

**"USWORTH" FINDINGS****Loss Caused by Failure of Steering Gear****OWNERS COMPLIED WITH ALL REGULATIONS****Three Mates Needed for Safety**

Questions of the adequacy of regulations governing the manning of vessels of the Mercantile Marine and the use of the chain and rod type of steering gear were raised in the findings of the Court of Inquiry into the foundering of the steamship *Usworth*, which were promulgated by Lord Merrivale, the Wreck Commissioner, at Westminster, yesterday. The *Usworth*, a Newcastle steamer of 3525 tons, foundered in a hurricane in the North Atlantic last December. The Belgian steamer *Jean Jadot* and the Cunard liner *Ascania* launched lifeboats to her assistance, but fifteen of her crew were drowned and two members of the crew of the *Jean Jadot* lost their lives in the course of the rescue operations.

The proceedings of the Court were reported in LLOYD'S LIST on May 21, 22, 23 and 24.

Before reading the findings, Lord MERRIVALE said that he and the Assessors had considered both the questions immediately involved and many matters which appeared more and more during the inquiry to be at least as important. The immediate question whether the law and regulations had been complied with involved one set of inquiries, but behind them it soon appeared that there was another set of questions which involved inquiries whether the existing system provided the best security that could be had for the safety of life and of shipping at sea, and if it did not what action ought to be taken in that respect. He and the Assessors had views which would no doubt receive whatever consideration they deserved.

**IN GOOD SEAWORTHY CONDITION**

Lord MERRIVALE said the *Usworth* was owned by the Dalgliesh Steam Shipping Company, Ltd., who bought her in 1926 for £51,000. Lloyd's Register assigned to her the classification 100 A1. When she left Sydney, Nova Scotia, on Dec. 6, 1934, she was in good seaworthy condition, and was duly equipped in accordance with the regulations of the Board of Trade. She was loaded with about 3625 tons of wheat, for the most part in bulk, but partly in bags. The cargo of wheat was fairly distributed in the five holds.

No suggestion was made during the inquiry of any departure from the regulations specified, and the stowage appeared to have been made in accordance with them, and with reasonable regard for safety. The hatchways of the holds were covered, protected, and secured in the usual way for a vessel of the class of the *Usworth*, and in accordance with the rules contained in the Merchant Shipping (Safety and Load Line) Act, 1932. The covers were of the prescribed character, and the fittings were of sound quality and in good condition, and such as normally would be sufficient for their purpose.

Referring to a question before the Court which was in the following terms: "When the vessel left Sydney, Nova Scotia, was she sufficiently manned for the voyage in question, and had she a sufficient complement of efficient deck hands?" Lord Merrivale said: "To answer this inquiry we assumed the question of sufficiency to be governed by the regulations made in the Merchant Shipping Acts, and embodied in the Board of Trade Circular 1963, whereby foreign-going steamships of the tonnage and dimensions of the *Usworth* should have, inde-

pendently of the master and two mates, no less than eight efficient deck hands. She was officially deemed to have this complement. The evidence showed that the *Usworth* had on board her master and two mates, and 23 hands of various ratings, comprising, in addition to the engine-room staff, a wireless operator, steward, ship's cook and mess-room boy, her boatswain, a carpenter (shipped as carpenter and sailor), four able seamen, and two apprentices. At her port of departure the eight last mentioned were deemed by the port officials to satisfy the requirements of eight efficient deck hands."

**WORK OF THE RESCUERS**

Lord Merrivale interrupted his reading of the part of the report which described the rescue efforts of the *Jean Jadot* and the *Ascania* to say: "One could not but be impressed by a sense of the degree of fellowship of the sea which kept the masters and crews of these two vessels as near as might be at hand to render assistance to the *Usworth*, which was manifestly in a very dangerous position. They were unable to stand by because of the weather, but they both came back and both rendered assistance, and it would not be proper not to take note of it in an inquiry of this kind."

