

T.N.R.
UNITED STATES COAST GUARD

Address reply to:
COMMANDANT
U. S. Coast Guard
Headquarters
Washington 25, D. C.

1951
December, 1950
File: (E. J. HENRY-
FERNLAND C-3 Bd)

From: Chief, Merchant Vessel Inspection Division
To: Commandant
Via: Chief, Office of Merchant Marine Safety

Subj: Marine Board of Investigation; collision E. J. HENRY and Norwegian
Freight Ship FERNLAND on 2 October, 1950, approximately 13 miles
NE of Winter Quarter Light Vessel.

1. Pursuant to the provisions of Title 46 C.F.R. Part 136, the record of the Marine Board convened to investigate subject casualty, together with the Findings of Fact, Conclusions and Recommendations, has been reviewed and is forwarded herewith.

2. The American tank vessel SS E. J. HENRY of 11,615 gross tons departed from Port Mifflin, Delaware River, Pa., on 2 October, 1950, bound for Harbor Island, Texas. The Norwegian freight vessel MV FERNLAND of 5564 gross tons departed from Newport News, Va., on 2 October, 1950, bound for New York, N. Y. Approximately 13 miles northeast of Winter Quarter Light Vessel the E. J. HENRY was proceeding on a southerly course at a speed of over 13 knots in a fog with the FERNLAND visible on her radar on an opposite course. The FERNLAND was bound on a northerly course at a speed reduced from 15 knots sounding a fog signal with the E. J. HENRY visible on her radar. When both vessels visually sighted each other, collision was inevitable and a collision resulted at 2150 approximately 13 miles northeast of Winter Quarter Light Vessel. The weather conditions at the time of the casualty were easterly wind, force 3 to 4, slight sea, overcast sky and thick fog.

3. No lives were lost nor were any injuries sustained as a result of this casualty. The E. J. HENRY sustained damage to the extent of \$25,000 and the FERNLAND sustained damage to the extent of \$60,000.

4. The Board made the following Findings of Fact:

"(1) The S.S. E. J. HENRY, a tank type vessel, owned and operated by the Atlantic Refining Company, and the Norwegian motor vessel FERNLAND, owned and operated by Fearnley & Eger of Oslo, Norway, collided with each other in a fog on 2 October, 1950. Due to a difference in time between the clocks of the two vessels, the time of collision, as given by the HENRY was 2155, while the FERNLAND reported 2151. (All times given are Zone plus 5). There was also a variance in the locus of the collision. That of the HENRY at 38° 09' N., 74° 48' W. The FERNLAND at 38° 05' 40" N., 74° 48' W. Using the navigational data given in the testimony, a D. R. plot places the collision in 38° 06' 24" N., and 74° 47' 18" W. At the time, both vessels were underway, not stopped, in a thick fog.

Chief, MWI Division to
Commandant

6 December, 1950
(E. J. HENRY-FERNLAND C-3 Bl)

(2) The wind was 3-4 Easterly, slight sea, overcast sky and thick fog at the time of collision. Both vessels were using radars in good operating condition.

(3) Name of vessel:	E. J. HENRY	FERNLAND
Nationality:	U.S.A.	NORWAY
Type:	Tanker (E.L.S.)	Dry Cargo (M.V.)
Official No.:	238988	---
Home Port:	Philadelphia, Pa.	Oslo, Norway
Built:	Chester, Pa. (1939)	Sunderland, Eng. (1948)
Length:	523.5	453
Beam:	70.2	38.9
Depth:	39.7	---
Draft:	17' 06" F. 24' 06" A. (At collision)	11' 00 F. 16' 00" A.
Gross Tonnage:	11,615	5,564
Net Tonnage:	7,240	3,140
Engine:	Steam, single screw	Diesel, single screw
Owner:	Atlantic Refining Co.	Fearnley & Eger, Oslo, Norway
Master:	Paul J. Linton, 1522 Powder Mill Lane, Wynnewood, Pa.	George M. Jakheim, Harald Haarfagres Gt. 10-B IV, Oslo, Norway
Damage:	Bow plates and frames	Port quarter, plates and framing

(4) Pertinent course changes and bells from log and bell books follow:

<u>Course Changes</u>			
<u>Time</u>	<u>E. J. HENRY</u>	<u>Time</u>	<u>FERNLAND</u>
2140	c/c 142°	2055	Winter Quarter L.V. 1.4 miles
2143	c/c 155°		c/c 024°
2148	c/c 185°	2143	c/c 046°
2156	collided	2151-52	Collided
<u>Bells</u>			
2152	Standby	2147	Half ahead
2154	Slow ahead	2147½	Slow
2154½	Stop	2149	Full astern
2155	Full astern	2150	Full ahead
2157	Full astern	2151	Collision
2158	Stop	2152	General alarm
2158½	Full astern	2153	Full astern, full ahead, slow ahead
2159	Stop		

