

THE "MILLPOOL" LOSS

Further Evidence on Vessel's Condition

BOARD OF TRADE INQUIRY CONCLUDED

The third of the series of Board of Trade Inquiries into the loss of British steamers, that relating to the *Millpool*, was concluded before Lord Merrivale, sitting as Wreck Commissioner, yesterday. During the day Mr. G. B. Chambers, marine superintendent to the owners, was recalled and gave further evidence rebutting various charges which had been made by a number of the seamen witnesses the previous day. Subsequently Counsel addressed the Court. Sitting with Lord Merrivale as assessors were Commodore H. Stockwell, Mr. Edmund Wilson, Mr. E. H. Mitchell and Captain F. S. Murray.

The Solicitor-General (Sir Donald B. Somervell) and Mr. G. St. C. Pilcher (instructed by the Solicitor to the Board of Trade) appeared for the Board of Trade; Mr. Cyril Miller (instructed by Messrs. Sinclair, Roche & Temperley, agents for Messrs. Templerley, Tilley & Hayward, of West Hartlepool) represented the owners of the *Millpool*; Mr. R. F. Hayward and Mr. H. R. B. Griffin (instructed by Messrs. G. F. Hudson, Matthews & Co.) represented the relatives of Captain A. Newton, master of the *Millpool*, the relatives of Mr. C. J. Lowe, third officer, the Officers (Merchant Navy) Federation, Ltd., the Imperial Merchant Service Guild, the Mercantile Marine Service Association, and the Marine Engineers' Association, Ltd.; Mr. R. F. Hayward and Mr. Vere Hunt (instructed by Messrs. Russell, Jones & Co.) represented the National Union of Seamen and the Transport and General Workers' Union.

"LA CRESCENTA" INQUIRY

Before continuing the hearing of the case in regard to the *Millpool*, Lord MERRIVALE made a reference to the fourth inquiry of the series, that concerning the tanker *La Crescenta*.

The SOLICITOR-GENERAL said that they were trying to get evidence from America on a point which would probably be of great importance. "According to figures that we have there are grounds for thinking that the ship may have been overloaded," said the Solicitor-General. "It is therefore important to have this evidence. When these figures will come over, however, I cannot prophesy."

Lord MERRIVALE said: "The position is that, having become responsible for these inquiries, I must see that they go through with reasonable promptitude."

The *Millpool* inquiry was then resumed, and Mr. Hayward called HUBERT JOHN KIRBY, a shore rigger, who described work done on the *Millpool* in August last year. His instructions were to get the *Millpool* ready for unloading. Cementing was being carried out in No. 1 hold.

Mr. HAYWARD: Do you know what they were using cement for?—Yes. They were making cement boxes.

During his evidence, KIRBY was asked to speak more slowly, and he remarked: "I will go at about the same speed as the *Millpool* and then you will hear me."

Asked about the condition of the hatches, KIRBY said that the wooden hatch covers were all right if they got them properly fitted, but they often had difficulty in finding where a certain cover fitted. "That is not the case only with the *Millpool*, but other ships. I think it would be a good thing for all hatches to be standard."

Lord MERRIVALE: You mean that you spend a lot of time looking for the right cover, and you may have to make shift?—That is so, my Lord; it is like a jigsaw puzzle.

KIRBY said that Mr. Dent—the foreman rigger, who has given evidence at the inquiry—would be on board sometimes for five minutes and sometimes about 15 minutes.

Mr. MILLER: Do you know Mr. Dent has told us he was on board for two or three hours in the morning and two or three hours in the afternoon?

—I say that that is absolutely untrue. You are not very fond of Mr. Dent?—Yes, he is a friend of mine and has been up to a point.

Has Mr. Dent recently dismissed you?—Mr. Dent offered me a job last week and offered me a two-shilling "sub" on it.

Has Mr. Dent recently dismissed you?—Mr. Dent has dismissed me several times.

QUESTIONS ON A LETTER

Mr. MILLER then put in a letter. KIRBY agreed that he had written it, and said that on one or two occasions he had signed Mr. Dent's name and "taken the blame for things he had done." The letter read: "I will call on you in the course of a few days. I enclose cards. Kirby will attend to wages. He will be at Dunston on or about Wednesday."

