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HER MAJESTY'S SHIP "CAPTAIN."

PROCEEDINGS OF THE COURT MARTIAL ON THE
CAUSE OF HER LOSS.

(From the Broad Arrow.)

[CONCLUDED.]

On Saturday, October 8th, at 9 a.m., the Court assembled on board Her Majesty's ship *Duke of Wellington* in Portsmouth Harbor, to conclude the deliberations and weighing of evidence adduced before the Court by the various witnesses, and to deliver judgment. After the formal opening and mustering in the Court of Mr. James May, the gunner of the *Captain*, and the seventeen petty officers and seamen, the Court was closed, and remained so until a quarter to seven in the evening, when the doors were opened, and the President and members seen seated round the large table of the Court, wearing their cocked hats, a sign that the Court had framed and was about to deliver its judgment. The uncertainty when the judgment would be delivered, and the lateness of the hour—considering the locale of the Court on board ship in the middle of Portsmouth Harbor, at which this actually occurred—caused the number of spectators from the shore to be rather scanty. Among the few persons present in the body of the Court were Captain Rogers, commanding the United States frigate *Franklin*, Rear-Admiral Sir John Hay, M.P., and a party of ladies, and several naval officers on full and half pay, besides officers and men belonging to the ship.

The judgment of the Court, opening with the usual preliminaries in naval legal technical formalities of wording, was read by Captain Blake, and divested of its technical preparatory of wording, was as follows:

"The Court having heard the evidence of Mr. James May relating thereto (the loss of the ship), and that of the remaining survivors, and such other evidence as they deemed necessary, and having deliberately weighed and considered the whole of the evidence before them, do find that Her Majesty's ship *Captain* was capsized on the morning of the 7th of September by the pressure of sail, assisted by the heave of the sea, and that the amount of sail carried at the time of her loss (regard being had to the force of the wind and the state of the sea) was insufficient to have endangered a ship endowed with a proper amount of stability. The

Court, further find that no blame is attributable to Mr. James May, gunner of the second class, and the survivors of the *Captain*, for her loss, and the Court do fully acquit them of all blame, and the said Mr. James May and the other survivors are fully acquitted accordingly. The Court, before separating, find it their duty to record the conviction they entertain that the *Captain* was built in deference to public opinion, as expressed in Parliament and through other channels, and in opposition to the views and opinions of the Controller of the Navy and his department, and that the evidence all tends that the Controller of the Navy and his department generally disapproved of her construction. It further appearing on evidence that before the *Captain* was received from the contractors a grave departure from her original design had been committed, whereby her draught of water was increased by about two feet, and her freeboard was diminished to a corresponding extent, and that her stability proved to be dangerously small, combined with an area of sail, under these circumstances, excessive; the Court deeply regret that, if these facts were duly known and appreciated, they were not communicated to the officer in command of the ship; or, that, if otherwise, the ship was allowed to be employed in the ordinary service of the fleet before these facts had been sufficiently ascertained by calculations and experiment.

After the reading of the judgment had been concluded, the President, directing Mr. James May, the gunner, to stand forward at the head of the table, returned his sword to him, and said:

"Mr. May, I am desired by this Court to avail myself of this present occasion, the returning to you of your sword, to acquaint you that the Court is satisfied that you did everything in your power at the time of the loss of the *Captain* to save the lives of your shipmates, consistent with your duty, and that your conduct, and that of the other survivors of the crew of the *Captain* during the period they were under your command, reflects credit on yourselves and on the service to which you belong."

The Court was then declared dissolved.

Captain Sherard Osborn has published the following letter on the subject:

"Sir,—I have intentionally been silent during the sitting of the court martial ordered by the Admiralty to try *pro forma* the survivors of the lost turret ocean-cruiser *Captain*, and to inquire into the cause of that sad catastrophe.

"The Court was composed, whether Admirals or Captains, of officers in whom the

whole Navy would have the utmost reliance, so far as their independent integrity and their intelligence was concerned, and the verdict on the point they had to consider is all that could be desired. Their duty being done, it is now for those who hold, like myself, the professional reputations of my lost friends, Cowper Coles and Hugh Burgoyne, very dear, to ask the following questions, and to insist, sooner or later, on straightforward replies:

"First—By whose order was it that the *Captain* was inclined in Portsmouth Harbor early last August, for the purpose of ascertaining the position of her centre of gravity and consequent stability; and what was the date of that order?

"By the evidence before us, it appears that Mr. Barnes, of the Constructor's Department, Whitehall, did not complete the necessary calculations, based on the experiments of the 6th of August, until the 22nd of August. Mr. Robinson, the late Master Shipwright, and Chief Engineer, speaks of a report on the stability being completed on the 23rd of August—a fortnight, mark, before the ship was capsized. I therefore inquire,—

"Secondly—Whether these calculations ought to have occupied sixteen days for an expert to work out?

"An eminent shipbuilder whom Captain Coles was in the habit of occasionally consulting, tells me that the necessary formula should not have required more than eight hours' hard work.

"Thirdly—To whom was the report on the results of the experiments of the 6th of August communicated? Did the Board of Admiralty ever receive them? If so, on what date?

"I have reason to believe that the experiments were ordered, very wisely by the Board of Admiralty. With whom, then, lies the blame of the report and the necessary diagrams of the defective stability of Her Majesty's ship *Captain* not having been brought to the knowledge of the Admiral of the fleet of which she formed a part, or to that of her gallant officer commanding her?

"On these points, I maintain, the whole question turns of whether the blame of her loss lies with those on board the *Captain* or with the Controller's Department of the Admiralty, who now, like other prophets, are so wise after the event.

"I desire to make no charge as yet, but I maintain we have a right to replies to these queries.

"Admiral Sir Alexander Milne tells us that when he expressed alarm to Captain