

"ITALIAN PRINCE" LOSS

Board of Trade Inquiry Concluded

COUNSELS' SUBMISSIONS TO THE COURT

The Board of Trade inquiry into the loss of the British steamer *Italian Prince* was concluded yesterday. The findings of the Court will be announced in due course. The *Italian Prince*, which carried a cargo including explosives, was abandoned on fire off Finis-terre in September last. The inquiry, which has been held at The Niblett Hall and subsequently at the Institution of Civil Engineers, has been in progress for seven days. The proceedings yesterday were taken up by the various Counsels' submissions to the Court.

The inquiry has been held before Mr. K. S. Carpmael, K.C., sitting as Wreck Commissioner, with whom were Captain W. E. Whittingham, Commander J. R. Williams, Engineer Lieut.-Commander T. A. Pearson and Mr. A. M. Robb, Assessors.

Mr. O. L. Bateson (instructed by the Solicitor to the Board of Trade) appeared for the Board of Trade. Mr. G. St. C. Pilcher and Mr. W. W. Porges (instructed by Messrs. Middleton, Lewis & Clarke) represented the owners, the Prince Line, Ltd. Mr. E. E. Addis (instructed by Messrs. Rehder & Higgs and the Mercantile Marine Service Association) represented the master of the vessel, Captain James Halloway. Mr. C. R. Havers (instructed by Messrs. Charles G. Bradshaw & Waterson, acting for the Marine Engineers' Association) appeared for the chief engineer, Mr. R. J. J. Smith, and the second engineer, Mr. A. M. McNeil. Messrs. Nordon & Co. watched the inquiry on behalf of Mrs. M. M. Brown, a passenger, Messrs. Winter & Co. on behalf of Mr. and Mrs. Bovill, passengers, and Mr. J. B. Hewson on behalf of the British Mexican Petroleum Company, Ltd.

The previous proceedings were reported in LLOYD'S LIST of Feb. 7, 8, 9, 10, 11, 14 and 23.

Mr. PILCHER, continuing his address, submitted that there was no evidence before them that the tank tops were otherwise than clean at the material time. The tank tops were a matter into which searching inquiry was made and he submitted the only conclusion to which they could come was that they were clean. With regard to the fender plates he was entitled to rely on Mr. Welch, who said, on the question of whether there was criticism of anyone that they were left in place when conversion was effected, that there was no criticism in relation to a ship that was burning or expected to go back to coal. Mr. Camps had said he did not consider the question of the fender plates had anything to do with the matter.

Mr. CARPMAEL said that at the time the vessel was converted in 1937 there was no intention then to put her back on to coal.

Mr. PILCHER replied that, as he understood it, the Prince Line had a number of these vessels which were convertible and whether they burned coal or oil depended on the particular trade in which they happened to be engaged. In the spring of 1938 it was contemplated by the owners of the vessel to go back on coal and it was fair, he submitted, to assume that when the conversion was effected in 1937 they had in their mind that this vessel would be reconverted.

THE FENDER PLATES

With regard to the fender plates Mr. Pilcher submitted that on the evidence there was no real justification for criticism of the owners for their failure to take steps other than they did on that particular point. Regarding proper care in the conversion, Mr. Pilcher submitted he was entitled to say that the Board of Trade had set a high standard in these matters. If Mr. Welch, an experienced surveyor, said he had no criticism of the owners in regard to anything they did or omitted to do in the conversion then he thought it would be hard measure if they came to the conclusion that the owners had been in any respect negligent in the matter.

Mr. CARPMAEL said the question was that no inquiry was made as to whether it complied with modern principles.

Referring to the question of possible lack of care in carrying out either the 1937 or 1938 conversion, Mr. PILCHER said it seemed to be the position that it turned out that the Board of Trade having the facts before it did not think anything done or omitted with regard to the conversions was deserving of criticism.

On the question of fire fighting apparatus there was no question whatsoever that after the 1937 conversion until Mr. Blackmore's visit in January, 1938, this vessel was deficient in fire fighting appliances recommended by the Board of Trade. There was equally no doubt that such deficiency had no bearing on this casualty. With regard to fire fighting appliances after January, 1938, one had to bear in mind that the recommendation of the Board of Trade was in no sense a rule but only a recommendation. If the owner failed to comply with the recommendation which was necessary for the safety of the ship then his position was not much different from that if he failed to comply with a rule. Although on one reading of the recommendation he was short of six gallons of foam in the engine-room and stokehold, yet there were eight gallons of soda acid in fact used. Taking the appliances that were used altogether in the stokehold there were more than it was necessary to provide. Any breach of the recommendation which the owner committed was purely technical and the result had no real bearing on the failure to extinguish the fire. Though he must accept that position that he had not complied with a recommendation, Mr.

Pilcher submitted that 20 gallons of extinguisher used was clearly in excess of the amount which it was necessary to carry.

