

(No. 7732.)

"MENDI" AND "DARRO."

THE MERCHANT SHIPPING ACT, 1894.

In the matter of a Formal Investigation held at Caxton Hall, Westminster, on the 24th, 27th and 31st days of July, 1917, and on the 1st and 8th days of August, 1917, before J. G. HAY HALKETT, Esq., assisted by Captain J. D. MOULTON, R.N., Commander L. W. BAYLDON, R.N.R., and Commander R. S. HOUSTOUN, R.N.R., into the circumstances attending the loss of the British steamship "MENDI," of Liverpool, through collision with the British steamship "DARRO," of Belfast, about 10 miles south of St. Catherine's Point, English Channel, on or about the 21st February, 1917, whereby loss of life ensued.

*Report of Court.*

The Court having carefully inquired into the circumstances attending the above-mentioned shipping casualty, finds, for the reasons stated in the Annex hereto, that the collision and consequent loss of life, loss of the s.s. "Mendi" and material damage to the s.s. "Darro," were caused by the wrongful act and default of Mr. Henry Winchester Stump, the master of the s.s. "Darro," in not complying with articles 15 and 16 of the Regulations for Preventing Collisions at Sea, as to sound signals and speed in a fog, and by his more serious default in failing, without any reasonable cause, to send away a boat or boats to ascertain the extent of the damage to the "Mendi," and to render to her, her master, crew and passengers, such assistance as was practicable and necessary, as required by section 422 (1) (a) of the Merchant Shipping Act, 1894. The Court suspends his certificate, No. 017169, for 12 months from the date hereof.

Dated this 8th day of August, 1917.

J. G. HAY HALKETT, *Judge.*

We concur in the above Report:

J. D. MOULTON,  
R. S. HOUSTOUN, } *Assessors.*  
L. WOOD BAYLDON, }

ANNEX TO THE REPORT.

This inquiry was held at Caxton Hall, Westminster, on the 24th, 27th and 31st days of July, and the 1st and 8th days of August, 1917, when Sir Reginald B. D. Acland, K.C., and Mr. J. R. E. Cunliffe, instructed by Sir R. Ellis Cunliffe, Solicitor to the Board of Trade, appeared for the Board of Trade, Mr. Frederick N. R. Laing, K.C., and Mr. Daniel Stephens, instructed by Messrs. Forwood, Williams & Grindrod, for the master of the "Mendi," and Mr. A. D. Bateson, K.C., and Mr. Lewis Noad, instructed by Messrs. Holman, Fenwick & Willan, for the master of the "Darro." Mr. Laing and Mr. Stephens also watched the case for the owners of the "Mendi," Mr. H. C. S. Dumas for the owners of the "Darro," and Mr. L. F. C. Darby for the Union Government of South Africa.

The "Mendi," official number 120875, was a British single-screw steamship, built of steel at Linthouse, Glasgow, by Messrs. Alexander Stephen & Sons, Limited, and her respective dimensions were:—Length, 370·2 feet; breadth, 48·2 feet; depth of hold, 28·96 feet; gross tonnage, 4,229·53 tons; and registered tonnage, 2,638·72 tons. She was fitted by her builders with three triple-expansion, direct-acting, vertical, inverted-cylinder engines of

654 h.p. nominal, supplied with steam by four steel boilers, working at a pressure of 180 lbs.; the diameter of her cylinders being 29 inches, 46 inches and 77 inches, respectively, and the length of stroke 51 inches. Her speed is given in the register as 13 knots. She was owned by the British & African Steam Navigation Company, Limited; Mr. John Craig, of Colonial House, 20, Water Street, Liverpool, being her registered manager. She was a clincher built, schooner rigged vessel, with two masts, six water-tight bulkheads, and seven water-ballast tanks of a total capacity of 750 tons. She had two decks, a fore-castle head, a raised 'midships or upper deck in two parts—one part forward of the funnel containing the saloon, the other abaft the funnel providing the second-class accommodation—and a poop deck. Communication between the two parts of the upper deck was by the usual ladders at the fore and after ends of the intermediate space. A flying fore-and-aft bridge connected the poop with the after part of the upper 'midships deck; a similar flying fore-and-aft bridge gave access from the fore-castle head to the fore part of the upper 'midships deck; and above the forward 'midships deck, on the fore part, was the navigating bridge. She had four holds, with four hatchways, the dimensions of the latter being, respectively:—No. 1, 17·4 feet by 14 feet; No. 2, 23 feet by 14 feet; No. 3, 15·2 feet by 14 feet; No. 4, 15·2 feet by 14 feet. The height of the hatch coamings was 2 feet. For the convenience of the troops in the 'tween decks, on the voyage in question, a booby hatch was fitted to the No. 1 hatchway, having the opening on the starboard side and a wide ladder with handrails leading to the 'tween decks, in addition to the usual iron rung ladder in the fore part. A small two-step ladder led from the booby hatch to the deck. There was no door in the bulkhead separating No. 1 and No. 2 'tween decks, and no means of direct communication between the two. Two booby hatches were fitted to No. 2 hatchway—which was much larger than No. 1—one of these having the opening on the starboard side, and the other the opening on the port side, with ladders leading to the 'tween decks, similar to that fitted to No. 1 hatchway, besides the usual iron rung ladder. A two-step ladder was also provided from each booby hatch, similar to that fitted at the No. 1 hatchway. The No. 4 hatchway was similarly fitted with a booby hatch and ladders, for the same reason. The hatchways were covered with portable wooden gratings of the kind ordinarily used in transports, which could easily be unshipped, and which, in bad weather, could be covered with tarpaulins and battened down. On this voyage they were not so covered. She had seven boats—six of which were life-boats—capable of carrying, in the aggregate, 298 persons. Of these, No. 1 life-boat, with a capacity of 49 persons, was carried on the starboard side of the forward 'midships upper deck; No. 2 life-boat, with a capacity of 48 persons, on the port side of the same deck; No. 3 life-boat, with a capacity of 48 persons, on the starboard side of the after 'midships upper deck; No. 4 life-boat, with a capacity of 49 persons, on the port side of that deck; No. 5 life-boat, with a capacity of 41 persons, on the starboard side of the poop deck; No. 6 life-boat, with a capacity of 39 persons, on the port side of that deck; and No. 7 boat (the gig) inside and abreast of No. 5 life-boat, on the starboard side of the poop deck. All the boats were of wood and clincher built; and all, except the gig, were carried under davits, swung out ready for lowering, and had ordinary disconnecting gear, with the falls running in threefold 12-inch blocks. All were properly equipped according to Board of Trade Regulations. She also carried 46 life-rafts of the buoyant air-tank type, each fitted with life-lines round the structure, and each capable of supporting about 20 persons in the water; their total capacity being about 920 persons. About 20 of these rafts were placed on the hatches on the after well deck—principally on the No. 3 hatch—and the remainder on the hatches and on top of the structures on the fore well deck. At the time of the casualty they were secured with light lashings, easily cut. She had 15 life-buoys, placed round the rails on the navigating bridge, promenade deck and after end of the combined poop and bridge deck. Six of these buoys were

