

THE "USWORTH" LOSS

More Questions on the Ship's Steering Gear

EVIDENCE FROM MR. E. J. FOLEY

Mr. R. S. Dalgliesh to Attend Inquiry To-day

Yesterday was the third day of the inquiry ordered by the Board of Trade into the sinking of the *Usworth* in the North Atlantic in December last. The Wreck Commissioner, Lord Merrivale, presided, and sitting 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 Filcher 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., owners of the *Usworth*; Mr. E. Aylmer 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. E. 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.

Mr. WILLMER mentioned at the outset that Mr. R. S. Dalgliesh, chairman of R. S. Dalgliesh, Ltd., managers of the *Usworth*, was Lord Mayor of Newcastle, and so far as that day was concerned his civic duties necessitated him remaining in Newcastle to preside over a meeting of the Council. He had also to be at Newcastle on Friday, but he would be available on Thursday, and he (Mr. Willmer) hoped it would be possible for his evidence to be taken some time during the inquiry.

Lord MERRIVALE: Let the Lord Mayor be here to-morrow and I will see that we adjust matters so that he can be called. There may be matters for cross-examination and we shall learn a good many things from him.

WILLIAM THOMAS WILLIAMS, engineer surveyor-in-chief to the Board of Trade, was called. Asked by the Solicitor-General whether he could form any view as to what was the cause of the breakdown of the steering gear, witness said the weather at the time was of sufficient severity to lead one to expect that the rudder would be exposed to shocks from the sea, and that type of steering gear was susceptible to damage from the shocks. With regard to the auxiliary gear, there was no shock-absorbing device. The type of steering gear in the *Usworth* was fitted in most tramp steamers. Experience led them to believe that ships of over 12 knots were not so susceptible to damage as ships of slower speed, because the former were fitted with stronger leads and chains to enable them the better to withstand the shocks.

Mr. DIGBY: You expressed the theoretical opinion that an auxiliary hand-steering gear would not be practicable in a ship of this size?—Witness: We do not consider it advisable to sanction it. That is our point of view when we are discussing plans.

Mr. HAYWARD asked whether it was not a fact that as recently as February and March there were 17 vessels in the Bay of Biscay with broken rudders or damaged steering gear.

WITNESS said he could not say whether the figures were correct, but there had been rather more casualties at sea than usual this winter.

Mr. HAYWARD: You are of the opinion that this primary steering gear of the rod and chain kind is not of the best type?—WITNESS: I think there are better gears.

As to the secondary gear, is it possible to provide a better gear at no great expense?—A fair expense would be involved in the provision of better gear.

BOARD'S POWER LIMITED

In answer to the SOLICITOR-GENERAL, WITNESS said that as far as passenger ships were concerned there was the annual survey, but with regard to cargo vessels the Board's power was limited to the detention of a vessel if in the opinion of the Board's surveyors she was unfit to proceed to sea without danger to human life—a general power which applied to both passenger and cargo ships. Cargo vessels had also to comply with the load-line requirements. The question of steering gear in cargo vessels and such matters were almost entirely in the hands of the classification societies. No control was exercised over the construction of steering gear of cargo vessels; it was confined to actual cases of complaint of unseaworthiness.

In reply to Lord Merrivale, WITNESS said there was a slight tendency to get away from the type of steering gear in question. He added that in that type of boat it was very difficult to adapt an effective auxiliary steering gear except at some expense, but in a smaller ship a hand gear which would be effective could be quite readily put in.

Mr. E. J. FOLEY, Under-Secretary to the Board of Trade, stated that he had been in charge of the Mercantile Marine Department since 1929. Under the Merchant Shipping Act of 1894, the Board were given power to detain

vessels if in the opinion of the Board's officials the ships were unfit to go to sea without serious danger to life. The Act of 1894 contained no express reference to manning, and in 1897 the words, "or by reason of undermanning," were introduced into the section. So far as that type of vessel was concerned, the Board of Trade only came into the question of manning purely from the point of view of safety.

Extracts from various instructions to superintendents of mercantile marine offices with regard to manning were put in, showing that after two years' sea service a boy of 18 might be regarded as an efficient deck hand, but he would not be entitled to be rated in the ship's agreement as an A.B. until the completion of three years before the mast.

The National Maritime Board, continued Mr. Foley, in reply to further questions by the SOLICITOR-GENERAL, was an entirely voluntary, independent and autonomous body which might be regarded as the Whitley Council of the shipping industry.

The SOLICITOR-GENERAL: That body would be quite open to consider questions of manning at large irrespective of danger to human life?—Witness: Yes.

The SOLICITOR-GENERAL: The Board of Trade is merely concerned with the minimum safety standard?

Lord MERRIVALE: And to enforce the law.

In reply to Mr. Digby, WITNESS said he considered that the *Usworth* had eight efficient deck hands.

