

TUESDAY, NOVEMBER 19, 1935.

## INQUIRY OPENED INTO LOSS OF TANKER LA CRESCENTA.

### SOLICITOR-GENERAL OUTLINES CASE FOR BOARD OF TRADE.

#### "EVIDENCE OF OVERLOADING."

#### THE POSSIBILITY OF AN EXPLOSION.

THE last of the inquiries by the Board of Trade into the loss of four British ships was opened yesterday at the Institution of Civil Engineers, Westminster. The inquiry concerned La Crescenta, an oil tanker of 5,880 tons gross, 400ft. length, 53ft. beam, 32ft. 10ins. depth, built in 1923 by the Furness Shipbuilding Co., Ltd., Haverton Hill-on-Tees, and owned by the Crescent Navigation Co., Ltd. (Messrs. Harris and Dixon, Ltd., managers, London).

La Crescenta was lost in December, 1934, during a voyage from California to Japan with a cargo of crude oil. All the crew of 30 were lost.

Lord Merrivale, Wreck Commissioner, presided over the court, and was assisted by the following nautical assessors:—Commander H. Stockwell, Commander J. R. Williams, Mr. Edmond Wilson (marine engineer), and Mr. E. H. Mitchell.

The President, at the outset, paid a tribute to the late Mr. Aylmer Digby, with which the Solicitor-General, on behalf of the legal profession, added his sympathy.

The parties to the inquiry were as follow:—The Board of Trade, represented by the Solicitor-General and Sir Donald B. Somervell and Mr. G. St. C. Pilcher (instructed by the solicitor to the Board of Trade). The Crescent Navigation Co., Ltd. (the owners of La Crescenta) and Mr. Sydney Graham, represented by Mr. J. V. Naisby (instructed by Messrs. Middleton, Lewis and Clarke). Mr. R. F. Hayward and Mr. Harold Griffin (instructed by Messrs. G. F. Hudson, Matthews and Co.) for the relatives of the dead officers, and the following officers' and engineers' protection societies who are represented on the National Maritime Board:—Officers (Merchant Navy) Federation, the Imperial Merchant Service Guild, the Mercantile Marine Service Association, and the Marine Engineers' Association, Ltd. Mr. Vere Hunt and Mr. Peter Bucknill (instructed by Messrs. Russell, Jones and Co.) represented the National Union of Seamen and the Transport and General Workers' Union. Mr. W. L. McNair (instructed by Messrs. Parker, Garrett and Co.) held a watching brief for Lloyd's Register of Shipping.

#### DIFFERS FROM OTHERS.

The Solicitor-General, in his opening speech, gave details of the ship. La Crescenta was an oil tanker built of steel, and was originally laid down as an ordinary cargo vessel and later altered to an oil tanker. She was sailing from San Luis, north of Los Angeles, to Japanese ports, laden with oil.

The last message was received from her at five minutes past midnight G.M.T. on December 6, 1934, and according to ship's time it was 1 12 p.m. on December 5. Her position then was lat. N. 34 51, long. W. 163 24.

This inquiry differed from all the other three, said the Solicitor-General, in that the last message was a normal message, and there was no evidence of the ship being in distress. There was no indication by S.O.S. or other wireless messages of any difficulties that led to the loss of the ship.

The President.—She might have struck some hidden object?—Yes.

The nearest ship was 200 miles away—the Athelviscount—and she had been in daily communication with La Crescenta, apparently because the wireless operators knew each other and were looking forward to meeting in Japan.

On January 7, 1935, the Athelbeach passed a large patch of oil in lat. 35 2 N., long 164 degs. W. That was slightly further west and north than her last noted position. It looked as if some cause had damaged the wireless and then was responsible for the loss of the vessel. It was possible that something might have damaged the wireless without damaging the vessel and then some other fact caused the actual loss of the vessel.

#### THE OWNERS.

The Crescent Navigation Co., Ltd., was a private limited company, and was incorporated on July 4, 1923, and they ordered the vessel La Crescenta in the same year. This was the only ship owned by the company, which had a nominal capital of 30,000 shares at £1 each.

Their office was moved from Haverton Hill-on-Tees to 81, Gracechurch-street, London. The shares were all held by Messrs. Harris and Dixon, Ltd., ships' managers, except 7,000 shares, which were issued to the British Steamship Investment Trust, Ltd.—a large company, and this was a small item in their operations.

This company was incorporated in 1902 with a nominal capital of £500,000, of which £300,000 had been issued. The three directors of Messrs. Harris and Dixon, who were also directors of the Crescent Navigation Co., Ltd., were Messrs. Ivor Guest, William Dixon and Sydney Graham.

The President.—On whose account was the ship built?—She was laid down for some Norwegian owners, and then was ultimately taken over by the Crescent Co. with the understanding that she would be turned into an oil tanker. She cost £90,000. There were 14 main transverse watertight bulkheads.