(4910) Wt.130/369. 190. 9.17. B.&F.,Ltd. G.13/12.

(5917) Wt.G.575. 50. 10.17. G.13/12.

fitted with Holmes' lights, and two of them with lines. She was provided with 96 life-belts in the first-class accommodation, 64 in the second class, 50 in each of two boxes on the navigating bridge, and 810 in bales of 40 and 50, distributed in the troop decks. In addition to these, 153 life-belts were sent to meet the vessel at Lagos, and there were 15 children's life-belts in the ladies' cabins; making a total of 1,319 for adults and 15 for children. All the life-belts were of the ordinary cork pattern, as required by the Board of Trade. She was, also, fully equipped, according to Board of Trade Regulations, with the necessary pyrotechnic and other signals. There were three compasses in position, one on the fore part of the navigating bridge, one before the wheel on the bridge and one on the poop. She was supplied with a patent sounding machine, the usual deep-sea and hand leads and lines, and a patent taffrail log. She had, also, a Marconi wireless installation, in good working order, the operating room being abaft the funnel, in the space between the two parts of the 'midships upper deck. In all other respects she was well fitted and found.

The "Darro," official number 132026, was a British twin-screw steamship, built of steel at Belfast, in 1912, by Messrs. Harland & Wolff, Limited, and was owned by the Royal Mail Steam Packet Company, having its principal place of business at 18, Moorgate Street, London. Mr. George Montague Hicks, of R.M.S.P. Buildings, Southampton, was the ship's husband, having been appointed under the hand of the secretary of the owning company on the 29th May, 1916. She was clincher built, schooner rigged, with two masts, a straight stem and an elliptical stern; she had eight water-tight bulkheads, including her collision and after-peak bulkheads; and there were 12 water-ballast tanks, with a total capacity of 2,440 tons. Her respective dimensions were:—Length, 500·7 feet; breadth, 62·35 feet; depth of hold, 44·5 feet; gross tonnage, 11,483·92 tons; and registered tonnage, 7,291·5 tons. She was fitted by her builders with two sets of inverted, direct-acting, quadruple-expansion, condensing engines of 1,140 nominal horse power; the diameters of the cylinders being 23 inches, 34 inches, 48 inches and 69 inches, respectively, and the length of stroke 51 inches. She had two shafts; and her engines were supplied with steam by 2 D.E. and 2 S.E. British, horizontal, cylindrical, multitubular boilers, built of steel in 1912 with a loaded pressure of 215 lbs. Her speed is given in the register as 13 knots. Fitted with steam-steering gear, she was steered from the wheel-house on the flying bridge. No plan of the vessel was produced in Court; but she was described as having two complete decks and three partial decks. Her passenger certificate expired on the 10th November, 1916, and at the time of the casualty it had not been renewed. A temporary passenger certificate, issued by the Board of Trade from the port of Liverpool on the 23rd November, 1916, expired on the 21st December, 1916. In accordance with this certificate, she was then re-licensed to carry 111 first, 42 second and 829 third-class passengers, with a crew of 195 all told; making a total of 1,177 passengers and crew. She had 14 class Ia life-boats in davits, swung out when in a danger area, certified to accommodate 713 persons, and 10 class IIe Engleheart boats, not in davits, having a certified capacity of 464; thus providing boat accommodation for the whole of the 1,177 persons whom she was, in 1916, licensed to carry. In addition to these boats, 10 Perry & Chambers' life-rafts were provided, each capable of supporting 20 persons in the water. There were also on board 18 life-buoys, 9 of which were fitted with Holmes' lights, 1,220 life-belts for adults and 120 life-belts for children; all of these being disposed as required by the Board of Trade. Sufficient and satisfactory compasses and other equipment were also provided, and in every respect the vessel was well fitted and found for the voyage on which she was engaged.

