

WRECK SECTION No 314  
REPORT OF TOTAL LOSS, CASUALTY, &c.

No. 70706 in R.B. Wreck Book, p. 3/45 Date of writing this report 19  
Vessel's Name S.S. "Blackheath" \* of London Tons Gross 4637 Net 2702  
Built at Dundee When 1936 7 Casualty notice sent to Owner's Name Britain S.S. Co., Ltd. (Watts, Watts & Co., Ltd., Mgrs.)  
Address 37, Threadneedle Street, London, E.C.2

Case previously before Date Particulars of Classification.  
Classing Committee. Last Minute +100A1 with fbd 12,44 +LMC 7,36 BS2,44  
SS. No 1-40 TS, 143CL

Date of Casualty 10th January, 1945.  
Précis of particulars of Casualty Torpedoed on the 10th January, 1945,  
and vessel subsequently grounded 5 miles south of  
Cape Spartel, Tangier. Later she broke in two, and  
the vessel has now been given up as a Total Loss.

## THE "BLACKHEATH"

### Conduct of Spanish at Tangier

#### MR. EDEN'S STATEMENT

In the House of Commons yesterday Mr. EDEN, Foreign Secretary, replying to a question by Mr. Q. Bogg (Ld.) about the British ship "Blackheath", said that reports from the Acting Consul-General at Tangier showed that the ship, carrying a cargo of war material, was torpedoed on Jan. 10. She was subsequently abandoned by her crew and ran aground near Cape Spartel in the international zone of Tangier, where the Spanish authorities placed a guard of six men on board her.

Information just received from Gibraltar confirms that in the absence of the British crew members of the guard tried to pilfer personal effects found on board," said Mr. Eden, "but their efforts were frustrated when members of the crew returned. The attention of the Spanish Government was drawn to the matter with the request that they take appropriate action against the offenders. Information just received from Gibraltar also confirms that in the absence of the British crew the Spanish guard took down the Red Ensign and replaced it with the Spanish flag, apparently under the impression that the vessel had been finally abandoned by her crew and therefore had become open to the territorial maritime authority, in this case the local Spanish authority, to take possession of the ship.

"The Spanish flag was subsequently struck when members of the crew returned. Representations will also be made to the Spanish authorities in regard to the hauling down of the Red Ensign. The naval authorities at Gibraltar say that there is no question of H.M. tug "Nimble" having been raised away from the ship. When the steamship broke her back the Spanish authorities temporarily withdrew permission to save the ship on the ground that she had become a total loss.

"In order not to prejudice our efforts, which I am glad to say were finally successful to obtain permission to save the cargo, H.M. "Nimble", being a naval tug, was instructed by Gibraltar to leave Tangier territorial waters until permission had been obtained, which it subsequently was.

Date of Committee 5 APR 1945

Committee's Minute

#### NEUTRAL WATERS

Mr. HOGG: Does the reply mean that we accept that Tangier territorial waters are to be treated as solely Spanish and will by that say that British naval vessels will be free to go there as and when they please during this war and after it?

Mr. EDEN: I cannot possibly say that during this war, or under present arrangements after it, because the Tangier zone has always been regarded by us as neutral and not waters in which we can go and think it is not an unsatisfactory arrangement the arrangement that we should save the complete cargo of war material in what we accept as neutral waters.

#### LORD CRANBORNE'S STATEMENT

The case of the "Blackheath" was referred to in the House of Lords on Tuesday, when, in reply to a question by Lord WINSTER, Viscount CRANBORNE, leader of the House, said that in some respects Lord Winster and possibly others had been under a misapprehension. A number of reports had been received from the Acting Consul-General at Tangier regarding the loss of the "Blackheath". It appeared from these that the "Blackheath", which was carrying a cargo of war material, was torpedoed on Jan. 10 and ran aground in the international zone of Tangier. The ship was temporarily abandoned by her crew, and the Spanish authorities placed a guard of four men on board.