Mr. MILLER: That was an answer to a letter from a gentleman who was complaining that you had not settled with him?—Not from a letter—from a word given on the ship.

Do you suggest Mr. Dent asked you to sign his name?—I suggest he told me to sign his name.

Mr. MILLER: Do you say the mainstay was broken at the time the vessel sailed?—I saw the mainstay was broken at the time the ship went alongside the old fish-quay. If it was replaced I did not see it. It was not replaced when they were testing the derricks.

Do you suggest they could have tested No. 4 derrick with the mainstay broken?—I do.

JAMES EDWARD HARLOW, of High Street, West Hartlepool, said he worked on the *Millpool* when she was being fitted at West Hartlepool for her last voyage. He saw cement being put on board—"as though they were building a house," he said. The majority of it went into No. 1 hold to mix for cement boxes.

Mr. Hayward then put in letters which passed between the masters of the *Ainderby* and of the *Millpool*.

George Brown Chambers, marine superintendent to the owners, was then recalled by Mr. Miller in regard to statements made by witnesses the previous day. Mr. CHAMBERS said that before the *Millpool* sailed from West Hartlepool no report was made to him by any officers as to a patched hole in the trunk.

Mr. MILLER: During the time you had this ship under your control had you any reports or complaints about leaks in the fore-castle deck?—Never.

Since she went through her second No. 3 survey in October, 1931, have you had any reports of such leaks?—No.

Mr. MILLER pointed out that the periods concerned in the allegations were April, 1932, and June-September, 1934.

Lord MERRIVALE: Something was said about cement boxes being fitted at West Hartlepool.—I have no knowledge of that whatever.

Let us consider—fitting cement boxes might be done by the carpenter and men on board ship?—It could be, but I don't know anything whatever about cement boxes.

Mr. MILLER: It has been said that when she sailed on her last voyage the funnel guys were broken?—I have no knowledge of it.

It is also said that the holds were rusted inside and so was the bow locker in the forepeak. One witness alleged that all the holds were rusted throughout.—I can flatly deny that. In 1931 she was put through survey. We spent £154 in labour alone for chipping. That did not include paint.

One witness said something about the stokehold.—We included the stokehold as well. I cannot understand that man saying about rust dropping down.

It has been said the stokehold plates were in a bad condition, no supports, and so leaky that ashes fell through on to the tank tops.—In 1931 they

were all lifted, and if I remember rightly 16 new wrought iron plates and six cast iron plates were fitted. About 30 stokehold plates were lifted, rolled out and refitted.

It is said that the top of the engine-room store was rusty, and one witness has sworn that when he dropped some gear on it it knocked a hole through.—It is 1½ F. & G.—feathered and grooved—wood.

When you went aboard at West Hartlepool were you told that the mainstay of the mainmast had carried away?—The first I have heard of it was in Court this morning. I would suggest that if these men who have given evidence had done their duty they should have reported it to me when I was on board, and I could have dealt with it.

Would it be possible to test No. 4 derrick up to six tons' strain if the mainstay was not in place?—I would not like to be in the vicinity. It is absurd to talk about it.

Was any complaint made to you about the condition of the scuttles in the firemen's and seamen's fore-castles?—Never.

In reference to suggestions that quarter hammers were not used for chipping parts of the ship, Mr. Chambers said that anybody could indent a plate, in good condition with a quarter hammer. It had never been reported to him that the wood of No. 3 starboard derrick was rotten. The derricks would go through the tests in 1931, and if the wood was anything like rotten it would not have stood up to those tests.

THE "REAL QUESTION"

Mr. HAYWARD pointed out that the real question was what was the state of the ship at the end of 1934?

Mr. MILLER: It is said that the chain trunk to the chain locker from the windlass, running through the firemen's quarters, was in a defective state.

Mr. CHAMBERS: The chain pipes were dealt with at the survey. The lower part, I quite agree, is wood, but as far as chain resting in the fore-castle is concerned, I cannot see how it could. There was accommodation enough in the chain locker. If any chain was left about it must be because it was mishandled.

