

THE "USWORTH" LOSS

Mr. Dalgliesh Questioned on Watch & Watch System

COUNSEL'S ADDRESSES TO THE COURT

Inquiry Concluded

The fourth and concluding day of the *Usworth* inquiry was reached yesterday. Lord Merrivale (Wreck Commissioner) presided, and with him were Captain A. L. Gordon and Commodore H. Stockwell, as nautical assessors, and Mr. Edmund Wilson, marine engineer assessor, and Mr. E. H. Mitchell, naval architect assessor.

The Solicitor-General (Sir D. B. Somervell) and Mr. G. St. Clair Pilcher appeared for the Board of Trade; Mr. H. G. Willmer (instructed by Messrs. Lightbourns, Jones & Bryan, London agents for Messrs. Ingledew & Co., Newcastle-upon-Tyne) for R. S. Dalgliesh, Ltd., managers of the *Usworth*; Mr. B. Aymer Digby, K.C., and Mr. Vere Hunt for the National Union of Seamen and the Transport and General Workers' Union, being instructed in the former case by Messrs. Russell Jones & Co., and in the latter by Messrs. Pattinson & Brewer; Mr. R. F. Hayward and Mr. Harold Griffin (instructed by Messrs. G. F. Hudson, Matthews & Co.) for the master of the *Usworth* and the chief engineer, the relatives of the chief officer and the second engineer, and the following Officers' and Engineers' Protection Societies who are represented on the National Maritime Board: Officers (Merchant Navy) Federation, Ltd., the Imperial Merchant Service Guild, the Mercantile Marine Service Association, and the Marine Engineers' Association, Ltd.

The first witness was Mr. ROBERT STANLEY DALGLIESH, who, in answer to Mr. WILLMER, said he was manager of the Dalgliesh Steamship Company, Ltd., and also the manager of R. S. Dalgliesh, Ltd., managers of the *Usworth*. He was a past president of the Chamber of Shipping and still a member, he was also a member of the Shipping Federation, a member of the Shipowners' Parliamentary Committee, one of the Tyne Commissioners, and chairman of one of the committees, a director of the North of England Protecting and Indemnity Association, and the present Lord Mayor of the City of Newcastle.

In reply to Mr. Digby, Mr. DALGLIESH said manning questions rested with him, and he visited his ships from time to time to see that things were well kept up.

Mr. DIGBY: Since the accident, have you looked at the repair accounts to see how much trouble the steering gear has given?—Yes.

It has given a good deal of trouble?—It has, but we have seen that it is well repaired.

If links stretch very much they become weakened?—I admit that.

At any rate, before the accident, your attention had never been called specifically to the state of the steering gear and the number of repairs which had been necessary?—Never.

Did it come rather as a surprise when you looked at the accounts?—No, repair accounts are never a surprise to me. I am quite accustomed to repairs. Mr. Dalgliesh added that the matter went before three officials of the company who had full authority to see that the ships were well kept up.

In answer to further questions by Mr. Digby, he said he thought that two officers besides the captain were sufficient. If he were to carry instead of two mates a third mate in addition, he would feel entitled to remove one deck hand. He was aware that the object of carrying a third mate was for the purpose of keeping a watch on the bridge.

POSITION OF APPRENTICES

Mr. HAYWARD: Dealing with the question of men on watch, you include apprentices?—Yes.

Boys earning a halfpenny an hour you class as men? Do you for purposes of manning make any distinction between the length of service of apprentices?—We do.

We have heard—it is only fair for you to know it—that the boys in your two-watch ships get no training.

Lord MERRIVALE: I don't know what you mean by training, Mr. Hayward. You must distinguish with regard to tuition, which is one thing, and practical instruction, which is another.

Mr. HAYWARD: May I ask Mr. Dalgliesh if he suggests that where there are only two mates in a ship keeping watch and watch, they have an opportunity of giving that training an apprentice should get?—Well, sir, they give practical training all the day time. These boys are going round and learning the practical training when at sea. That is the best training they can get. Mr. Dalgliesh added that it was wonderful what training the boys picked up, and as a proof of that there were in his fleet several captains who had once been apprentices.

Mr. HAYWARD: Is not this the fact, that boys get so little training on your ships, and, alas, on other ships, that they spend long periods on unemployment assistance while attending evening classes?—I am not going to admit that.

Can you deny it?—Some boys succeed, others do not.

Do you know that it is the view of the Government, as expressed in the House of Lords, that the question of hours of work and pay shall be settled between shipowners and sailors by the Maritime Board?—That is so.