Continuing, Lord Merrivale said that during a gale of hurricane force seas swept over the ship and much structural damage was done. The cargo manifestly shifted, and the vessel took a heavy list. On the morning of Dec. 14 the *Jean Jadot* launched a lifeboat, and sent it alongside the *Usworth*. Fourteen of the *Usworth's* crew jumped into the lifeboat. The master of the *Usworth* gave an attache case containing the ship's papers to the stewards, who threw it into the lifeboat. The lifeboat pulled away from the *Usworth* and attempted to lie to a sea anchor, but shortly afterwards dropped into the trough of the sea and capsized, and twelve of the crew of the *Usworth* and two of the crew of the *Jean Jadot* were drowned.

On the afternoon of Dec. 14 the *Ascania* sent a lifeboat to the *Usworth*. This lifeboat was not able to get alongside the *Usworth*, because the *Usworth* had a serious list to port, and the derricks of Nos. 2 and 5 holds were hanging over the ship's side. The officer suggested that the men on the *Usworth* should come overboard one at a time to be picked up by the crew of the lifeboat. Two of the hands jumped too hastily, and in the struggle to save them they and another were drowned. The boat eventually managed to get alongside, and the master and the remaining members of the crew, nine lives in all, were saved.

Answers to other questions were:

Did the master of the *Usworth* take all reasonable means to save the vessel and the lives of those on board her?—He did everything he could.

Was the master of the *Usworth* justified in ordering her to be abandoned when he gave that order?—Yes.

What was the cause of the loss of the *Usworth*?—She was overwhelmed by the sea, and foundered in a hurricane.

Were the abandonment and subsequent total loss of the *Usworth* caused or contributed to by wrongful act or default of her owners, the Dalgliesh Steam Shipping Company, or her master, Captain John Joseph Reed, or either, and, if so, which of them?—The owners complied with the statutory and administrative regulations. The master at all times did everything that it was possible for him to do.

**QUESTIONS "OF GREAT GRAVITY"**

Lord Merrivale said that some outstanding questions of great gravity had developed in the course of the investigation, and called for further consideration. He added: "They are to some extent indicated in the answers given to the questions formulated by the Board of Trade—questions con-

cerned immediately with the task of ascertaining whether those responsible for the construction, the equipment, condition and manning of the *Usworth* should be found to have failed of compliance with the law, as contained in the relevant Statutes and regulations in force. Broader considerations as to the safety of life at sea and the well-being and efficiency of the Mercantile Marine led to the presentment and discussion at the investigation of additional matters.

"As to the structure and equipment of the *Usworth*, the outstanding topics were the type and fitness and efficiency of her main steering gear, and the failure of her auxiliary steering gear to be of any service in the great emergency. The *Usworth*, it was said by way of criticism, was 'a standard ship built for sale,' and 'in some particulars would crawl through the regulations.' Her master, however, described her as 'a fine sea boat,' and there could be no reasonable doubt that she was well maintained, the repairs called for being always duly put in hand and carried out.

"What comes seriously into question, and needs to be further considered, is the type of steering gear with which she was fitted, and, in this connection, the character of the auxiliary gear she carried. The rudder of the *Usworth* was operated by chain and rod steering gear worked from the engine-room forward of the well deck. In the long stretch of chain and rod thus in use, chain links snapped or worn by reason of working strain, had constantly to be replaced, and incidentally this necessity threw much additional duty upon the ship's officers and risks upon the crew. The master expressed the strong opinion that chain and rod steering gear ought to be abolished. The master, it must be added, quite frankly said that the steering gear of the *Usworth* was of a type common for vessels of her class, and perfectly good of its type. Moreover, it was shown that the actual failure of the gear was due, not to any snapping of chain links, but to the giving way of a Warwick screw from some unexplained cause—the first time this master had known such a screw to fail.

"Whether steering gear operated as was the main steering gear of the *Usworth* ought to remain an accepted type of gear for ocean-going vessels, seems to us, upon the evidence, to call for full consideration with all possible help of expert witnesses."

**STEERING GEAR REGULATIONS**

Lord Merrivale said that steering gear of more modern type had been described to the Court, and had been shown to be largely in use. "Whether the regulations as to steering gear should be altered is, of course, matter for consideration by those responsible after complete investigation had been made. It must be said that the loss of the *Usworth* was due to the failure of her steering gear, and that the gear is of a kind which involves special risk."