The "Mendi" was chartered by the Government in the autumn of 1916, and left Liverpool in October of that year, bound to the West Coast of Africa as a freight ship. There she was fitted as a transport with fittings brought out from Liverpool, and she then proceeded to the East Coast of Africa, returning later

to a South African port, where she embarked about 1,500 tons of Government cargo and an African labour battalion of 5 officers, 17 non-commissioned officers and 802 native troops. The latter were quartered in the No. 1, No. 2 and No. 4 'tween decks; No. 3 being reserved for cargo and stores. The fittings were overhauled and inspected at this port, and were, in every respect, the same as if she had been chartered to carry European troops. Leaving South Africa, homeward bound, under convoy, with a crew of 89 hands all told (as detailed in the answer to question No. 4, set out below), under the command of her master, Mr. Henry Arthur Yardley, who holds a certificate of competency, as extra master, No. 014726, she called at Lagos and Sierra Leone, and eventually put in at an English Channel port for orders, about the 18th or 19th February, 1917. On the way home one of the assistant stewards died, and an additional trimmer was taken on at a West African port. During the voyage, the crew and the labour battalion were frequently exercised at fire and boat stations; and the men of the labour battalion, under the supervision of the ship's officers and their own military officers, were instructed as to the manner of releasing the life-rafts and getting them overboard. At Lagos, the whole crew were exercised at boat stations with boats in the water; at Sierra Leone, 10 or 12 days before arriving in the Channel, all the boats were again put in the water, and found to be tight and in good order; and during the last 9 or 10 days of the passage both crew and troops were exercised daily, mustering at the boats and rafts and putting on life-belts. About 80 of the native labour troops were allotted to the No. 1, No. 2, No. 3 and No. 4 life-boats on the 'midships upper deck, and the remainder to the life-rafts, which were nearer than the boats to their quarters; the two life-boats on the poop deck being reserved for the sick and the hospital attendants. These dispositions were arranged in consultation with the military officer in charge of the battalion, and were, under the circumstances, the best that could have been made. It was also arranged that four blasts on the whistle should be the signal for boat stations.

In the afternoon of the 20th February, the "Mendi" left the Channel port above mentioned, at full speed, under escort, on an up-Channel course, the weather being overcast, threatening mist, with light winds and a smooth sea. At 5.30 p.m. it was practically dark. One man was stationed in the crow's nest and two on the fore-castle head, as lookout; a quartermaster was with the officers on the bridge; and several of the native troops were stationed at various positions round the ship. No navigation lights were shown until about 7.30 p.m., when the oil side lights and stern light were exhibited, and the oil masthead light was lit and put in the cage, ready for hoisting if required. Oil lamps were used instead of electric lights, the master being of opinion that the former had greater visibility in fog. About 11.30 p.m., the vessel still going at full speed (12 knots), the weather became foggy and the whistle was sounded according to the Regulations for Preventing Collisions at Sea. From this time until the time of the collision, the master remained on the bridge, except during short intervals when he went down to the chart-room, under the navigating bridge, to fix his position by the chart. About midnight two casts of the lead were taken. After midnight the weather became thicker, with fog in patches, and speed was reduced, the vessel proceeding at various speeds until about 3.45 a.m. of the 21st February, when the engines were put to slow, owing to the density of the fog. The whistle was continuously sounded in accordance with the Regulations, and during the middle watch a number of other steamers' whistles were heard, mostly on the port side. At 4 a.m. the second and fourth officers came on watch. After 4 a.m., the weather being very thick and misty, the "Mendi" continued at a slow speed, sounding her whistle; and other steamers' whistles were heard as before. At 4.30 a.m., the weather being even thicker, another cast of the lead was taken. About 4.45 a.m. the escort hailed the "Mendi" and suggested that the slow speed made it difficult for her to keep her position; but, in the exercise of his discretion, having regard to the safety of his ship, the master

did not increase his speed. The master then left the bridge to fix a new position from the sounding just obtained; the ship's course being, at this time, S. 75 E. magnetic. While the master was in the chart-room fixing the position, the fourth officer, who was on the bridge with the second officer, heard a vessel approaching through the water, and sounded the "Mendi's" whistle. Almost immediately he saw the masthead light and port side light of the approaching vessel, which was heading straight into the "Mendi's" starboard side. The second officer—who was unfortunately amongst those lost in consequence of the casualty—at once rang "full speed astern," gave the order "hard-a-starboard" and blew three short blasts with the whistle. Hearing the telegraph wires used and the whistle blown, as described, the master returned to the bridge as quickly as possible and, as he reached it, saw the masthead and red lights of a steamer very close, about 3 points before the beam. The orders given by the second officer were promptly carried out, but without effect. The collision occurred almost immediately, the colliding vessel—which turned out to be the s.s. "Darro"—striking the "Mendi" a heavy right-angled blow between No. 1 and No. 2 hatches, about 12 feet forward of the bulkhead, and cutting into her to a depth of about 20 feet.

