

COPY. Secretary

7th February, 1924.

Dear Mr. French,

I am favoured with your letters of the 24th and 25th ultimo, respectively, regarding the case of the motorship "ELIZABETH RUTH", now named "FLYING CLOUD".

With regard to the original First Entry Report, I have to call your attention to your cablegram of the 26th January, 1921, reading as follows:-

"'Elizabeth Ruth' law case pending owners request production original reports New Orleans September nineteeneighteen Osbon Cowie April nineteentwenty freeboard New Orleans June nineteentwenty stop Please cable if these obtainable registered mail",

and to my reply of the 31st January, 1921, as follows:-

"ELIZABETH RUTH original
YCDON - reports are being forwarded to you (by)
registered post
VEDUX - as desired
but
WEGRI - freeboard
report is dated June nineteen eighteen not
nineteen twenty.

In my letter of the 2nd February, 1921, confirming this cablegram, I wrote as follows:-

"At the same time, I enclose herewith the originals of reports on this vessel as follow:-

New Orleans No. 1636 on the hull, machinery and electric lighting.

Mobile, Ala. No. 44 of survey on repairs in April 1920

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and the original freeboard report.

I shall be glad if you will be good enough to return these documents to this Office as soon as done with."

On the 19th July, 1921, I wrote stating:-

"I shall be glad if you will return these documents to this Office if the same are no longer required. Should it be necessary for the reports in question to be still retained in the New York Office, you will be so good as to advise me of the fact."

Mr. Davies, replying to this letter on the 2nd August, 1921, stated that he had taken this matter up some days ago with Messrs. Larkin, Rathbone & Perry, and was requested to retain the reports and papers there until the conclusion of the litigation which was expected to be sometime in the Fall.

The original First Entry Report must therefore be in the possession of the New York Office or of the lawyers in question.

With regard to the question of the classification of the vessel, I find that the First Entry Report appears to have been submitted to the American Committee and to have been dealt with by them at their Meeting on the 10th September, 1918, when it was decided to class the vessel +12A1, with a note "subject H. & M.". I conclude that this "subject" as regards the hull would be with reference to the reduced length of cable, which would be accepted as a war emergency measure and would have to be increased according to the Rules if, and when, required by the Committee; and that the "subject" regarding the machinery would have reference to the Annual Survey of the Oil Engines.

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but you will no doubt be able to confirm this through your records or through your correspondence at that time with the New Orleans Surveyor.

This First Entry Report came before the General Committee at their Meeting on the 10th October, 1918, when the classification assigned by the American Committee was confirmed, and the class was posted in the Register Book in due course and was also printed in Supplement No.7 which contained corrections and additions from the 10th October to the 24th October, 1918, and was issued on the 2nd November, 1918.

I can find no record here of the usual classification certificate having been issued, and, inasmuch as no question appears to have reached us regarding the condition of the vessel until December, 1918, it is obvious that the non-issue of the certificate could have had no reference thereto.

With regard to the question raised by the lawyers concerning the "status" of the vessel for the period of approximately a year and a half during which the vessel was under repair, I have to state that, in accordance with the Committee's invariable practice, the class of the vessel in the Society's Register Book was allowed to remain undisturbed, seeing that the necessary repairs were being effected, so that as a matter of fact the vessel did actually retain her class during that period. When the repairs were completed to the Surveyors' satisfaction, the class was continued with a fresh record of survey 4.20, but as the engines had been taken out of

the vessel she was entered as a shiling ship.

I hope this will enable you to make the position quite clear to the lawyers acting for the late owners of the vessel, viz. Messrs. Lever Bros, Ltd., to whom I need scarcely say the Committee are anxious to render every possible information.

Yours sincerely,

James French, Esq.,
NEW YORK.

P.S. Since writing the above it occurs to me that probably the "subject" attached to the classification of the hull of the vessel refers also to the requirement in the case of vessels classed 12A1 that they be submitted to special survey at four years and eight years of age.



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