Chief, MVI Division to
Commandant

VI
6 December, 1950
(E. J. HENRY - FERNLAND C-3 rd)

E. J. HENRY:

(5) The E. J. HENRY left the Atlantic Refining Company dock at Fort Mifflin, Delaware River, Pennsylvania at 1153 2 October, 1950. All navigating gear, including the radar, had been checked prior to leaving the dock, and had been logged in good operating condition. However, later it was apparent in the evidence that the quadrant pen on the course recorder did not function from a time shortly after the HENRY left the dock, and this failure was not corrected before or after the collision. The Master, Paul J. Linton, acted as his own pilot, since he held pilot's indorsement for the Delaware River, and the HENRY was bound coastwise. Partially ballasted, her draft forward was 16.6, and aft, 24.06. And she was considered a good steering ship at this draft.

(6) An uneventful passage was made down Delaware River and Bay, and departure was taken from Overfalls Light Vessel at 1842 at standard full speed, estimated to be 13.5 knots. A course of 150 per gyro compass was laid to pass Fenwick Island Gas Buoy close abeam.

(7) At the time of departure, the weather was clear, with slight haze; light easterly breeze, smooth sea, and visibility estimated from the position of known lights to be six to seven miles.

(8) At 2000 the Chief Mate was relieved by the Third Mate, James H. Tofsted, License No. 44840. Also in this 2000 to 2400 watch were Joseph Szydowski, Z-869455, A. E., Walter T. Gaskill, Z-111424, A. E., and Robert J. Davies, Z-873015, O.S. Szydowski took the first wheel watch, and was on the bridge until after the collision. Gaskill had first lookout on the bow and remained there until 2100, when relieved by Davies. Since the HENRY was steered by the metal mike, Szydowski stood by in the starboard wing as a lookout.

(9) The Master was on the bridge when the watch was relieved, and remained there until 2005, when Fenwick Island Gas Buoy was sighted close on the port bow about six miles ahead. He then verbally instructed the Third Mate to pass this buoy close to port, run a little past the buoy and then haul down to 185 per gyro compass, the course for Diamond Shoal. Further instructions to the Third Mate, according to the Master, were to call him "if he needed him or was in doubt". No night orders were written, and the Captain then went below to his cabin, where he turned in.

(10) At 2032 Fenwick Island Gas Buoy was passed to port, seven-tenths of a mile off when abeam, and the course was changed to 185 per gyro compass with the metal mike. The radar had been in constant use up to this point, and was functioning satisfactorily. Several vessels were in sight, and passed clear without alteration in course until 2140, when the Third Mate changed course to about 142 per gyro compass to pass an overtaken vessel to starboard. This vessel was brought to

Chief, MVI Division to
Commandant

MVI
6 December, 1950
(E. J. HENRY-FERNLAND C-3 Bi)

a bearing of about four points on the starboard bow. The HENRY was gradually brought back to her base course of 185, which was resumed at 2148. As the Third Mate made the course changes to port he noticed in the radar screen another vessel, one or two points on his starboard bow, about five or six miles off, but he did not see her visually when he looked for her; and further, she was not reported at this time by the bow lookout, Davies. This vessel afterwards proved to be the FERNLAND. As the HENRY returned to her base course the Third Mate noticed that the lights of the vessel he was passing had disappeared. Another look at the radar screen showed the FERNLAND on the starboard bow on practically the same bearing, but closed to about three miles off.

(11) The master was called by Szydlowski, who had been sent below by the Third Mate for this purpose at 2145. He estimated that it took him five minutes to get on the bridge, where he immediately looked at the radar screen and saw two targets. Noticing that the fog had shut in, he walked to the starboard wing, where he asked the Third Mate if the engines were on standby. Answered in the negative, he ordered the engines on standby, and then inquired the relative movements of the two targets. He was informed that one had been overtaken and that the other was approaching, approximately on a parallel course. He ordered the engines to slow, followed almost simultaneously by stop. At this point a fog signal was heard on the starboard bow, and one blast was blown by the HENRY, her first fog signal. Immediately after, lights were seen about two points on the starboard bow, and the helm was ordered full left. The Third Mate attempted to carry out this order, but before he was able to do so the Master stated, he saw the range and red side light of the FERNLAND. He then ordered full right rudder, full astern on the engines, blew three blasts on the whistle and followed this signal with one blast. At 2155, while swinging on the full right rudder, the HENRY collided with the port quarter of the FERNLAND. Hails were exchanged between the two vessels, and when mutual identification had been established, no injuries ascertained, and both vessels still navigable, the HENRY returned to Philadelphia and the FERNLAND proceeded to New York.

