

FORGOTTEN WRECKS OF THE FIRST WORLD WAR

RMS *Lusitania*



The Lusitania in port.

By the end of the 19th Century, what with tough competition, recessions and ruinous rate wars, times were not so good on the North Atlantic, when two formidable old rivals told the British Government that they would no longer compete against each other for the coveted mail contract; so it was, that the Admiralty changed the rules and permitted them to share the contract and its valuable subsidy. It reversed their fortunes and, from that point, the names of White Star Line and Cunard flourished in a new era, dominating the biggest prize in the maritime world, the express run to New York^[1].

To the British Government, it was proving to be a perfect storm of events, for they could see the German companies, Norddeutscher Lloyd and Hamburg-Amerika, building unstoppable rivals with Government subsidies. More ominously, they had been built with fittings that would enable them to be converted rapidly to armed merchant cruisers in time of war, to put in hazard British merchant shipping. When the new Transatlantic liner *Deutschland* sailed from Southampton and won the Blue Riband on her maiden voyage to New York, it was very clear that the surviving British-owned company, Cunard, would have to be given some assistance, or Britain's place on the North Atlantic would be lost forever. As a result, they gave Cunard a loan of £2,600,000 to build two new superliners, on condition that the Company would remain under British ownership - and the *Lusitania* and *Mauretania* were born. White Star had nothing to fight back with; they could hardly win a British subsidy, being in American hands. It was down to Morgan's dream of dominance with three new sisters, that they would win back pre-eminence for Ismay's Oceanic Steam Navigation Company. One would be the *Titanic*; the last would be the *Britannic*, and both had terrible fates awaiting them.

From the start of their careers, the Cunard sisters set up and maintained a crack service of regularity and dependability on the turbulent North Atlantic – turbulent, in fact, in many ways. On the 1st May, 1915, *Lusitania* sailed from Cunard's Pier 54 in New York, bound for Liverpool with 1,257 Passengers and 702 crew^[2], who had ignored a warning published by the German Embassy in Washington a week before:

Notice!



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Travellers intending to embark on the Atlantic voyage are reminded that a state of war exists between Germany and her allies and Great Britain and her allies; that the zone of war includes the waters adjacent to the British Isles; that, in accordance with formal notice given by the Imperial German Government, vessels flying the flag of Great Britain, or any of her allies, are liable to destruction in those waters and that travellers sailing in the war zone on the ships of Great Britain or her allies do so at their own risk.

By 06.00 on the 7th May she had nearly made it home; paradoxically, though, this was one of the most dangerous areas for U-boats. Heavy fog had brought down visibility as she was steaming 120 miles west south west of Fastnet. At full speed no u-boat could hope to catch her, but the fog had slowed her down and forced her to announce her presence with fog signals.

By 14.10 the fog had cleared and she was some 11 miles off the Old Head of Kinsale, making 18 knots which Schwieger could not hope to match in U-20 - the submarine from which he had torpedoed the *Oriole* – but he did not need to, for she crossed just 700 metres ahead of him, allowing him to fire his last torpedo. He recorded in the Log Book:

*Torpedo hits starboard side right behind the bridge. An unusually heavy detonation takes place with a very strong explosive cloud. The explosion of the torpedo must have been followed by a second one... The ship stops immediately and heels over to starboard very quickly, immersing simultaneously at the bow... the name *Lusitania* becomes visible in golden letters[3].*

The crew scrambled to launch the lifeboats but the ship's heavy list made it extremely difficult and only six out of 48 lifeboats were launched successfully. Eighteen minutes after the torpedo struck, the bow struck the seabed while the stern was still above the surface, and finally the ship slid beneath the waves. The Admiralty Reported stated that, of the 1,257 passengers on board, 785 were lost, and 413 crew were lost. Fatefully, among the losses in the passenger list were 128 American citizens, which would eventually result in the United States joining the war, when Imperial Germany was crushed, simply by weight of numbers.

In terms of strict law, at the time of her loss *Lusitania* was the property of the Cunard Steamship Company Ltd and was entered for war risks insurance with the London and Liverpool War Risks Association, who had duly paid the owners in respect of the total loss of the ship and, as a result, acquired legal title to the ship. But would Germany be answerable for their deliberate actions against the innocent lives of passengers and seamen? To the people of the United States, who were not even belligerents at the time, it was a very serious issue that fell to be determined, and there was no United Nations process in existence at the time; so it fell to be agreed by reference to an Arbitration between the United States and Germany in 1923[4].