In his submission it was quite impossible to say that any failure to test the existing steam-smothering apparatus could have contributed to this accident. The general view seemed to be that when one got a fuel gas fire of this type in the engine-room the proper thing to do was to use the extinguishers first. It was just at the time when it was proper to use those extinguishers that steam smothering might have had some chance of putting the fire out. He submitted it would be difficult to blame any officers of this vessel because they did not put the steam smothering into operation earlier. That brought one to the point whether it would have been effective if brought into operation 40 minutes after the outbreak. By that time the fire was on top of the boilers and in his submission, to put it at its lowest, it was extremely problematical whether the steam smothering would have done anything at all. In Mr. Pilcher's submission it was impossible to say that anything which the owners did or omitted to do with reference to steam smothering could have contributed to the failure of the officers to put the fire out.

CHIEF ENGINEER'S VIEWS

Mr. HAVERS said there had been criticism of the chief engineer that he failed to organise his staff and the means he had at his disposal for coping with the fire. He (Mr. Havers) hoped they would direct their attention to the knowledge the chief engineer could have possessed at the time. With regard to the fire-fighting appliances Mr. Welch had agreed that up to the time of the explosion the fire-fighting appliances were properly used and the fire was tackled in a proper manner. The evidence established that all the fire foam extinguishers were used.

Dealing with possible criticism that the chief engineer did not realise at the time that it was a fuel oil fire, Mr. Havers said there was a great deal of evidence to support the view the chief engineer took: that up to the time of the first explosion the fire was not serious and there appeared every prospect of getting it under control, and they had got it under control at the time the first explosion occurred. The explanation of the course he took was that his main concern was not at the time to find out what was the actual cause of the fire but to deal with it at once and defer his examination to a later stage. In Mr. Havers's submission there was not much material which might reasonably have led the chief engineer to the view at the time that this was an oil fire. He undoubtedly formed the impression it was an oil fire, but it was not clear that he formed any definite view as to where it was coming from. Referring to co-operation, Mr. Havers mentioned that there were at least two communications which passed between the deck and the engine-room.

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Dealing with possible criticism of failure to turn off the valve of the settling tank, the chief engineer had said that as soon as he heard the explosions he went to the settling tank to turn off this valve. Mr. Havers gathered Mr. Welch was inclined to agree that the valve was turned off, though at a later period than the chief engineer had stated. There was some doubt in the evidence as to the precise time the explosions occurred.

Mr. Havers continued that Mr. Camps had expressed the view that after the explosion he very much doubted whether the steam smothering apparatus could have been opened from any place. Even assuming it would be possible to operate the steam smothering apparatus after the explosion the evidence did show that at the very least it would be highly doubtful whether it would have been of any effect. When they considered whether any blame was attached, he submitted that the evidence of Mr. Camps was in favour of the chief engineer, and that it could not be negligence on his part not to use the steam smothering after the explosion. When the Court considered the conduct of the chief engineer they would not overlook the fact that after the explosion occurred there were four men in the engine-room and one was the chief engineer. It was clear from the evidence that these four men remained there attempting to fight the fire until the order was given to abandon ship.

A TECHNICAL FAULT

Mr. Addis submitted that any failure of the master to take any steps with regard to fire fighting appliances in the engine-room was at the most a technical fault. He was entitled to rely on his owners and surveyors. The fire fighting appliances on deck were in good order, rockets were used and the boats and gear were in good order. Fire stations were posted in the crew's quarters. A criticism of the master was that he gave no orders. The fact that he gave no orders was proof of the high state of discipline in the ship because he did not need to give any. There was no delay in getting the men on deck getting out the hoses and passing hoses into the engine-room. The master had been criticised for not going down to the engine room. His answer was that he could not get down because of the fumes and because there was no one else on deck. From beginning to end of the case there had been no criticism by any member of the crew of the action of the officers and the master. There had been no suggestion that anything ordered to be done was not done at once and that any necessary gear was not forthcoming at once.

Mr. Addis submitted the master was correct in attacking the fire at its seat, and in deputing the chief engineer to deal with it. It was not

until the explosions that the fire really attained serious proportions. Regarding attempting to put out the fire on deck, Mr. Addis said there were heavy banks of smoke and fumes blowing across and the pressure was failing. When one remembered the evidence on the fire extinguishers that were expended below one must come to the conclusion that every fire extinguisher had been used and at that time to use one on deck would have had no effect. When the remainder of the crew went away there was no means in the master's power for clearing the fire on deck.

After the passengers had gone there were still further explosions, the fire increased and the chief officer came up with an adverse report saying they could not stay down there. The third officer was sent to get the men up and the chief engineer reported they could not do anything down below. On those reports Mr. Addis thought the master was entitled to make up his mind that the only thing to do was to abandon ship. By one chance in a thousand the wireless officer was not in his cabin and not on the bridge. He had been going between the wireless cabin and the bridge. He was not in his cabin when the chief officer looked in there and apparently he was round the corner and did not go away in the boat. As soon as they got into the boat the master held a roll-call to see all were there. It was discovered the wireless officer was not there. There was no chance whatsoever of the wireless officer having been left on the ship. It would have been better for the muster to have been made on deck, but as far as safety was concerned there was no chance of him being left because the roll was called in the boat. Men shouted out and the wireless officer, in answer to their shouts, came down the ladder and eventually swam out to the boat.