Does the Shipping Federation, of which you are a prominent member, appoint delegates to represent them on the Maritime Board?—That is true.

Are they armed with authority to enter into agreements on behalf of the Shipping Federation?—They are, sir.

And therefore on your behalf also?—That is so.

Do you know that as far back as 1929 an agreement was entered into that steamships of over 2750 tons gross should carry three officers?—That is true.

Have you from that time until the unfortunate loss of that vessel ever honoured that agreement so far as the *Usworth* is concerned?—I have not, sir.

I should ask you, Mr. Dalgliesh, if you don't honour agreements made on your behalf, are you withdrawing from the Shipping Federation?—No, I am not, sir. I want to explain I spoke very strongly at the Federation against this agreement being carried into effect, but we were overwhelmed by the liners and small coasting boats.

Do other shipowners honour their agreements?

Lord MERRIVALE: You are getting rather wide.

Mr. HAYWARD: It is to lead up to a question. I assume a number of shipowners adhere to that agreement?—Yes, most of them do.

Aren't you putting a rather unfair burden on them if they agree and you don't?—I quite agree.

In consequence, have your brother shipowners urged you to honour your bond?—I don't think I have ever been asked to honour my bond in the case of the *Usworth*.

Have you in other ships?—I honoured it in every other ship of 2750 tons.

We were told yesterday that in about half your vessels you carry three officers?—That is so.

Is it true that at the same time you carry a third officer you reduce the A.B.'s by one?—All our other boats are manned according to the Board of Trade scale.

I suppose most of these ships have four or five hatches and are loaded with the usual rapidity of loading in these days?—That is so.

Do you suggest that it is a physical possibility for two officers who, an hour or two afterwards, are going to sea, to keep four hours on and four hours off for watches, to supervise adequately the loading or discharging of a ship of this sort?—I do, sir.

Mr. HAYWARD asked the witness whether he paid the wages prescribed by the National Maritime Board.

Mr. DALGLIESH replied that he did, though he had not always done so in every case. They had two or three ships laid up, and the men asked to be taken on at a lower wage to get the ships started, but that matter was put right because the money was refunded them.

Mr. HAYWARD: Was it, as a matter of fact, the result of pressure from your brother shipowners?—From the Shipping Federation.

WHY SHIP HAD ONLY TWO OFFICERS

Mr. ST. CLAIR PILCHER: Could you tell us why you made an exception in the case of the *Usworth* and put only two officers on board her instead of three?

WITNESS: We have always carried two officers on that size ship ever since we have managed ships. They carry coal, ore or grain, and that is not the kind of cargo that requires very much serious attention. We should put three officers if there had been a general cargo.

The officers do not have a great deal to do in the case of loading grain or coal?—No.

You have heard, no doubt, that criticisms have been addressed to the steering gear of the *Usworth*, and you are a shipowner of long experience. Are the other vessels which you own fitted with the same type of steering gear as the *Usworth*?—No, not all the same type. On four ships we have telemotors, and on two ships electric steering gear.

By Mr. Willmer: With regard to apprentices serving in his ships, it was the practice to move them from vessel to vessel, so as to give them more experience in different trades.

Mr. WILLMER said that that concluded the case on behalf of the owners.

Mr. DIGBY, addressing the Court, said the object of those he represented being made parties to the inquiry was not for the purpose of making any frontal attack on anyone connected with the matter, but merely in order to see that certain questions which it was believed very seriously affected the lives and the safety of those whom he represented were put before the Court in all their aspects. It came as rather a shock on the first day of the inquiry to hear the Solicitor-General say, before any evidence whatsoever had been called, that on the information at present at the disposal of the Board of Trade and on the full inquiries that had been made, they made no charges either against the owners with regard to any defects in the ship, or the officers and crew with regard to the handling. Speaking with the very greatest respect, he would have thought, in view of the very wide publicity which that statement had been given, it would have been better to have waited until the whole of the evidence had been heard.

After referring to the terrible effects upon the unfortunate men who were thrown into the water of the oil which

was poured on the sea, and suggesting that some device could be thought of to minimise the effect, Mr. DIGBY went on to say that the two main features of the case were the question of manning and the question of steering gear. With regard to the former question, Counsel criticised the instructions issued by the Board of Trade in which superintendents were requested to note that "when a third mate is carried he should, if the master desires it, be counted as one of the efficient deck hands."

Lord MERRIVALE: Looking at the period before the final casualty, would you say that this ship's complement were or were not an efficient lot of men?

