

IN THE HIGH COURT OF JUSTICEKING'S BENCH DIVISIONCOMMERCIAL LISTB E T W E E N

PRVO DALMATINSKO TRGOVACKO DRUSTVO

GRUZ

Plaintiffs

and

EDWARD JOHN DEARSLEY

DefendantI, A \_\_\_\_\_ J \_\_\_\_\_ BROWN of Wilsonova Obala Split

in the Kingdom of Yugoslavia make oath and say swear as

follows:-

1. I am Lloyd's Register Surveyor at Split.
2. On the 8th August 1933 at the request of Messrs. Banaz & Rusko Lloyd's Agents at Split and with the consent of the owners I attended on board the S/S. "TRECI", whilst that vessel was lying afloat and fully loaded at Sibenik, for the purpose of ascertaining whether the said vessel had suffered any damage, as I was informed that she had grounded whilst loading Subenik.
3. I witnessed the Diver go down for examination of the vessel under water and afterwards took a statement from him to the effect that the bottom stern frame rudder and propeller appeared to be undamaged and on the strength of this report

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I issued to the owners a Certificate of Seaworthiness.

After receiving the Diver's Report I was entirely satisfied as to the condition of the ship. The recommendation inserted by me in the Certificate of Seaworthiness that the vessel should be placed in dry dock for further examination at the first convenient opportunity is inserted as a matter of common form whenever a vessel is said to have touched the ground.

My attention has been called to a statement made by Mario Lusic that, when asked by Mario Lusic at Split how the loss could have happened after the diver's inspection, I explained the construction of the rivets to him, illustrating it by a sketch, and said that it was quite probable that some of these rivets had broken by reason of the grounding and that the diver could not very well notice this.

No such conversation between Mario Lusic and myself ever took place neither did I draw such a sketch as is referred to; further, I have never formed the opinion of the cause of the casualty which I am alleged to have expressed to Mario Lusic.

As a Surveyor to Lloyd's Register I am not allowed to express opinions as to casualties and I make it a strict

rule with myself never to do so.

8. If the water at the berth in question was not clear as stated by Mario Lusic in his said statement the diver would have complained but the diver made no complaint that the water was not sufficiently clear to enable him to make a proper examination. The water at the said berth is as clear as it is in any part of the harbour.

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day of

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Before me,

British Consul.



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1934. P. No. 198

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Draft

A F F I D A V I T

of MR. A. J. BROWN, Lloyd

Surveyor at Split

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Waltons & Co.,

101, Leadenhall S

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