The "Darro" left Buenos Ayres on the 10th December, 1916, with passengers and a cargo of frozen meat, homeward bound to a port in the English Channel, for orders; arriving there on the 28th January, 1917. There she landed her passengers, leaving in the afternoon of the next day for another English port, which she left on the same evening for a French port, where she duly arrived in the roads at 8.4 a.m. of the 31st January. At 6.25 p.m. of that day she was berthed. Nothing of importance occurred until 6.30 a.m. of the following day, when the chief officer called the master and reported 28 feet of water in No. 2 hold. This was eventually kept under by the pumps, the undamaged portion of the cargo was discharged, and on the 8th February she was dry docked. It was then found that she had a large hole, about 16 or 17 feet long and open 3 to 4 inches in places, in her starboard bilge, under No. 2 hold; apparently due to her striking some submerged obstacle. Temporary repairs were effected; and the vessel was duly surveyed, on the 15th February, by the surveyor to Lloyd's Register at the same port, who gave a certificate of seaworthiness to enable her to proceed to Liverpool. On the 19th February the master received certain verbal instructions from the French naval authorities, supplementary to the general instructions issued by the British Admiralty. On the evening of the 20th February the "Darro," drawing 19 feet 6 inches forward and 21 feet 6 inches aft, and carrying, by way of cargo, only the damaged portion of the frozen meat, left the French port above mentioned, bound for an English Channel port, with a crew of 143 hands all told, under the command of her master, Mr. Henry Winchester Stump, who held a certificate of competence, No. 017169, as master of a foreign going ship. The weather on leaving was dull, overcast and misty, with a light air from the S.S.E. and calm sea. Shortly after, it became clearer, and remained so until about 11 p.m. Various courses were steered, at full speed, the master intending to make the English coast before daylight. What her full speed was, is not easily ascertained. The master stated that it was about 12½ knots; the ship's register shows it was estimated at 13 knots; and the entries in the deck log on the morning of the casualty—which have obviously been altered—give it as 15.6 knots before 3 a.m. (21st February) and 12.6 knots afterwards. As the five entries which have been altered were, all of them, originally 13.8, it may be assumed that the actual full speed was somewhere about 14 knots. In the engine-room "Move Book," it may be observed, there is no indication of any change of speed between "ahead full," at 10.6 p.m. (engine-room time) of the 20th February and "Stop," at 4.55 a.m. (engine-room time) of the 21st February, the only entry between these hours being "Stand by," at 11.19 p.m. A thick fog set in about 11 p.m. (20th February) and the engine-room telegraph was rung, "Stand by"; but the speed was not reduced, nor was the whistle

sounded, as required by articles 15 and 16 of the Regulations for Preventing Collisions at Sea. Up to and after midnight of the 20th/21st February, the weather remained foggy, and full speed was maintained, with the engines at "Stand by," a look-out on the fore-castle head, a look-out in the crow's nest, another on the top of the wheelhouse, and the master and the officers of the watch on the bridge the whole of the time. At 1 a.m. soundings were taken; between 1 and 2 a.m. a light was seen through the fog and the course altered in a northerly direction; and at 2 a.m., with the weather still foggy, another cast of the lead was taken. At and after 4 a.m. the vessel was still going at full speed, with the telegraph at "Stand by"; the master was on the bridge with the officers of the watch (the chief and third officers); and the men on look-out were disposed as above mentioned. The electric side lights and masthead light were still exhibited. From 4 a.m. to the time of the collision the weather, as described by the witnesses from the "Darro," was foggy in patches; and no ships, or ships' lights, were seen, and no sound signals were heard, by those on board. Her whistle was still not sounded. The master suggested that certain orders and instructions, overriding the Regulations, were received by him; but he was unable to state definitely when, where, or by whom such orders or instructions were given. He subsequently admitted that he had received no specific instructions as to speed or sound signals in fog, on this passage, or at any other time, and that he was using his own discretion. He probably did receive, as he alleged, instructions as to the time when he should endeavour, if practicable, to arrive at a particular locality; and he appears to have interpreted these instructions as an order to go full speed. He also received instructions from the French naval authorities as to his lights; but, in the exercise of his discretion, he disregarded, or misinterpreted, these instructions and exhibited the lights prescribed by the Regulations. The Court is satisfied that, up to the time of, and for some months after, this casualty, no specific orders or instructions as to speed or sound signals in fog, were issued by the Admiralty, and that no person had authority to give any such orders or instructions on their behalf. About 5 a.m. of the 21st February, the "Darro," still going at full speed and making no sound signals, though the weather was becoming even thicker, the master and chief officer heard what appeared to them to be a long blast from a whistle and another from a siren. At the same time they saw a green light, some 200 feet distant, about a point on the port bow. The second officer and the men on look-out heard only one such signal, besides the answering blast from the "Darro." The green light was reported, simultaneously, by the men on look-out in the crow's nest and on the fore-castle head. Orders were, at once, given to stop the engines and put them full speed astern; but no sound signals were made. No order was given as to the helm. Immediately afterwards, the "Darro" struck a vessel, which subsequently proved to be the "Mendi," a heavy right-angled blow on the starboard side. The engines were again stopped, after going full speed astern for a couple of minutes, and the two vessels separated. The "Mendi" disappeared in the fog, and was not again seen by those on board the "Darro"; nor was any distress signal from those on board the "Mendi," or her escort, heard or observed by them.

The master of the "Mendi" was knocked down by the force of the collision. A second or two later, he got up, went to the fore part of the bridge, and found the engines were at "full speed astern"; but, the weather being so thick with fog, he was unable to see the stem of the vessel which had cut into his ship. Meantime, the "Darro" backed out of the opening she had made in the "Mendi," and disappeared in the fog. The master of the "Mendi" then stopped the engines, sent the fourth officer to tell the carpenter to sound the ship, and gave the order to lower the boats to the rail. The four-blast signal for boat stations was sounded, but no S.O.S. signal was sent out. The master sent for the Marconi operator to give him the necessary order, but he did not come, nor was he ever seen again. Orders were next given for the boats to be put in the water and