Mr. DIGBY: Yes, they were an efficient lot of men; they could have brought the ship back in safety, but one must bear this in mind; while I agree so far as the Statute is concerned one cannot point to the requiring of three mates, it is open to your Lordship to express a view as to whether the law meets modern requirements.

Lord MERRIVALE: Assume the owners of the *Usworth* to have complied fully and literally with the law, there is the question whether, having regard to the contingencies which may arise, there should be some amendment of the law.

Mr. DIGBY: That is one of the principal reasons why we are before your Lordship. Proceeding to speak of the steering gear, he said that if it were a normal breakage, did it not become of vital importance, that the ship should be fitted with an efficient secondary steering gear with which the crew were well conversant, and which could be put into action at a time when accidents were most likely to occur, that was, in bad weather? He suggested that serious attention should be given to the question whether that type of steering gear ought to be used for ships in that trade and liable to meet with severe weather; and whether a ship of that size ought not to carry towing gear. Further, there was no material in the ship for making rafts.

STEEL HATCH COVERS

Mr. HAYWARD said the steering gear was admittedly of an old-fashioned type, and it had manifest disadvantages. One of the matters for inquiry was whether the ship was sufficiently manned, and that depended on the number of efficient deck hands she had. After hearing the evidence there could be no doubt that the carpenter was not an efficient deck hand, as he had had no sailor's training whatever. Mr. Hayward dealt with the question of proper manning by officers, and quoted Lord Templemore's speech in the House of Lords on behalf of the Government with regard to the position of the National Maritime Board, and submitted that that view was in accordance with common sense. He referred also to the question of hatches, and suggested that if steel hatches would have prevented the carrying away of No. 2 hatch and the exposing of so large a surface of the hold to the seas they should be adopted. "I submit," he added, "that this case shows that there is a need for a general inquiry into these matters so deeply affecting the position of seamen, and on their behalf I ask your Lordship to so recommend."

Mr. WILLMER read the question contained in the list submitted by the Board of Trade as to whether the abandonment and subsequent total loss of the ship were caused or contributed to by wrongful act or default of her owners or her master, or either, and by what wrongful act or default, if any. He submitted that there had been no default. He had found it very difficult to pick out any specific charge directly made against the owners. There was no charge which could be formulated against them as to the type of steering gear with which the ship was fitted or as to the way it was maintained. There could be no blame, either, for the failure of the auxiliary steering gear, which was nassed by the classification societies.

As to manning, when the ship left Swansea she was carrying one more efficient man than the minimum required by the Board of Trade scale, and but for the regrettable death of the boatswain and the inability of the master to replace him, the ship would have more than complied with the requirements of the Board of Trade.

"NO CHARGES AGAINST ANYONE"

The SOLICITOR-GENERAL, addressing the Court on behalf of the Board of Trade, said that they did not now, as at the beginning, make any charges against anyone. He pointed out that, so far as the weather was concerned, the master had stated that it was the worst he had seen in his 24 years' experience. As to the steering gear, the chief criticism was that with the type in use links were likely to go. The Board of Trade, he said, had power to detain a vessel in the event of her being unfit to proceed to sea with safety, but the machinery in this country for the general safety of the vessels was provided by the classification societies.

The PRESIDENT: What you mean in effect is that, if the Board of Trade accept and promulgate a code of regulations, and the vessel complies with them in letter and spirit, it would be an absurdity to say that a vessel which did that was unsafe to go to sea.

The SOLICITOR-GENERAL: If something does want doing in this matter it seems to me that the correct procedure is for the classification societies to take it up to see whether their rules want amending.

Continuing, the Solicitor-General said that the President of the Board of Trade had the efficiency of this particular type of steering gear under inquiry, and every consideration would be given to any recommendations which might be made by the Court. In regard to the question of manning, there was a minimum safety element. So far as the *Usworth* was concerned, when she left Swansea she had one deckhand more than when she left Montreal, and one deckhand more than was required by the regulations. The reason why she was at the minimum on her homeward voyage was because the boatswain had died at Montreal and the master had been unable to secure another hand.

The Board of Trade did not suggest that the *Usworth*, having regard either to the carpenter or the apprentices, was undermanned. There was no evidence or suggestion that any of them were not efficient deckhands or not up to their work. If the case was going to be made the basis for suggestions that the regulations ought to be altered one would have expected some evidence that the fact that there were not more men on board contributed to the disaster. There was no evidence; on the contrary, there was affirmative evidence from the master that it did not. "The master," said the Solicitor-General, "struck me as a man incapable of anything but the most complete candour and fairness."

This completed the inquiry, and the Court was adjourned.



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