Mr. DIGBY: Do you regard the carpenter, who stoutly declares that he is no seaman and who has been to sea only once—

The SOLICITOR-GENERAL: For three years and nine months.

Mr. DIGBY: Do you regard him as an efficient deck hand?

WITNESS: Subject to seeing his discharge papers and seeing him, I might come to that opinion.

Mr. HAYWARD asked whether the officials who tested whether the men were efficient deck hands or not were mariners or part of the clerical staff.

Mr. FOLEY replied that in the first place the matter went before the Mercantile Marine Office Superintendent, who was on the clerical staff, but was a man of long experience in signing on and signing off crews. If, however, there was a doubt as to the efficiency of a particular man the next official consulted was a nautical surveyor who was a sailor.

THE N.M.B. AGREEMENTS

Mr. HAYWARD: With regard to the National Maritime Board, does the Board of Trade recognise the agreements that are arrived at on manning problems between the employers' and the employees' panels?

Lord MERRIVALE: I don't know what "recognise" means. The real question is whether they became operative as part of the administrative system.

Mr. FOLEY said if it were meant that the Board of Trade applied the agreements as part of its administrative machine, certainly not. The National Maritime Board made agreements between ship-owners and sailors, and they looked after them. The Board of Trade had no power to take those agreements and enforce them. If it were meant, however, did the Board of Trade endeavour to support the unanimous agreements of the National Maritime Board? the answer was, yes. The Board of Trade had the highest opinion of the Maritime Board and assisted them, but that was quite a different matter from that implied by the use of the word "recognise."

Mr. HAYWARD: Is it still the view of the Board of Trade that the National Maritime Board exists for

the purpose of settling or determining disputes as to service, wages, hours, and so forth?—WITNESS: Certainly.

Lord MERRIVALE: We are getting into the infinite now. I know what you are driving at. The policy of the Board of Trade is one thing, and administration and enforcement are another thing.

Mr. HAYWARD: If a vessel is detained by the Board of Trade on account of alleged under-manning or anything of that sort, it is a fact that if the detention is improper the Board of Trade has to pay for the detention. Does that cause any reluctance on the part of superintendents to detain a vessel in a doubtful case?

Mr. FOLEY: I do not think so, but the detention of a vessel is a very serious act and no official would detain a vessel without serious consideration.

Questioned with regard to steel hatches, he said the Board of Trade was still going into the question. Steel hatch covers were being experimented with, but the Board was not satisfied that there was enough experience to enable them to come to a definite conclusion.

Mr. HAYWARD questioned the witness about an agreement contained in the handbook issued by the National Maritime Board relating to the number of officers required to be carried.

Lord MERRIVALE said working agreements between masters and employees, such as might exist in any industry, did not affect the law. He could not see what power they gave to the Board of Trade. This was an inquiry into the loss of the *Usworth*. He did not want to exclude anything which threw light on the responsibility of persons concerned, but he could not direct the inquiry into the general shipping conditions in the industry between employers and employees.

The SOLICITOR-GENERAL said that was the conclusion of the evidence he would call, and he then submitted a list of questions, which he read. They numbered 66.

Mr. DIGBY mentioned that both the *Ascania* and the *Jean Jadot* poured oil on to the water, and while it had a very good effect generally it had a deplorable and disastrous effect on the wretched men. He thought that some attention ought to be drawn to that.

DUAL PURPOSE OF INQUIRY

Mr. WILLMER, for the owners, said the evidence he should call would be very short. He was conscious of the dual purpose of the inquiry. Primarily, the Court was inquiring into the circumstances attending the loss of the *Usworth*, and, if blame was to be attached to anybody, to allot the blame where it should fall; but, secondly, they were engaged in a somewhat wider inquiry—as to whether, having regard to the experience gained, any recommendation should be made as to existing regulations being amended or new ones substituted. His contentions were primarily directed to whether the regulations were complied with, so far as his clients were concerned, and his submission was that they had been. The suggestions hitherto made against his clients centred in the main on two questions—first, the steering gear with which the *Usworth* was fitted, its type and efficiency and state of upkeep, and, second, whether the vessel was sufficiently and efficiently manned.

Mr. JAMES McCULLOUGH LOCHHEAD, engineer superintendent to R. S. Dalglish, Ltd., was then called. Replying to Mr. WILLMER he said he had held his present position since 1927. To his knowledge the *Usworth* was in a very good condition when he last dealt with her, and there was no unrepaired damage which would affect her seaworthiness.

COUNSEL then submitted to the Court accounts which showed repairs executed on the *Usworth* since her survey in 1931, also a summarised account which dealt exclusively with repairs carried out on the ship's steering gear. The latter document showed that repairs were done on about nine occasions from 1931 to 1934.

