

(No. 6615.)

“MINTARO” (S.S.)

AND

“NYMBOIDA” (S.S.).

IN the matter of a formal inquiry held at Newcastle and Sydney before his Honour Judge FITZHARDINGE, assisted by JOHN MACKENZIE and DANIEL DAKIN, Assessors, into the circumstances attending the collision between the British steamships “MINTARO” and “NYMBOIDA.”

The Court, having carefully inquired into the circumstances attending the above-mentioned shipping casualty, comes to the decision following:—

(1) The British steamships “Mintaro” (official No. 96291) and “Nymboida” (official No. 64783) were in collision at the entrance to Newcastle Harbour on the 1st day of September, 1903.

(2) By such collision the “Mintaro” suffered serious damage.

(3) The day was a clear one. The sea was calm, and the wind moderate from the North-East.

(4) Both vessels were inward bound from Sydney.

(5) Such collision was brought about by the wrongful act of Charles Henry Waller Willes, the captain of the “Mintaro,” in committing a breach of Article 23 of the Regulations for Preventing Collisions at Sea, contained in the Seventh Schedule of the Navigation Act, 1901 (see Article 24 of the Regulations made by virtue of Section 418 of the Merchant Shipping Act, 1894), in not so navigating his vessel as to keep out of the way of the “Nymboida,” a vessel he was overtaking.

The Court orders that the certificate of competency as master of a foreign-going ship of the said Charles Henry Waller Willes, issued by the Board of Trade, numbered 014311 and dated the 28th day of June, 1889, be suspended for a period of three months from the date of the said collision. The Court also orders the said Charles Henry Waller Willes to pay as costs to the owners and officers of the “Nymboida” the sum of five guineas, and the actual costs of witnesses.

Dated this 24th day of October, 1903.

GRANTLEY FITZHARDINGE,
Judge.

I, Thomas Johnstone Charlton, Deputy-Registrar of the Court of Marine Inquiry at Sydney, hereby certify the foregoing to be a true copy of the decision of the Court in the matter of the inquiry into the circumstances attending the collision between the “Mintaro” and the “Nymboida.”

Dated at Sydney this 2nd day of November, 1903.

T. J. CHARLTON,
Deputy-Registrar of the Court.

(Issued in London by the Board of Trade, on the
1st day of January, 1904.)

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