Lord Merrivale referred to the *Usworth's* auxiliary steering gear which the master had described as absolutely useless. "Whether there should be regulations to ensure that efficient auxiliary steering gear shall be provided and regularly tested ought, in our opinion, to be promptly determined. The master of the *Usworth* and others express the view that hand steering gear for use in case of emergency would be preferable to auxiliary steering gear such as the *Usworth* carried. There was expert evidence of a different effect, however, and the matter stands for full consideration whenever it becomes a specific issue which can be dealt with adequately."

"The question of the sufficiency of the crew of the *Usworth* led," Lord Merrivale said, "to a very serious debate at the investigation. The answer given to the Board of Trade question in respect of this part of the

case must be supplemented, since considerations arise which are of wider scope and involve the safety of life and general wellbeing on board vessels of the Mercantile Marine. Difficulties involved in rigging and working jury gear and the extent to which the *Usworth's* crew could cope with them are among these topics. It will be recognised that specific investigation of the best evidence obtainable will be needed before they can be dealt with conclusively.

"As to the officers the *Usworth* carried, the unanimous opinion of my assessors, in which I concur, is that, with safety of life and wellbeing as dominant considerations, the *Usworth* should have had, besides her master, three mates. Before the ultimate trouble arose the watches necessarily required threw a too severe strain on the master and two mates. Moreover, the design and equipment of the ship, at least as regards the steering gear, involved incessant attention to special tasks, sometimes quite small in themselves, all definitely increasing the burden of duty of the master and the two mates. There was reasonable criticism, too, of the fact that with two mates there was no provision for specific instruction of the apprentices.

"Counsel representing at the investigation the interests of the officers and men of the Mercantile Marine discussed with a degree of stringency not altogether uncalled for by the circumstances of the case the question whether the *Usworth* had in her 'the eight efficient deck hands' when she left Sydney, Nova Scotia.

"The carpenter, Rourke, who was shipped as 'carpenter and sailor,' and the two apprentices came under close consideration. Rourke was a witness at the investigation, and appears to have been a capable and useful member of the ship's company. The two apprentices were each in his nineteenth year at the time in question. One of them was called as a witness, and was apparently quick, capable, and eager to learn. Moreover, it must be remembered that the *Usworth* had lost one deck hand on her way to Sydney.

"The master of the *Usworth* was conscious, as it seemed, of some difficulty in dealing with the question of eight efficient deck hands. But he had complied, on the owner's behalf, with regulations corresponding with those of the Board of Trade, and it was said that before the ship left Montreal the crew had duly appeared before the Mercantile Marine Superintendent, and had been approved. So far as the *Usworth* was concerned there was no apparent margin for safety, but there was compliance with the law.

"Whether the existing regulations," said Lord Merrivale, "do everything possible to ensure that ocean steamers like the *Usworth* shall be sufficiently manned to face the varied perils of the sea and whether any regulations could do this at a practicable cost having regard to business conditions are matters about which we are not able to express a confident opinion.

#### PRAISEWORTHY BEHAVIOUR OF THE CREW

"The behaviour of the ship's crew, officers and seamen for a long time in circumstances of deadly peril was in the highest degree praiseworthy," he said. "When the survivors were rescued, long continued labour without food and without sleep had brought most of them to a state of exhaustion. They did all that was possible to the end."

When the question of costs was raised it was stated that the master of the *Usworth* had lost a three years' contract as master through being detained to attend the inquiry and had received no compensation from the Board of Trade, and as yet had found no further employment.

The SOLICITOR-GENERAL (Sir Donald Somervell) said that the master was asked to put in a claim, but had not done so yet.

Lord MERRIVALE suggested that Captain Reed's advisers should present to the Board of Trade his requisition setting out as far as could possibly be done what his attendance had involved. He had not the least doubt that the Board of Trade would do everything they possibly could to meet his case.

Lord Merrivale made no order as to costs.



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