to lie alongside. All orders were promptly obeyed. The starboard boats were got into the water; but, the "Mendi" quickly taking a heavy list to starboard, the port boats jammed against the side and could not be successfully lowered. No. 2 boat could not be got below the rails; No. 4 boat, after some difficulty with the falls, just reached the water and then capsized through overloading; and No. 6 was stove in against the ship's side. Of the starboard boats, No. 1 and No. 3 were safely lowered; and No. 5 also reached the water safely, but the natives sliding down the deck to starboard, owing to the heavy list, crowded in and capsized her. The men in her were thrown into the water, and though an attempt was made to right her it was without result. Whether the gig was got over the side or not, is not known. There is no doubt that the "Darro" damaged the bulkhead between No. 1 and No. 2 holds, and that the latter hold was filled with water as well as the former. In the opinion of Mr. George Ritchie Brace, naval architect and surveyor, of Liverpool, the vessel would not have foundered if No. 1 hold alone had been flooded. The master soon realised the dangerous condition of his vessel, and he ordered the rafts to be put overboard and every one to take to the boats and rafts. These orders were promptly obeyed: practically all the rafts being put over the side and the troops and crew acting with commendable discipline. There was no panic. The sea was smooth, there was no wind, the morning was dark and the weather thick with fog. The boats remaining were then ordered away. No. 1 and No. 3 boats pulled away accordingly, and, after picking up a number of the men in the water, eventually reached the "Darro," as mentioned below. The "Darro" was not in sight, and about 20 minutes after the collision the "Mendi" went down by the head, with a heavy list to starboard, the master remaining on the bridge to the last. When the No. 2 port boat jammed against the rail, the chief officer, who was in charge of her, ordered the members of the crew and the troops, who were in her, to the other side. He, himself, was thrown over to starboard and, seeing the starboard boats and some rafts in the water, he dived overboard and was, eventually, pulled into No. 1 boat, which was the first to reach the "Darro." The second officer was in No. 4 boat, on the port side, when she capsized. He was thrown into the water, and was pulled on to the keel of the upturned boat and his broken life-belt readjusted by Hougard, a lamptrimmer, who gave evidence at the inquiry. He was eventually picked up, with others, by the escort, but, unfortunately, died soon afterwards from exposure. The third officer was below at the time of the collision, and was last seen at No. 4 port boat, of which he was in charge, when she jammed. He was, unfortunately, drowned. The fourth officer was thrown into the water when No. 5 boat capsized, but was pulled on to the keel of the upturned boat by two of the natives and hung on, with several others, until rescued by the escort, about an hour and a half after the collision. Quartermaster Hugh James Wilson, who was at No. 4 boat when she jammed, ran across the deck and jumped into No. 3 starboard boat, as she got away. As the boat was overcrowded with Army officers and natives, Wilson and the fourth engineer (J. W. Pascoe) agreed together to jump overboard to make room for them. They did so, swam to a raft to which they clung, and were afterwards picked up by the escort. Another member of the crew, Vincent Capner, an ordinary seaman, who was standing by to take soundings when the collision occurred, and who helped to lower No. 3 starboard boat, went forward, after this boat had been lowered, to see that his comrades were all out of the forecabin. On the way there and back, he saw the native troops, under their officers, getting out the rafts, as if at drill; and he also stated that he saw men of the labour battalion "coming up the scuttle from No. 1 hatch." An affidavit by Lieutenant van Buren, of that corps, stated that one section of the natives, berthed in No. 1 'tween decks, did not fall in at their stations; and suggested that the doors of the booby hatch had been jammed by the collision and prevented their escape. Whether this was so or not cannot be determined with certainty; but, in view of the evidence of Mr. Brace, it is more

probable that they were killed by the collision, at the time of impact, or drowned by the inrush of water immediately afterwards. The same officer, in his affidavit, suggested that there was some "failure" of the "Mendi's" life-boats, stating that "the bottom fell out of one as she was being lowered and the other turned upside down before she reached the water." There was no evidence of any such "failure," and this officer's statement as to the two boats mentioned, is probably a mistaken view of what happened to these boats, as detailed above. When the water was nearly level with the bridge, the master, wearing a life-belt, walked over to the port side and went into the water, floating amongst the wreckage, where he was struck on the head by the truck of the foremast, as the ship righted herself before sinking. Stunned by the blow, he went under the water, came again to the surface, and managed to reach one of the rafts, which had about 14 to 16 natives hanging on to it. He also hung on to it until he became unconscious. Shortly after he got to the raft, one of the natives on it died of exposure, the water being bitterly cold, with a temperature of about 38° F.; and several other natives, hanging on to it, dropped off before he was finally rescued. Eventually a dinghy from the escort came up and towed the raft to that vessel, where those who were left were taken on board. Altogether, the master must have been in the water for about an hour and a half. The witnesses from the "Mendi" agreed that nearly all the rafts were got overboard, and one witness (Quartermaster Thomas) stated that he saw about 40 of them in the water. The "Mendi's" witnesses were also agreed that, while there was no confusion or shouting on board that vessel after the collision, there was a great deal of shouting from the men in the water. One witness, indeed, stated that the cries of distress were louder than the escort's whistle, and he added, "They were making an awful noise in the water." As the "Darro" was then not more than from 200 to 400 yards distant, these cries must have been heard by everybody on board that vessel. One life-buoy, with a Holmes' light, was lowered over the starboard side by Quartermaster Thomas, from the "Mendi," and this showed him the position of No. 1 boat. No life-buoy was thrown over from the "Darro." The position of the vessels, at the time of the collision, was about 10 miles south of St. Catherine's Point, Isle of Wight, and it was stated to have been then about slack water.

