

FOR OFFICIAL USE

(No. 7825.)

“BENDIGO” (S.S.) AND “DISA” (S.S.).

CAPE COLONY LOCAL MERCHANT SEAMAN'S ACT, 1855.

FINDING OF THE COURT OF ENQUIRY
INTO THE CIRCUMSTANCES ATTENDING THE COLLISION
BETWEEN THE STEAM SHIPS “BENDIGO” AND
“DISA,” OFF DANGER POINT, ON 26TH MARCH, 1925.

In this case the declarations put in by the respective vessels were as follows:—

The s.s. “Bendigo,” of Greenock, Official No. 145603, 13,039 tons gross, from Australia to United Kingdom, via Durban and Cape Town, with a general cargo and frozen meat and a large number of passengers, was proceeding on her voyage in the vicinity of Danger Point on the 26th March, 1925, on a course towards Cape Point, N. 62 deg. W. true, at a speed of 13 knots. The sea was smooth and the weather fine, with a slight haze at times.

The steam trawler “Disa,” of Cape Town, Official No. 144820, 197 tons gross, was proceeding from Cape Town on 26th March, 1925, towards the fishing ground on the Agulhas Bank. Weather fine, sea smooth, heavy haze.

Under these circumstances, as far as they are supported by evidence, the s.s. “Bendigo,” at 11.16 p.m., sighted the masthead light, and shortly afterwards the green side light of the trawler “Disa” one point on her port bow. The third officer, who was officer of the watch from 8 p.m., kept these lights under close observation, and took frequent bearings of them. Finding that the bearing remained steadily one point on the port bow, he realised, as he stated in evidence, that there was risk of collision, but considered himself bound by Article 21 of the Regulations for Preventing Collisions at Sea; that “Where by any of these Rules one of two vessels is to keep out of the way, the other shall keep her course and speed.” The “Disa,” being the crossing vessel, having the “Bendigo” on her own starboard side (see Article 19), was the giving-way vessel.

Finding, however, that the “Disa” took no action and that a collision was imminent, he himself took action in accordance with the footnote to Article 21, which reads: “When, in consequence of thick weather or other causes, such vessel finds herself so close that collision cannot be avoided by the action of the giving-way vessel alone, she also shall take such action as will best aid to avert collision.”

He accordingly ported the “Bendigo’s” helm, too late, however, to avert collision, the “Bendigo’s” head having swung only 22 deg. at the moment of impact, 11.25 p.m. The “Disa” struck the “Bendigo” amidships on the port side with her stem and starboard bow, denting a coaling port and several plates. Both vessels were then manoeuvred to get clear of each other, and as soon as possible after the accident the “Bendigo” sent a boat across to the “Disa” to ascertain the extent of the damage she had sustained, and also to offer assistance if required. As a result of these enquiries the “Bendigo” stood by in case of need as both vessels proceeded towards Table Bay. At 8.45 a.m. the “Disa” signalled that he “thought he could manage to reach port.”

The “Disa’s” case, as presented to the Court, was that she was proceeding on a course S.E. Mag. at a speed of 9-9½ knots. The mate went on watch

at 10.40 p.m. and took the wheel till 10.50, when he was relieved by Granger, a deck hand, and thereupon almost immediately left the bridge in charge of the helmsman Granger. No other look-out was kept. It was under these circumstances the helmsman suddenly observed the masthead lights of the “Bendigo” across the bows, close aboard. He rang “full speed astern,” but too late to avert collision. The “Disa” struck the “Bendigo” as stated above, damaging her starboard bow and twisting her stem completely round, also doing other damage above the hull. She was found to be making water, but this was kept under by her own pump, enabling her to reach Table Bay without assistance. The “Disa’s” explanation of the sudden appearance of the “Bendigo’s” lights close aboard was that she appeared out of a fog-bank.

The Court, in weighing the evidence given on both sides with reference to fog or haze, is forced to the conclusion that at no time during the period under review was the visibility of the lights impaired as a result of atmospheric conditions. Through the courtesy of Capt. Pape, Marine Superintendent of the Union Castle Co., the Court was fortunately able to obtain independent testimony from the s.s. “Grantully Castle,” which vessel was in the vicinity and in sight of the “Disa” and “Bendigo” at the time of the collision. This vessel was actually on the point of sailing, but was detained to enable an extract from her log, signed by her Commander and the officer of the watch, to be made. This extract, which covers the time from 10.10 p.m., March 26th, to 4 a.m., March 27th, records weather fine and clear. This document, handed in by Capt. Pape, was admitted by consent.

While recognising the arduous nature of the work of those engaged in the fishing industry, the Court at the same time desires to emphasise the seriousness of not keeping a good and efficient look-out and generally observing the rule of the road as laid down in the “Regulations for Preventing Collisions at Sea.” These observances are in their own interests as well as of those of other vessels navigating the same area.

The action of the mate, Copeland, in leaving the deck, especially at night and whilst in the track of other vessels, in sole charge of the helmsman, who in this case was an inexperienced youngster, in a closed-in wheel-house, and who admitted in evidence that he could not read the compass, was a grossly irregular proceeding, which in other and less favourable circumstances might have resulted in loss of life. The Court is satisfied that during the period under review the course S.E. Mag., said to have been steered by the “Disa,” was more nearly N.E., in other words nearly at right angles to the course of the “Bendigo,” and, furthermore, that her speed, given as about 9 to 9½ knots, was probably only about half that. The Court is of opinion that this low speed accounts for the relatively small damage to the “Bendigo,” although the “Disa” struck her with her stem end on.

The Court finds, therefore, that the “Disa” was solely to blame, and suspends the certificate of the mate, Copeland, for a period of six months from the date of the casualty. No blame is attached to the skipper or other members of the crew of this vessel.

(Signed) R. CORDEN LLOYD,
President.

(Signed) F. WHITEHEAD,
Master Mariner. }
(Signed) H. G. WIGHTMAN,
Master Mariner. } Members.