Mr. WILLMER: So far as you were able to, have you taken all the steps you could to keep the rudder and steering gear of the *Usworth* in proper condition? WITNESS: Yes, we were always very careful.

What is your view as to the type of steering gear provided on board the *Usworth*?—The type of steering gear is quite good of its kind, and a very usual type in general use in ships of that nature.

What do you say as to the propriety of the type of auxiliary gear provided?—I think it was a perfectly practical type, though it failed in this case, but only in one particular part.

Mr. DIGBY questioned witness regarding trouble with the steering gear which occurred while the *Usworth* was on a voyage from Rosario to Liverpool, via Las Palmas, in 1933. He pointed out that on the first occasion the wind was N.E., force 3, while the state of the sea was 2, while on the second occasion the wind was force 7. WITNESS agreed that that was so.

COUNSEL: You have had a good deal of trouble with this steering gear in this particular ship? WITNESS: I have had a good many repairs, but not very much actual trouble in the way of breakage.

Having regard to the record of previous trouble with the steering gear do you regard it as being efficient to make a transatlantic voyage in winter?—Yes, I certainly do.

How do you account for these chains parting on this particular ship, once when the wind was only force 3 and the sea fairly smooth?—Well, there are several reasons for chains parting, and I have no evidence to show that they parted for any particular reason, but if a crack develops it might be there for quite a long time before it eventually increases sufficiently to fracture. Therefore, sometimes we find these cracks or worn parts some time after they occur.

SECONDARY GEAR

Referring to the secondary steering gear, witness said that in his view it was workable in bad weather, though it failed in this particular case owing to a block being carried away.

Replying to Mr. Hayward, WITNESS agreed that the risk of a crack developing and remaining unnoticed was a dangerous feature of the rod and chain steering gear.

Re-examined by Mr. Willmer, WITNESS said that the blocks on the auxiliary steering gear were made of steel.

The next witness was Captain John George Smith, marine superintendent of R. S. Dalglish, Ltd., since 1927.

Examined by Mr. Willmer, WITNESS said that the number of officers and men on board the *Usworth* was quite sufficient for the duties they had to perform.

Mr. DIGBY, cross-examining: Have you had experience where officers have to keep watch and watch in transatlantic crossings?—WITNESS: I have.

Do you think it is a very comfortable position?—I was not concerned with comfort. There is not a great deal of comfort at any time crossing the North Atlantic.

You have always taken the view that watch and watch across the Atlantic with two officers, also working in the day, is sufficient?—Sufficient for the safety of the ship.

You mean if everything goes right they could bring her back safely to port?—They could.

At the cost of some human endurance?—There is always that.

Do you really mean to say, looking back on your past career, that that is a satisfactory state of affairs?—I think that the ship was perfectly safe.

That is not an answer. Do you?—After a pause, witness said that he thought it was satisfactory.

How many A.B.s do you consider the ship ought to be manned with?—Five.

She, in fact, had four?—Yes, and two apprentices and the carpenter and boatswain.

Did you regard the carpenter as a seaman?—After he had been three years in the ship I felt he was.

Questioned in regard to the two apprentices, witness said that after three years at sea he regarded them as equal to two A.B.s.

Replying to Mr. HAYWARD, WITNESS said he regarded five A.B.s as the proper complement of the *Usworth*. They had had that number since 1932, before which there were six.

Mr. HAYWARD: Can you say why there were only five? WITNESS: Because we were carrying one above the minimum requirements.

Who, in your company, decided as to the number of officers to be carried?—In this case, Mr. Dalglish, in view of the special circumstances of this ship.

What were the special circumstances?—In 1929 when it was recommended that three officers should be carried we found there was a tremendous shortage. We found we were getting short of third officers in our big ships, and he (Mr. Dalglish) said: "Let it go as it is."

Are you suggesting that the reason why the *Usworth* was only carrying two officers was that there was a shortage?—Not at present, I never said that.

Is it a fact that at present you could get 2000 officers?—Quite true.

Do you say you could not get an efficient third officer in 1929?—We were having tremendous trouble to get them in the large ships, and we were having the assistance of the officers' unions.

Was your difficulty on that occasion due to the fact that the conditions offered were not up to the average?—No.

How many of your ships carry only two officers?—Eight—all small ships.

Do you call the *Usworth* a small ship?—She was between the small ships and the large ones.

Do you say that four A.B.s and these two apprentices and other men on the ship were sufficient to launch a boat and to row it to other vessels and to bring it back again and hoist it up in a seaway. Recently shipmasters have been under a penalty if they have failed to go to the assistance of ships in distress, and you know that in these days of wireless they frequently receive such requests. Do you consider that this ship, manned as she was, was effectively able to render boat assistance to other ships in heavy weather?—I hope so, and I think so.

This concluded Captain Smith's evidence, and the inquiry was adjourned until 10 30 this morning.

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