Mr. HAYWARD asked whether paint applied in 1931 would keep the various parts of the vessel free from rust in 1934, and Mr. CHAMBERS replied that there might be a thin scale, but not a heavy rust.

Mr. NICHOL, who had previously given evidence, was then recalled, and Mr. MILLER said, "It has been said that when the ship sailed in 1934 there were cement boxes in No. 1 hold."

"That is not true," replied Mr. NICHOL. "Any cement sent on board was for repairs to the tank end in No. 3."

Is it wholly untrue to say that there were any cement boxes in No. 1 hold?—It would have been reported to me if there had been.

In reply to Mr. HAYWARD, Mr. NICHOL said that he was on board the ship several times at West Hartlepool.

Mr. JONES, who was second officer in the *Millpool* at the time the incident of the broom being put through the side of the ship was alleged to have occurred, was recalled, and said, "That is all rubbish. If that had happened I would have heard plenty of rumours about it." Before leaving the box he said, "I should like to add that the mainstay never carried away. It was in proper condition when I left the ship."

This concluded the evidence presented to the Court, and Mr. Hayward began his address.

Mr. HAYWARD submitted that the *Millpool* was overloaded when she left Danzig—something less than 1½ in. perhaps. It was not a great overloading, but it had to be considered. "This old ship was going to sea, down by the head, with a minimum crew, at the time of the equinoctial gales, and I say that the loading of the ship

was improper and a breach of the law," he went on. He submitted also that the vessel was undermanned. He did not suggest that there were not eight efficient deck hands, but that if the spirit of the regulations had been observed there would have been nine for a vessel of her size. She was an old ship and had been laid up for two years. The repairs done to her after being laid up were a mere bagatelle, and might, he thought, be described as "a little patching." She had not been really tested by the two short trips she made in the Baltic in the summer.

As to the condition of the ship, the evidence in her favour had all been given by servants of this large firm, with one exception, perhaps—Mr. Jones—who had been an officer in one of their ships and hoped to be again in one of their ships. The evidence of Mr. Chambers was that the ship was in good order. Mr. Hayward submitted that a ship was not in good order if the links of her steering-chain were in such a condition that within the first two days at sea the ship had to be stopped to put them right. There was conflict of evidence between the evidence of Mr. Jones and of Swanson and Hanson. Were these young men going to invent evidence about doing chipping and scraping?

Mr. Hayward then turned to the reports by surveyors of Lloyd's Register, and submitted that it was unfortunate that the document of October, 1931, to which so much importance was rightly attached, should contain a statement that the steering gear was good when in fact two links of the chain were defective. "Whether those surveyors ought to have ascertained anything further about the drum shaft I am not going to inquire because the surveyor who surveyed it was not called. He was in Rio," went on Mr. Hayward. "But I do suggest that it is unfortunate that these matters should be placed in a survey report as being in good condition unless the surveyors know that they are in good condition. It does not follow that the steering gear is in good condition just because someone else had surveyed it earlier in the year."

In regard to a survey of June, 1934, Mr. Hayward said that at one visit Mr. Stephenson not only combined the survey for renewal of the load line certificate but no fewer than fifteen other items, including an examination of the rudder and bottom. "He certified them as being in good condition," said Mr. Hayward. "With great respect I suggest that the survey of these matters could not have been a very exhaustive one if they were all fully dealt with in the time available in one visit."

STRENGTH OF THE EVIDENCE

Evidence as to the bad condition of the ship was not very large in volume or strong from the point of having officers of high rank in support of it. That was one of the misfortunes one faced when a ship was lost with all hands. He pointed out that of the thirteen men who rejoined the ship, only one was an ordinary sailor and he was a man of 54 years of age. The rest were officers, and officers and ship masters had often to take employment in places they did not care for.