The Spanish authorities raised no objection to attempts being made by British tugs to tow the vessel, although the local commander, on the grounds of neutrality, would not agree to the transshipment of the cargo to another vessel in order to lighten the ship. The ship was prepared to allow the salvage of the ship with or without the cargo, but not of the cargo without the ship. Unfortunately, bad weather made any towing operations impossible and the ship broke her back on Jan. 14.

The British crew, which had by that time returned to the vessel, were taken off without casualties, as were the Spanish guard. At noon on Jan. 15 the Spanish authorities withdrew permission to save the wreck on the ground that she had become by then a total loss. In response to British representations permission was given by the Spanish authorities on Jan. 17 to proceed with salvaging the vessel's cargo.

It had apparently been suggested by Lord Winster that H.M. vessels were chased or ordered outside Spanish territorial waters. The Acting Consul-General at Tangier made no reference to any such action by a Spanish gunboat, and he had at present no information which bore that out. The

reports that the tugs "Nimble" and "Rescue" and another British vessel were, in the early stages, constantly alongside the wreck tended to disprove Lord Winster's story. The complaint might possibly come from the action which the Spanish authorities on Jan. 15 took in temporarily withdrawing permission to save the wreck.

Lord Cranborne said that a report just received from Gibraltar stated that the tug "Nimble" was at a later stage instructed by Gibraltar to leave Tangier territorial waters until permission to re-enter had been obtained from the Spanish authorities. The report added that there was no question of a tug being chased out of territorial waters.

Lord Winster was referred to a report that the Spanish authorities hauled down the British flag on the ship. The Consul-General has no information on this point, as he was not personally in contact with the crew of the "Blackheath" who were not landed at Tangier.

"From present information available it seems likely that the Spanish authorities were under a mistaken impression that the vessel had been finally abandoned by the crew, and it was therefore open to the territorial maritime authorities, under the Anglo-Spanish *modus vivendi* of 1911, to take possession of the ship. In any case a report on this aspect of the matter has been called for from the naval authorities concerned."

#### LOOTING RUMOURS

Regarding the suggestion that there was looting and pilfering overboard of cargo, the Acting Consul-General reported that he had heard repeated rumours that the cargo was being pilfered. The Spanish guard of four men had been placed on the vessel, partly to protect against pilfering and partly to prevent unauthorised persons going on board.

The Spanish authorities requested a local commander to reinforce the guard if necessary and to protect the cargo. The ship was a large one and the ship's side finally broke in two, and it was not surprising that large quantities of the cargo disappeared or were washed ashore.

Mr. Dundas, with the beach with the local commander, and found it strewn for two miles with cargo of every description. The Spanish authorities collected and stored such things as had not been spoilt by sea water and the commanding officer offered to give Mr. Dundas an inventory of those articles so that they could be claimed. Spanish soldiers had been posted on the beach, but it was impossible entirely for them to prevent pilfering over so large an area.

Mr. Dundas was satisfied that the Spanish authorities were sincere in their efforts to prevent robbery. As to whether there was delay on the part of the British authorities in assisting the vessel this was of course not a matter within the competence of the Acting Consul-General. A full and detailed report from the naval authorities was not available, but it was known that within a minute of the receipt of the report that the ship had been torpedoed a naval tug was ordered to her assistance. A tug called "St. Andrew" left the harbour in 41 minutes.

The whole circumstances were abnormal. The position in the Tangier zone was undoubtedly abnormal at present, and the British Government has by the *modus vivendi*, concluded in January, 1941, provisionally and temporarily accepted Spanish occupation of Tangier on a strictly *de facto* basis. Under the Tangier Convention the zone was neutral, and the pretext of the Spanish Government, by their action, in taking the zone was to prevent neutrality.

Provided that the Spanish authorities beyond action it would be for a neutral to take in the international law the British Government had no grounds for objection to it. The Government do not consider it at present available to complain against the Government in this respect. Lord Cranborne.

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