of Marine Inquiry, the evidence taken before the said Court, which consisted of the depositions of the following witnesses:—James Jacobson, the master of the said ship; James Munro, the first mate thereof; John Westwood Stirling, the second mate thereof; and Rudolph Johannessen and Edick Sundberg, two able seamen thereof; the opinion of the Court as to the

charge of misconduct preferred against the said James Jacobson as aforesaid, and the conduct of any persons implicated therein, and whether the certificate of any officer is suspended or cancelled, and if so for what reasons, are set forth as follows:—

On the 5th day of February, 1911, the British ship “Speculant,” a barquentine, 363 tons net registered tonnage, Official No. 120731, left Portland, State of Victoria, for Melbourne, under the command of James Jacobson, the holder of a certificate of competency as master, numbered 99159, issued by the Board of Trade of Great Britain. The vessel carried about 140 tons of ballast, and her draught was 6 feet 2 inches mean. From the 5th to the 9th February rough weather was experienced, with variable winds principally from the south-east, thunder, lightning, rain, and calms. Nothing material to this investigation occurred till the evening of the 9th February instant, when Cape Otway Light was sighted at about 9 o'clock p.m. It was bearing north by east at a distance of about 10 miles, and the vessel was then making an easterly course nearly close hauled on the starboard tack; the master took a four-point bearing of the light at 10.30 p.m., and it was then bearing north by east, and he altered his course to north-east, setting a straight course for Port Phillip Heads. At 11.20 p.m. the master calculated the Cape Otway Light was abeam, and he says he could tell exactly the rate the vessel was going, viz., seven knots an hour, and the distance from the light, which he reckoned to be about six miles, by looking over the side of the vessel and comparing the time when the four-point bearing was taken and when the light was abeam.

The master did not use the logs, which would have given the rate of progress more accurately, as the patent log was said to be out of order, and it did not occur to him to have recourse to his hand log. There was a heavy beam sea from the south-east, which would have a tendency to set any vessel, and especially one of light draught such as the “Speculant,” to leeward. The master remained on deck till 12.20 a.m.; before leaving to go below he did not take another bearing, though the Cape Otway Light was still visible, and he says he did not do so as the vessel was making a good course by the compass, N.E. ¼ E. magnetic, or N.E. by steering compass, and the compasses were in good order. Before going below, the master gave instructions to the second officer, J. Stirling, who was in charge, to be very careful with the steering, and not to let the vessel run northward of her course, to keep a good look-out, and to see a good look-out was kept forward on the fore-castle, for Split Point or Eagle’s Nest red light, and to call him as soon as it was seen. He then had a look at the compass, and saw the ship was making a good course. He then said to the second officer, “We are N.E. by compass, and the man at the wheel is N.E. ¼ E. by steering compass, and keep that course.” The master came on deck at 2 a.m., not having been called, and said to the second officer, “Is the ship making a good course?” He answered, “Yes.” The master then alleges he looked at the compass and saw the ship was on her course, and looked over the side with the second officer, but could see neither land nor broken water. The master said he had doubts about the vessel being too far off the land, and went below to look at the chart to see where the vessel’s course would take her. He was about five minutes below, when the rain cleared away and the second officer saw high land to leeward and breakers. He immediately called the master on deck and ordered the helmsman to put his helm hard down, and ran along the starboard side and braced the yards sharp up, and called all hands on deck. In about a quarter of an hour or twenty minutes after the vessel struck the reef, and the master then gave orders to clear away the lifeboat, but a sea struck it and stove it in before it was out of the chocks. Just then the ship floated over the first reef and drifted against the shore rocks, enabling the crew to get ashore.

When the Cape Otway Light was abeam and the ship’s course was altered to north-east she was under the main-sail, main staysail, upper and lower topsail, and foresail, foretopmast staysail and inner jib, and shortly after the mainsail was stowed and the ship remained under this canvas until she struck.

This Court makes the following comments on the facts as disclosed by the evidence:—That the master from the time he first took his four-point bearing till the time the Cape Otway Light was abeam, should have used the patent log to ascertain with accuracy the rate the vessel

was sailing and so verify his position. That, failing the patent log, he should have at least used the hand log. That the means he did take of making his calculations for the verification of his position were uncertain, misleading, and unreliable, and he was probably much nearer the Cape Otway Light, when abeam, than 6 miles, which he estimated to be his distance.

When the vessel's course was altered to north-east and a straight course was set for Port Phillip Heads, and thereafter till the vessel struck, the master appears to have made no allowance for the heavy beam sea which was necessarily setting the vessel in on to the land. That though the wind was S.S.E. the master had still a margin of four points to steer to windward. That a north-east course under the circumstances, though a straight course by the chart for Port Phillip Heads, was a highly imprudent and dangerous course to maintain with a vessel of such light draught, sailing with such a heavy beam sea.

Considering the state of the sea and the direction of the wind, it would have been more prudent for the master to have kept the mainsail set after his course was changed to enable him to manoeuvre the vessel more easily when

in danger, and had he done so he could have corrected the leeward set of the vessel and maintained a more weatherly course.

For these reasons the Court is of opinion that the loss of the vessel was due to her reckless or careless navigation by the master, James Jacobson, and it has suspended his certificate of competency as master for six calendar months.

Dated at Melbourne, in the State of Victoria, this 24th day of February, 1911.

(Sgd.) C. A. C. CRESSWELL,  
President.

We concur in the above.

(Sgd.) J. A. ROBERTS, } Skilled  
(Sgd.) E. SMITH, } Members.

*(Issued in London by the Board of Trade on the  
13th day of April, 1911.)*