#### POSSIBILITY OF EXPLOSION.

The Solicitor-General, continuing, said if the loss of the ship was due to an explosion it was worth going into certain matters. He pointed out that in the pumproom there was a store. The pumproom was a place where an explosion could take place, and if there was a store there men might visit that room from time to time to get things. Otherwise the pumproom would not be resorted to on a laden voyage.

The steering engine was controlled from the navigation bridge. It was a telemotor system, worked hydraulically.

The Solicitor-General then referred to a plan showing a section through the flying bridge, or gangway, looking aft, with the various pipes running along under the gangway, and said he did not know that they all mattered, but pointed out that the electrical leads from the dynamo and wireless transmitter ran along under this gangway, as also did the telegraph pipes from the navigation bridge to the engine-room.

Those three vital controls, he said, ran under this flying bridge, and, therefore, if the flying bridge was carried away, three things would happen: The steering gear would be out of order; it would be

impossible to communicate with the engine-room by the telegraph; and the wireless could not get its power.

It was true, he continued, that the wireless transmission apparatus had an emergency apparatus, but that battery could not send a message for more than 50 miles or so. On the day when the vessel was last heard of and the succeeding day, evidence of vessels in the neighbourhood showed that there was violent weather.

The President.—What was the extent in severity of the weather? Did it reach hurricane height?—No, it did not reach hurricane height, but gale force.

The next point was complicated, continued the Solicitor-General. He understood that the normal and proper procedure was that oil was first pumped from the tanks into settling tanks, of which there were two. The object of having two settling tanks was that the oil could be left to settle in one whilst the other was being used. After the oil had settled it was taken off by a suction valve and found its way to the engines.

#### SUCTION VALVE BROKEN.

There was evidence that in 1932 one of the suction valves in the settling tanks broke down. The evidence showed it was not repaired. Therefore, from that date the settling tanks were not used for their proper purpose, so as a fact the oil, unsettled, went straight through to the engines.

Now, of course, if there was a little water in the oil that would not cause serious inconvenience, and it might be that it was unlikely there could be sufficient water to put the engines out, or to prevent the vessel being steam-powered. That seemed to be unlikely. But the point needed investigation and comment.

The electric power for the wireless was supplied by a steam-driven dynamo at the side of the engine-room.

The vessel was classed 100 A.1 at Lloyd's, and retained her class.

The President.—Do you know the date of the last survey?—The last survey was concluded in 1931.

Now they came to the more important matter of freeboard. The freeboard and her draft were matters of the first importance—because the evidence showed she was overloaded on her last voyage, and she was overloaded on two previous voyages in the last year. She was overloaded having regard to the season and the marks permissible.

#### "INCITEMENTS TO OVERLOAD."

There were letters from the managers to the master which he thought could fairly be described as incitements to overload, and were so construed by the master. That involved a number of matters and some correspondence which took place when the vessel came up for her certificate under the 1932 Act.

Under those rules, tankers could, if they fulfilled certain conditions, get the load line certificate to load more deeply than other vessels. When she came up for her 1932 certificate certain correspondence took place between the owners and managers, and they were told certain steps would be necessary if she were to receive her tanker freeboard.

The surveyor, Mr. Young, said that she required a strengthening of the flying bridge gangway and that two hatchway covers should be steel instead of wood.

The owners said it was not worth while to spend the extra money and they were content with the lower freeboard which the surveyor was prepared to give (that was the original freeboard), without getting the advantages which a tanker could have got if those alterations had been made.

#### "VERY SERIOUS MATTER."

If, in fact, the owners were told it was not safe to load the vessel to this altered tanker draft unless they strengthened the gangway and put steel hatches instead of wood, and they said they did not want to load the vessel more than the original load line, and then, if later the vessel was in fact loaded below her original freeboard without the strengthening and alterations mentioned, then that was probably a very serious matter.

The President.—From what you say this seems to be an absolute evasion of the law regarding the load line.

The Solicitor-General went on to say that the ship's original freeboard was 7ft. 6½ins. Indian summer, 8ft. 11in. summer, and 8ft. 7½in. winter. Under the Act of 1932, her freeboard would be 7ft. 4½ins. Indian summer, corresponding to draft of 28ft. 4½ins., and d.w. 9,616 tons. For summer the freeboard would be 7ft. 11½ins. with a draft of 27ft. 9½ins. and d.w. 9,340 tons. Winter 8ft. 5½ins., corresponding to draft of 27ft. 3½ins., d.w. 9,065 tons. At her load line draft her immersion point was 42.42 tons per inch.

#### SUGGESTED ALTERATIONS.

Referring to a large number of letters put in, the Solicitor-General said there was one dated March 18, 1932, written to Messrs. Harris and Dixon, from Lloyd's Register, requesting that the specified alterations should be carried out so that the new load line certificate could be granted. The alterations entailed strengthening of the gangway and steel covers on the forward cargo holds and the coal bunker aft. There were also other small alterations required throughout the ship. On May 13, 1932, a letter to Lloyd's Register from the owners stated that they did not consider the alterations worth while.

