

LLOYD'S REGISTER OF SHIPPING
17 BATTERY PLACE

NEW YORK

Cable Address "LAWYERLY NEW YORK"

CENTRAL UNION TRUST COMPANY BUILDING

80 BROADWAY, NEW YORK

January 8, 1924.

J. French, Esq.,
Lloyds Register of Shipping,
17 Battery Place,
New York City.

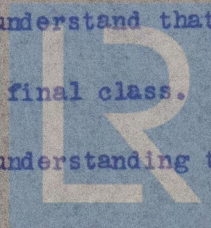
Schooner "Elizabeth Ruth"

Dear Mr. French:

Confirming conference with you yesterday, and your suggestion that we put in the form of a letter the exact points which we would like to have covered, we beg to state that the points in question are as follows:

We should like to obtain the data and information showing the status of this vessel upon the records of your Society from the time of the issuance of the temporary certificate of class by Mr. Buchanan up to the time of the issuance of the final classification.

Our understanding is that when Mr. Buchanan's final report was received in New York, it was acted upon by the American Committee and a memorandum (as previously testified to by Mr. Hutchinson) endorsed upon the papers. Thereupon the papers were forwarded to your London Committee. We should like in the first place to have the memorandum endorsed upon the papers at the instance of the American Committee; we understand that this memorandum approved the papers and recommended the issuance of the final class. However, before the London Committee could take action, it is our understanding that cable reports



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were received of the vessel's being at Havana in distress, and that, owing to said information, action by the London Committee upon the final classification was delayed. Subsequently the vessel went to Panama and was there surveyed by your surveyor, Mr. Humbert, and after an ineffectual attempt to start upon her voyage, the voyage was abandoned and the cargo discharged. Owing to the interest which your Society had then taken in the matter, Mr. Preston was sent to the Isthmus to make an inspection and report. We understand that this was done upon the authorization or approval of your London Committee. As a result of the examinations made by Mr. Preston and Mr. Humbert, it was recommended that the vessel be returned to a Gulf Port for extensive repairs, which it was decided would be necessary to enable her to retain her class. Mr. Humbert at that time issued a certificate of which we have a copy, authorizing the vessel to proceed in ballast to a Gulf Port for the purpose of making repairs. It is our understanding, however, that for all purposes relating to the carrying of cargo, the classification of the vessel was withdrawn from this time and until after the making of the repairs which were later recommended to remedy the defect of the edge-bolting omitted.

Pursuant to the authority contained in Mr. Humbert's certificate permitting the vessel to return to a Gulf Port in ballast the vessel returned to Mobile in June 1919. A survey was held at Mobile on July 7th to July 9th, 1919, in which you and Mr. Buchanan participated, and it was then definitely determined that the vessel was not edge-bolted. Following this survey you prepared

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repair specifications recommending the installing of heavy iron knees to give the vessel the necessary structural strength to enable her to carry cargoes and retain her class.

Various tenders were subsequently received for the making of these repairs, one of which was submitted by a shipyard at Jacksonville, Fla. and it was thought that it might be determined to have the repairs made there. For this purpose you personally issued a permit authorizing the vessel to be taken in ballast to Jacksonville. The repairs, however, were finally made by the Henderson Shipbuilding Company at Mobile, where they were completed in May 1920. Mr. Cowie and Mr. Osbon, the surveyors in charge of this repair work, issued their certificate at its conclusion, certifying that the repairs had been completed to their satisfaction. It is our understanding that only after the receipt of this certificate by the London Committee was the final certificate of class issued.

While from an inspection of the registers, it does not appear that the classification of the "Ruth" had been formally withdrawn as a matter of record, we understand that the vessel was not entitled to carry cargoes, and you have informed us that had the owners attempted to take the vessel out of port without your authority or attempted to carry any cargo, that the classification of the vessel would have been promptly withdrawn

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for all purposes.

What we wish to know, however, is the exact status of the vessel during this intervening period between the issuance of the temporary class and the issuance of the final class, namely a period of approximately a year and a half, during which time it is clear that the vessel did not have the benefit of a classification with your Society for the purpose of operating upon the seas as a carrier of cargoes. We should like this information in as much detail as possible so as to be in a position to issue a commission to London to take depositions. Also a skeleton outline giving dates and names, of the proceedings taken by the London Committee in respect to the Report, the temporary certificate, final certificate and the various surveys, together with a memo of its action on each document.

As we have previously advised you, our clients have lost approximately \$500,000. owing to the purchase of this vessel. The vessel as you know was purchased by an American subsidiary of Messrs. Lever Brothers, Ltd. When the matter of purchasing this vessel was originally considered by Messrs. Lever Brothers, Ltd. they expressed a staunch regard for your Society as a great British institution, and refused to buy any vessel other than one classified or to be classified by your Society. We refer to this fact to indicate that our clients are entitled to the fullest assistance that you are able to give them in connection with the action which has been pending for

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several years on behalf of the construction company which built this vessel.

A complete record of the proceedings of your London
Committee and the information from time to time before it, will be of the
greatest assistance to us in the forthcoming trial.

Very truly yours,

SGD

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