Water entered the hold in such quantities that the pumps could not reduce it. The captain's message was "Water entering hold. Cannot be located." The cause was unstated. Was that not consistent with the evidence that cement boxes were being put into the ship the night before she sailed? Ought the main topmast of a steamer in good condition to carry away, even if she was in the trough of the sea and the wind was at very strong force? They did not hear of any other ship in the vicinity losing her main topmast.

Mr. Hayward said that the stoving in of the after hatch might have been done either by the main topmast or by the heavy seas. If this damage were done by the topmast, he submitted that

it was due to the topmast not being properly supported. The ship must have got into the trough of the sea either through failure of helm or engine. He thought the probability was that the steering gear broke down. In his view the attempt to make a fast passage might have been a contributory factor to the loss of the ship. They must bear in mind that this was a newly appointed master, most anxious to please and serve.

THE MASTER'S INSTRUCTIONS

Mr. Hayward said that the owners having given the master instructions to make a fast passage and having received his explanation that he could not make it might then have said to him, "Do as you think best." Having given these instructions, backed by standing instructions that were almost terrifying in their severity, the least the owners could have done when they knew of the captain's predicament was to have told him to use his own judgment about returning. The captain would ask himself: "Shall I try to get across with this leak I cannot locate and which the pumps cannot reduce? Shall I risk it? If I succeed I shall remain in my employment. If I fail—well, death for myself and the rest. Or shall I turn back and acknowledge failure?"

Mr. MILLER, addressing the Court on behalf of the owners, said they were the biggest tramp owners in Great Britain. They had been sixty years in business on the north-east coast. During these sixty years they had lost only three vessels. Before the unfortunate loss of the *Millpool* there was the *Sarilby* in 1929, and prior to that there was in 1899 the loss of another ship. The firm had a long and honourable record. Mr. Hayward had put forward a valuation of the ship at £6500, and Mr. Miller assented to that valuation. In the last three years prior to her last voyage the owners had spent more on the vessel than her value in 1934. They had spent in round figures £6700 between June, 1931, and September, 1934. During that time the ship was only in commission for about a year. Money was not stinted, and it was difficult to see what more the owners could have done to remedy any defects—if there were any.

"A TRAVESTY OF THE FACTS"

Mr. Miller said that it was a travesty of the facts to use a phrase such as "the minimum complement of crew required." The sting behind the words was that they suggested that the requirements laid down by the Board of Trade for the manning of the ship were insufficient and improper. In the period to which he had referred the vessel had 11 different surveys, and was six times in the repairer's yard. On classification alone £3500 was spent.

In regard to an allegation of overloading, Mr. Miller said they had to take into consideration the density of the water at Danzig. Later, when Mr. Miller was referring to the fact that there was no charge for cement in the bills for repairs, the witness Kirby stood up in Court and shouted, "There should have been."

Lord MERRIVALE told him to leave the Court, which he did.

A moment later another witness, James Edward Harlow, jumped up and said, "This argument about cement boxes. We must have this out. The cement boxes were put into the ship by 20 men at Gray's Yard."

Lord Merrivale told him also to leave the Court, and as he did so he shouted, "It is rotten. It is lies."

Continuing his speech, Mr. MILLER said that it was wholly unfair to suggest that in the company's instructions to Captain Newton there was anything as to whether or not he should drive his ship through the gale, ease down or turn back. The master had absolute discretion, subject to the fact that he was not to put his ship in danger if he could help it.

In conclusion Mr. Miller submitted that the high reputation of this firm had not been in the least affected, but had been enhanced by what had come out at the inquiry. They welcomed the fullest inquiry into the way they ran their ships. The *Millpool* was in very good condition when she sailed on her last voyage, and Mr. Miller said that the system employed by Messrs. Ropner to keep up their ships was a fine system, conscientiously carried out by expert and conscientious marine surveyors.

In his speech on behalf of the Board of Trade, Mr. PILCHER said that it would appear that the firemen had at periods lived in very uncomfortable surroundings. He was not saying that this was a fault directly to be imputed to the owners, but it seemed to be a fact. If owners allowed their servants to live in such conditions perhaps it might be said they must not be surprised if when proceedings of this sort took place these disgruntled servants came forward to air their views.

This concluded the inquiry.

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