In fact, Germany had always realised that their position in the matter was impossible and, as early as the 4th February 1916, Germany formally admitted liability for losses sustained by American nationals as a consequence of the sinking of the liner. The general rule at the time was reflected in a Treaty – ironically ratified in Berlin – which gave a full indemnity in terms

FORGOTTEN WRECKS OF THE FIRST WORLD WAR

of a financial loss arising out of such action, in other words, they would have to compensate the dependent relatives for the financial loss caused by the victims' deaths, while adding an additional sum for the surviving relatives' mental suffering. The Germans argued that the survivors had already been compensated by insurance payments but this was rejected completely.

Emotions were running, high, of course, and there was a forceful voice in the United States calling for more punitive damages reflecting the German conduct, but the Tribunal ruled on the Treaty:

The Treaty is one between two sovereign nations—a Treaty of Peace. There is no place in it for any vindictive or punitive provisions. Germany must make compensation and reparation for all losses falling within its terms sustained by American nationals. That compensation must be full, adequate, and complete. To this extent Germany will be held accountable. But this Commission is without power to impose penalties for the use and benefit of private claimants when the Government of the United States has exacted none.

There the matter rested, for some forty years, as the wreck lay slowly decaying on the sea bed. Then, in 1967, Liverpool and London sold to John F. Light

the rights and interest in the wreck of the LUSITANIA on the understanding that it would not be salvaged as a whole, repaired and put into commission again, and also that the purchaser takes over all liabilities and expenses which might attach to the wreck. [5]

Subsequently the rights were bought by a certain Gregg Bemis, a very adventurous sort of salvor, who started a salvage operation on the wreck in 1982 and, two months after the initial survey, started raising artefacts, using a remotely controlled submarine. Having recovered the ship's bell, they went on to salvage some 94 other items, some of which were part of the wreck whose rights Bemis had acquired, originally from the insurers. But the question, this time, was who was entitled to the contents; Bemis argued it should be him, but the Crown argued it should be them. The Crown was laying claim to the contents on the basis of S523 Merchant Shipping Act 1894, which provided that

Her Majesty and Her Royal successors are entitled to all unclaimed wreck found in any part of Her Majesty's dominions...

Bemis argued that *Lusitania* and her contents did not come within the definition of a wreck and they were not derelict and, therefore, the provisions of the Merchant Shipping Act, 1894 did not apply [6]. The Admiralty Judge, Sheen J, held a ship was derelict in the legal sense

if the master and crew had abandoned her at sea without any intention of returning to her without hope on their part of recovering her; there could be no doubt that when the master, crew and passengers abandoned Lusitania they did so in order to save their own lives and without any hope or intention of returning to her; the owners abandoned their ship and by necessary inference from



FORGOTTEN WRECKS OF THE FIRST WORLD WAR

the agreed facts and from the lapse of 67 years before any attempt was made to salve the contents, the owners of the contents abandoned their property; and once a vessel became derelict there was no good reason why she should cease to be derelict merely because she was not afloat but lying on the bed of the sea.

The Court concluded that the contents were just as much a part of the wreck as the hull and machinery. It was good news for Bemis; but it has not done him a lot of good, because the wreck lies in the Sovereign Jurisdiction of the Republic of Ireland, where her preservation has been made the subject of close protection – even from the wreck’s alleged owner – by reason of a government Heritage Order, which is intended *to protect the wreck from unauthorized diving and interference* and prohibits any body from diving on, damaging or in some way interfering with three wreck, unless they have a licence from the government minister responsible. So far, Bemis has considered the conditions imposed by the Irish Government to be impossible to accept. The *Lusitania* lies there still.

Researched and written by MAT volunteer Dr Simon Daniels.

Sources

- [1] Anderson, R, 1964, *White Star*, T Stephenson & Sons Ltd, Prescot
- [2] Figures contained in the Admiralty Report, See National Archives ADM 137/2959
- [3] See National Archives ADM 137/3923
- [4] http://legal.un.org/riaa/cases/vol_VII/32-44.pdf
- [5] <http://law.justia.com/cases/federal/district-courts/FSupp/884/1042/1388795/>
- [6] *The Lusitania*, [1986] 1 LI L R 132