Referring to leakages in oil tankers, the Solicitor-General said that this type of ship did tend to leakages more than other vessels. The rivets, owing to the oil pressure, would leak more than in the case of ordinary cargo vessels. But that was not in itself a very serious matter. Tankers had very powerful pumps to deal with that situation. The Solicitor-General referred to the great mass of documents in the case. The history of La Crescenta for many years past was recorded. The vessel had, unfortunately, a career of many accidents. But nothing seemed to turn on that, because they were all genuine accidents.

Proceeding, the Solicitor-General said that at the beginning of 1934 the vessel went to Batoum, in ballast, from Dundee. There were certain troubles in regard to loading; the inspector refused to pass the tanks, and there was considerable difficulty about cleaning and a small leak was discovered, which he did not think mattered.

#### THE LAST VOYAGE.

The tanker left San Luis on her last voyage for Osaka on November 24, 1934. On that voyage she was only entitled to load down to summer marks, and according to their calculations she was overloaded by some 441 tons, her total deadweight being 9,781, the permissible deadweight being 9,340. They would hear from the witnesses whether she would have still been overloaded on December 5, the day she was last heard of.

There was some difficulty in making any accurate calculations, which depended on the fact as to how much fresh water was taken on board or how far the evaporator was used. He thought he was right in stating that, according to those advising him, even if the most favourable view was taken as to what was done, she would have been overloaded on December 5 by at least 2½ins.

The Solicitor-General then summarised the last five voyages:—Batoum, winter marks, overladen; San Pedro for St. Antonio, tropical marks, not overladen; first voyage, from San Pedro for Japan, summer marks, not overladen; second voyage, from San Pedro for Japan, summer marks, overladen; the last voyage from San Luis to Japan, summer marks, overladen. There were only two voyages on which there was no overloading.

#### EXTRACTS FROM LETTERS.

The Solicitor-General then handed a heavy dossier of copies of letters to the President, and ran through some of them with the assessors and the court. The points dwelt on in this voluminous bundle of correspondence were that the crew had been cut down with a view to economy. It was in accordance with Board of Trade rules, but it was less than the crew number carried previously.

There appeared to be a complete frankness in all the letters between the master and the officials and the owners. At one point the owners criticised the master for spending money on fresh water for the boilers when salt water would have been alright. "That," said the Solicitor-General, "was a matter of opinion."

Another letter suggested that the charts were out of date, and should all be renewed. In a further letter to the master, reference was made to the "excessive number of accidents the vessel had had in the last few years, and another communication expressed the hope that the master would make a passage out in the minimum of time." They looked to him to do everything possible to assist.

A further communication in connection to another voyage, in ballast, to Russian Black Sea ports to load oil, stated, "We trust you will do your best to get the vessel round as quickly and economically as possible"—and a desire for him to load as much cargo as possible.

Another letter on the question of cargo, from the owners to the master, expressed a desire for him to take as large a cargo as possible, and (referring to the master's reply to another letter) said they thought he was not altogether correct in his assumption that they would have to load to winter marks.

A further letter stated, "We see no reason why you should not load the vessel down to the Indian summer marks before proceeding to Black Sea ports."

#### "KEEP VESSEL RUNNING."

Another letter urged the master "To do your utmost to keep the vessel running. We look to you to do your best to respond and get the utmost out of the vessel with the minimum of expenditure, and avoid risks and danger under all circumstances. . . . Whilst proceeding east we look to you to carry the utmost cargo possible for you to get into the vessel with safety."

The President asked the Solicitor-General what was the tonnage of the oil cargo on board when the vessel left Batoum.

The Solicitor-General said that the captain had made extremely accurate calculations. The cargo loaded at Batoum was 8,427 tons, and he had on board as bunkers 1,009 tons. Their estimates brought the total deadweight at Batoum to 9,487, which was 402 tons over the permissible winter deadweight.

A letter from the master of La Crescenta (Captain N. S. Upstill) to his wife, explained the grave difficulties of loading at Batoum. Everything seemed to go wrong, but he hoped the owners would not be disappointed.

The Solicitor-General went at some length through the whole dossier of letters between captain and owners. There was no outstanding point in this part of the correspondence.

The owners wrote to the captain words to this effect: "Kindly load as much cargo as possible. We were disappointed last time that you had not done so."

The hearing was adjourned until this morning at 11 a.m.

After the conclusion of this inquiry, the evidence and findings in the investigations which Lord Merrivale has conducted into the loss of the four ships, the *Usworth*, *Blaigowrie*, *Millpool* and *La Crescenta*, will be published in book form by *The Journal of Commerce and Shipping Telegraph*, price 2s. Similar volumes in respect of previous important inquiries have commanded a ready sale, and intending purchasers are requested to notify their requirements to the Publisher, *The Journal of Commerce and Shipping Telegraph*, as soon as possible.

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