Immediately after the collision, the master of the "Darro" ordered the chief officer to sound the bells, to call all hands on deck with life-belts, and to get the life-boats ready and provisioned, as apparently he contemplated the possibility of having to abandon his ship. This was done, and the boats were lowered to the rail of the promenade deck; the crew putting on their life-belts and taking their stations at the boats. No attempt was made to hail the other vessel, to lower a boat into the water, or in any way to ascertain what damage had been done to her, or what assistance could be rendered; but, by order of the master, the S.O.S. signal was sent out by wireless. No reply was received. The carpenter reported that the collision bulkhead was intact, and that there was no water abaft it, the wells being all dry; but that the fore peak was full up to the water line. As there was no hole in the vessel, the water could only have come through the strained rivet holes in the bow plates. Subsequent reports were made by the carpenter, from time to time, to the effect that she was making no water abaft the collision bulkhead; and about 5.30 a.m. the chief officer made a report to the master to that effect. The pumps were not used, as there was no necessity to use them. Shortly after the collision, the "Darro" sounded her whistle for some time—two long blasts in quick succession, in accordance with article 15 (2) (b) of the Regulations. Shouts were heard by those on board, which some thought came from the water and some thought came from boats, as the sound of oars could also be distinguished. The master admitted that he heard some of these shouts; but explained that this was only during the ten minutes following the collision, when his boilers were blowing off steam, and that he heard no shouts or cries for assistance at

any time afterwards. It does not appear to have occurred to him that these shouts might have been from people in difficulties in the water, and he took no steps to find out where they came from. The chief officer stated that he heard the shouting and the sound of oars until about half an hour after the collision, when a boat appeared to be approaching his vessel, and by his order the port gangway ladder was lowered and clusters of electric lights hung out over the side. Twenty minutes later, according to him, the "Mendi's" No. 1 boat came up with about 60 survivors from that vessel, including the chief officer, second engineer, chief steward, a quartermaster, and a number of the native troops. Some of the men were in the water hanging on to the gunwale. They were in an exhausted condition, and were helped up the ladder by the crew of the "Darro." The second officer of the "Darro," who was then at the port gangway, made inquiries, and was told, apparently by the "Mendi's" chief officer, that the vessel with which they had collided was the "Mendi," and that she had native troops on board. A quarter of an hour later, he reported this to the master. Unfortunately, neither the master nor the second officer could remember the details of the conversation which then took place. The master, when recalled, towards the end of the inquiry, stated in evidence—though that statement does not appear in the transcript of the shorthand notes—that he remembered nothing at all about this report by the second officer. During the conversation, however, nothing apparently was said by either of them as to lowering a boat or boats, and, in fact, no boat, other than the emergency boat hereafter mentioned, was launched, and no step was taken to ascertain whether there were any men in the water. The master stated that he gave instructions to the chief officer to make inquiries and report to him; and that, about an hour after the collision, the chief officer told him the other vessel was the "Mendi," and that she had a big number of native labourers on board. He also stated that he thought he had run into a torpedoed ship, and other witnesses from the "Darro" mentioned a similar rumour; but there was no trustworthy evidence as to where or how this rumour originated. About this time, the "Mendi's" No. 3 boat, with about 60 survivors, including a number of the native labour troops, came to the port side of the "Darro," and the exhausted men were helped up the ladder as before. The shouting continued, and was heard again by the second officer after the second boat arrived at the "Darro," by Milford, A.B., who said that it went on for two hours, and by Quartermaster Krain and Cotter, A.B., who both stated that it went on all the time until daylight, which was about 6.30 a.m. Some time after the arrival of the second boat alongside the "Darro," she was hailed by a raft with three natives on it, and the emergency boat was lowered and sent away to tow it alongside. The starboard gangway ladder was lowered, and the men were helped on board. Nothing further was done to rescue the men on other rafts or in the water. No other boat was lowered from the "Darro"; and the two boats which came from the "Mendi" were cast adrift. Some of the "Mendi's" crew stated that they heard suggestions made by some of the European crew of the "Darro," that they would like to go back with these boats and try to save some of the people in the water. Nothing, however, was done. The "Darro" remained in the vicinity until about 8.45 a.m., and she then proceeded through the fog, at reduced speed, sounding her whistle in compliance with the Regulations, to St. Helen's Roads, Isle of Wight, and later to an English Channel port where, according to her official log book, she landed 107 survivors, including 7 military passengers and 64 natives of the labour battalion. The total number of persons saved, including those picked up by the escort, was 267. No witness was called from the latter vessel, and the evidence available on this point was incomplete. So far, however, as could be determined by the Court, the number of survivors was as stated, and the loss of life was as detailed in the answer to No. 4 of the Board of Trade questions. The names of those members of the "Mendi's" crew who lost their lives through the collision, are given in the schedule attached hereto.