Mr. Addis submitted that from the time of the discovery of the fire until the boats were pushed off the master did everything he could in the circumstances.

Mr. BATESON said he did not suggest that the steam smothering pipes and valve were not actually in place when the vessel sailed. He suggested that failure to appreciate it was there at the time might have a bearing on the conduct of the officers in dealing with the fire. The vessel, he said, did not comply with the simple recommendations of the Board of Trade with regard to froth extinguishers. What happened in May, 1937, had little bearing on what happened when the vessel was lost, but those inquiries were not directed only to ascertain the actual cause of the loss of a particular ship, but directed to draw the attention of the people concerned to matters of that kind, to avoid an accident which might lead to fires of the kind which happened here.

A SERIOUS OBSTRUCTION

The fender plates in this particular case were a serious obstruction to the crew in dealing with the fire. They prevented them seeing the fire when it occurred and prevented any possibility of a leak from the pipe being discovered. It was obvious that none tested the steam smothering apparatus by passing steam through it. Mr. Welch thought that should have been done. The whole point of testing the apparatus was to see that it was working properly; until one had done that could not see it was working properly.

Mr. Bateson alleged, regarding the time of the fire, that if they considered what happened in the ship the evidence showed there was no organisation on board. It was, he suggested, clear that what caused the ultimate loss of the ship was the fire on deck, and no steps were taken to cope with that fire. The chief engineer was engaged in trying to put the fire out and was not concerned where it was coming from. But in Mr. Bateson's submission that was putting the cart before the horse, because the first thing to do in dealing with the fire was to find out where it was. There did seem to have been no real grip on the situation down below, said Mr. Bateson. There was no directing mind coping with the actual fire as it was. The proper way to have cured the fire was by "turning off the tap," i.e., shutting off the valve. If the fire was low down the use of the steam smothering apparatus would have cut off the source of ignition.

The main criticism of the chief engineer was the complete failure to find out what the fire was. The whole of the trouble in the engine-room flowed from that failure, and he had not taken steps to get his staff properly organised and he did not really get a grip on the situation. In his favour, it must be said that according to his lights he did what he could himself.

Regarding the master, Mr. Bateson said that he (the master) had said he could not get down into the engine-room, but it was perfectly clear that there was no difficulty in getting down into the engine-room from the beginning to the end. Mr. Bateson criticised the master for not endeavouring to find out what the fire was or how to cure it. There were 22 deck hands, and if the deck fire had been dealt with the vessel would not have been lost. Regarding abandonment, the view of the Board of Trade was that they did not think the vessel was abandoned prematurely in the sense that if they stayed on board something more could have been done. He would prefer not to blame the master for not having taken greater consideration because the ultimate result would have been the same. Mr. Bateson said that having regard to the course the inquiry had taken he did not wish to complain



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of the master's conduct in that respect in any way.

QUESTIONS FOR THE COURT

The following questions were submitted to the Court by the Board of Trade:—

- (1) When and by whom was the steamship *Italian Prince* built? By whom was her propelling machinery built? With how many boilers was she fitted? In what manner could they be fired?
- (2) Who were the owners of the steamship *Italian Prince*?
- (3) What surveys had been carried out by Lloyd's Register? What surveys had been carried out by Lloyd's Register from and including May, 1937 to the time of her loss?
- (4) With what life-saving appliances was the vessel fitted? Were they in good condition when the vessel left on her last voyage?
- (5) Was the vessel supplied with all proper and adequate fire-fighting appliances: (a) For machinery spaces; (b) for other parts of the vessel?
- (6) With what cargo was the vessel loaded for her last voyage? How was it distributed and what was its total weight?
- (7) On what day, at what time, and from what place did the vessel leave on her last voyage?
- (8) Were there any and if so how many passengers on board?
- (9) What was the total number of crew on board her?
- (10) Was the vessel in good and seaworthy condition when she left on her last voyage.
- (11) How many boilers were in use during the vessel's last voyage? With what fuel were they fired? For how long had this method of firing been used?
- (12) Was the fuel system in use during the vessel's last voyage satisfactory. If not, in what respects was it unsatisfactory?
- (13) Did fire break out during the last voyage? If so, at what time and where did it start? What efforts were made to extinguish it? Were such efforts successful? If not, why not?
- (14) If fire did occur, what caused it?
- (15) Was an SOS message sent out? If so, when?
- (16) Was the vessel abandoned? If so, when and for what reason?
- (17) What were the conditions on board at the time of abandonment?
- (18) Were any, and if so which, of the vessel's lifeboats safely launched?
- (19) Were all those on board the vessel saved?
- (20) Was the vessel sighted by any vessels after abandonment? If so, what was the latest time at which she was seen and in what condition was she at that time?
- (21) What was the cause of the loss of the steamship *Italian Prince*?
- (22) Was the loss of the steamship *Italian Prince* caused or contributed to by the wrongful act or default of her owners, Prince Line, Ltd., her master (Captain James Halloway), and her chief engineer (Mr. Robert J. J. Smith), or any, and if so which, of them?

The inquiry was concluded, and Mr. CARPMAEL intimated that the parties would be notified when the findings were to be given.



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