Various contentions were put forward on behalf of the master of the "Darro." It was argued that the weather encountered by the "Darro" was not really foggy until just before the casualty, and that, even if it had been foggy from much earlier—as it was, according to the weight of evidence, including the log of the "Darro"—the master was justified, under war conditions, in disregarding the Regulations and proceeding at full speed without sound signals. The Court has every desire to make the fullest allowance for the anxious position in which masters are placed by the dangers with which they are beset, at the present time; but, in its opinion, these dangers, frequent as they are, do not justify masters in taking the responsibility of running their vessels into other dangers as great, and more certain, in the absence of authoritative Admiralty orders compelling them to do so. It was further argued that, under present conditions and in a fog, the master of the "Darro" committed no breach of section 422 (1) (a) of the Merchant Shipping Act, 1894, in failing to send away a boat or boats to ascertain what damage the vessel he had collided with had sustained, and to render assistance to those on board of her. The facts of the case are such that the Court is unable to find any excuse for the master's inaction. He knew that his powerful ship, going at full speed, had struck another vessel a heavy right-angled blow and, very soon afterwards, that this vessel was the "Mendi," with troops, the crew of which had been compelled to take to her boats. He must have heard, for much longer than he admitted, the cries proceeding from the water, as they were heard generally on board his ship, for hours, by competent witnesses on duty. There was nothing to have prevented him from sending away boats, in the then smooth water, to ascertain what had happened to the other vessel and what the circumstances were of those whose cries were heard. He waited until a second boat had come alongside, and until the occupants of a raft had been taken off by his emergency boat, and although the occupants of the two boats and of the raft were in an exhausted condition, he made no inquiries, and took no steps, even then, to ascertain the result of the casualty; remaining in the vicinity and doing nothing for, in all, nearly four hours. Had he got boats out as soon as he knew his vessel was safe, many more lives would, in all reasonable probability, have been saved. In the opinion of the Court, his inaction was inexcusable.

The Court desires to express its sympathy with the relatives of all those who lost their lives in this lamentable disaster, and its appreciation of the good discipline maintained by those on board the "Mendi"—master, officers, crew, military officers, non-commissioned officers and native troops alike—under most trying circumstances, and of the generous spirit of self-sacrifice shown by the members of the crew whose acts of gallantry are mentioned above.

At the conclusion of the evidence, Sir Reginald Acland, on behalf of the Board of Trade, submitted, for the opinion of the Court, the following questions:—

(1) At or about 5 a.m. on the 21st February, 1917—  
(a) Were both vessels exhibiting the lights required by Article 2 of the Regulations for Preventing Collisions at Sea?

(b) Was the weather thick with fog? If so, were both vessels navigated at a moderate speed, and did they comply with Article 16 of the said Regulations?

(c) Did the vessels properly sound their whistles for fog and comply with Article 15 of the said Regulations?

And if the vessels, or either of them, did not comply with Articles 2, 15 and 16 of the said Regulations or any of them, were the masters or master of the vessels or vessel, as the case may be, not so complying justified for any cause or reason in not complying therewith?

(2) Should the vessels have slackened their speed or stopped or reversed their engines at any time, and, if so, did either of them fail to do so?

(3) Was a good and proper look-out kept on board the s.s. "Mendi" and the s.s. "Darro," respectively?

(4) What was the total number of persons employed in any capacity on board the s.s. "Mendi," and what were their respective ratings? What was the number of the officers and troops on board the "Mendi"?

How many members of the crew, and how many of the officers and troops, lost their lives?

(5) What was the cause of the collision and loss of life?

(6) Did the master of the s.s. "Darro" comply with the provisions of section 422 (1) of the Merchant Shipping Act, 1894? If not, was there reasonable cause why he did not so comply?

(7) Were the s.s. "Mendi" and the s.s. "Darro" respectively, navigated with proper and seamanlike care?

(8) Were the life-saving appliances on board of the s.s. "Mendi" adequate and proper in the circumstances?

(9) Were proper steps taken to instruct those on board in the use of such appliances in case of need?

(10) Were proper steps taken after the collision to make effective use of such appliances?

(11) Was the loss of the s.s. "Mendi" and for the loss of life and for the material damage sustained by the s.s. "Darro" caused by the wrongful act or default of the master of the s.s. "Mendi"?

Was the loss of the s.s. "Mendi" and for the loss of life and for the material damage sustained by the s.s. "Darro" caused by the wrongful act or default of the master of the s.s. "Darro"?

Mr. Laing having addressed the Court on behalf of the master of the "Mendi," and Mr. Bateson on behalf of the master of the "Darro," Sir Reginald Acland then replied on behalf of the Board of Trade, and the Court gave judgment and returned the following answers to the questions of the Board of Trade:—

(1) At or about 5 a.m. of the 21st February, 1917—

(a) The s.s. "Mendi" did not comply with Article 2 of the Regulations for Preventing Collisions at Sea. She exhibited side lights and stern light only, and carried her masthead light in the cage, lighted ready for hoisting if required. The s.s. "Darro" was exhibiting the lights required by that Article.

(b) The weather was thick with fog. The s.s. "Mendi" was navigated at a moderate speed and complied with Article 16 of the said Regulations. The s.s. "Darro" was not so navigated, and did not comply with that Article.

(c) The s.s. "Mendi" complied, but the s.s. "Darro" did not comply, with Article 15 of the said Regulations.

Under war conditions the master of the s.s. "Mendi" was justified, in accordance with instructions received, in not complying with Article 2 of the said Regulations, and the Court is of opinion that the absence of his masthead light was not a contributory cause of the collision. The master of the s.s. "Darro" had received no specific instructions as to speed or sound signals in fog, on this passage, and was not justified in failing to comply with Articles 15 and 16 of the said Regulations. He received instructions to mask all his lights effectively; but evidently did not interpret this order to include his navigation lights, which he duly exhibited in accordance with Article 2 of the said Regulations.

(2) The s.s. "Mendi" slackened her speed when the fog set in, and was going slow at the time of the collision. She also stopped and reversed her engines, in compliance with Article 16 of the said Regulations, as soon as she heard the whistle of the "Darro" forward of her beam. The s.s. "Darro" should have slackened her speed when the weather became foggy, but she failed to do so. She stopped and reversed her engines, in compliance with the said Article, when she heard the whistle and saw the lights of the "Mendi." Article 23 does not appear to apply to the then circumstances.

(3) A good and proper look-out was kept on board the s.s. "Mendi" and the s.s. "Darro," respectively.

(4) The total number of persons employed on board the s.s. "Mendi" was 89. The respective ratings were as follows:—1 master, 4 officers, 1 chief engineer, 5 engineers, 1 surgeon, 1 purser, 1 telegraphist, 1 carpenter, 1 boatswain, 1 quartermaster, 5 A.B's., 1 O.S., 2 seamen, 2 deck hands, 2 deck boys, 3 greasers, 10 firemen, 9 trimmers, 1 chief steward, 1 chief saloon steward, 1 chief bedroom steward, 1 chief second cabin steward, 8 stewards, 15 assistant stewards, 1 storekeeper, 1 barber, 1 chef, 2 cooks, 1 baker, 1 assistant baker, 1 butcher, 1 scullion, and 2 gunners. The number of military officers and troops on board the "Mendi" was 824. Of these 5 were officers, 17 non-commissioned officers, and 802 African native labour troops. Thirty members of the crew (including the 2nd and 3rd officers), 2 military officers, 7 non-commissioned officers and 607 native troops lost their lives.

(5) The collision was caused by the s.s. "Darro" proceeding at an excessive speed without sound signals when the weather was thick with fog. The loss of life was caused by the collision, by the "Mendi" taking a heavy list to starboard and foundering so quickly, by the lack of assistance from the "Darro" after the collision, and by the low temperature of the water. The loss of life at the moment of impact was due to the "Darro" striking the "Mendi" on the starboard side, in the vicinity of the fore troop deck, where a considerable number of the native labour battalion were quartered.

(6) The master of the s.s. "Darro" did not comply with the provisions of section 422 (1) of the Merchant Shipping Act, 1894, inasmuch as he failed to send away a boat or boats to ascertain the extent of the damage done to the other vessel, and to render to that vessel, her master, crew and passengers such assistance as was practicable and necessary. There was no reasonable cause why he did not so comply, as very shortly after the collision he had the strongest evidence that his own vessel was in no danger of foundering.

(7) The s.s. "Mendi" was navigated with proper and seamanlike care. The s.s. "Darro" was not so navigated.

(8) The life-saving appliances on board the s.s. "Mendi" were adequate and proper, in the circumstances. Had it not been for the extreme coldness of the water in February, the life-rafts provided would, in all probability, have been the means of saving a much larger proportion of the native labour battalion.

(9) Proper steps were taken to instruct those on board the "Mendi" in the use of such appliances in case of need.

(10) Proper steps were taken after the collision to make effective use of such appliances, but owing to the heavy list to starboard which the "Mendi" took immediately after the collision, it was unfortunately impossible to lower the boats on the port side into the water. Practically all the rafts were launched, and practically all the men seen in the water, as well as those who were rescued, were wearing life-belts.

(11) Neither the loss of the s.s. "Mendi," nor the loss of life, nor the material damage sustained by the s.s. "Darro," was caused by the wrongful act or default of the master of the s.s. "Mendi." The loss of the s.s. "Mendi" and the loss of life, and the material damage sustained by the s.s. "Darro," were caused by the wrongful act and default of the master of the s.s. "Darro." The Court suspends his certificate, No. 017169, for 12 months from the date hereof; not so much because of his neglect to observe the said Regulations under war conditions, as because of his failure to comply with section 422 (1) (a) of the Merchant Shipping Act, 1894.

J. G. HAY HALKETT, *Judge.*

We concur:

J. D. MOULTON,  
R. S. HOUSTON, } *Assessors.*  
L. WOOD BAYLDON, }

## SCHEDULE.

List of members of the crew of the s.s. "Mendi" who lost their lives in consequence of the collision with the s.s. "Darro":—

Name.	Age.	Rating.	Nationality, etc.	Name.	Age.	Rating.	Nationality, etc.
H. Raine .	28	2nd officer	British.	A. Holmes .	27	Asst. steward	British.
W. Small .	21	3rd officer	"	A. Fargher .	26	"	(Unknown.)
W. Foster .	16	Deck boy	"	W. Bogie .	18	"	British.
R. Bowen .	16	"	"	H. Okill .	56	Cook	"
J. Nichol .	24	Fireman	Native, Sierra Leone.	W. Oborn .	38	"	"
J. Johnson .	21	"	Native, Sierra Leone.	W. Cooper .	35	Baker	"
Tom James .	19	"	Native, Benin.	B. Morris .	17	Scullion	"
J. Brown .	23	"	Native, Sierra Leone.	A. R. Steel .	54	Surgeon	"
R. Cross .	43	Chief saloon steward	British.	H. Mole .	25	Telegraphist	"
F. Harris .	25	Asst. steward	"	Thomas James	41	Asst. cook and baker	Native, Sierra Leone.
J. Evans .	33	Chief B.R. steward	"	R. Fearnley .	46	A.B.	British.
J. A. Bailey .	56	Chief 2nd cabin steward	"	W. H. Carroll .	36	Gunner	"
W. Hennessy .	42	Asst. B.R. steward	"	D. Johnson .	27	Fireman	Native, Sierra Leone.
				C. Johnson .	30	"	"
				S. Thompson .	28	Trimmer	"
				J. James .	25	"	"
				S. D. Friday .	23	Deck hand	Native, Grand Bassa.

Issued in London by the Board of Trade on the 2nd day of October, 1917.