(12) The entries in the HENRY's bridge bell book were made by the Third Mate--a standby bell when ordered, and the remainder the following morning. Those in the bridge rough log were made after he went off watch at 2400.

FERNLAND:

(13) The FERNLAND sailed from Newport News, Va., bound for New York at 1300 2 October, 1950. Prior to departure all navigating gear, including the radar had been tested and functioned satisfactorily. Her draft on sailing was 11 feet forward and 16 feet aft.

(14) At 1500 the pilot was discharged at the pilot station and a course of 047 per gyro compass was steered; then 039 for Winter Quarter Light Vessel. At about 2000 the lookout and helmsman of the 8 to 12 watch relieved the 4 to 8. These men were Ingvald Pedersen, Deck Boy,

Chief, MVI Division to
Commandant

LVI
6 December, 1950
(C. J. HENRY-FERNLAND C-8 B)

(Norwegian provisional seaman's papers), and Rolf Petersen, Deck Boy, (No papers). Ingvald Pedersen reported to the bridge for the first trick at the wheel, and Rolf Petersen reported as bow lookout. At 2030 the Chief Mate was relieved by the Third Mate, S. R. Pedersen (Norwegian Third Mate's License), who was making his first trip as a licensed officer. For this reason, the Master stated, he remained on the bridge.

(15) At 2055 Winter Quarter Light Vessel was passed abeam to port, one and four-tenths miles off, and the course was changed to 024 gyro compass, with three degrees allowance for gyro error and leeway. The Master stated, he had seen Winter Quarter about six miles visually after picking it up on the radar. From this he deduced that visibility was limited, but not seriously so. His views on visibility were also held by others of the watch. About 2126, two targets were sighted by the Master on the radar screen, one about 10 degrees, and the other, one or two degrees on the port bow at approximately the same range, 12 miles. He made several trips from the bridge wing to the radar, as these targets closed, but could not see them visually. At the four-mile range they still could not be seen, but the target 10 degrees on the bow was opening her bearing, while the other did not change appreciably from the one or two degrees when first sighted. The Master testified that at this point he estimated the visibility to be less than five miles, and at 2143, when he first noticed this condition, he began to sound fog signals, and made a change of course to the right to 048 per gyro compass. Shortly after, at 2147, according to the master, he noticed fog. He then ordered half speed, slow speed, and the bearing of the closer vessel, afterwards known to be the HENRY, opened out to 040 degrees on the port bow about two miles off.

(16) Up to this time, at 2147, the FERNLAND had been steaming at about 15 knots. The Master estimated that the reduction of speed reduced her way to about six or seven knots. Shortly thereafter, at 2149, a fog signal was heard about four points on the port bow. All witnesses agreed that it sounded close, and almost immediately the lights of the HENRY loomed out of the fog at an estimated distance of less than half a mile. Her range lights, which were open, and green side light, were seen almost simultaneously. The FERNLAND was given a hard right rudder at this instant, and one blast blown on the whistle, the engines put full astern, and then a series of short blasts were sounded. According to the Master, collision appeared imminent and unavoidable, and that the vessels would collide at a right angle, and the bow of the HENRY probably would hit the midship section of the FERNLAND. Estimating his speed at 3½ knots, he ordered full ahead and full right rudder to get clear of the HENRY, or failing that, to change the point of impact. In spite of this, at 2152 the HENRY collided with the port quarter of the FERNLAND. Under the right rudder, he considered the FERNLAND swung about 50 degrees from the time he gave the rudder order until the impact occurred. The FERNLAND was stopped, hails were exchanged, and information passed back and forth regarding assistance. When apparent that none was needed or

Chief, MVI Division to
Commandant

MVI
6 December, 1950
(E. J. HENRY-FERNLAND C-3 RI)

necessary, the FERNLAND proceeded to New York.

(17) The entries in the deck log of the FERNLAND were made by the Third Mate; those up to and including 2143 as they occurred, the remaining entries on the following morning.

(18) Assistance was offered the FERNLAND by the U. S. Coast Guard Station L.SJ, by radio after the collision, but this circumstance was not reported by the E. J. HENRY, probably due to the fact that her radio antenna had been carried away by the collision.

5. The Board made the following Conclusions:

(1) The principal cause of the collision was the excessive speed with which the two vessels approached each other under fog conditions. Probably this was a patch of fog, since each entered it suddenly, and the log of Winter Quarter Light Vessel, about 13 miles away at the time, shows enough visibility to preclude the use of the fog signal.

(2) The E. J. HENRY was proceeding at a speed of over 13 knots in a fog when the radar plainly showed that danger of collision existed.

(3) The E. J. HENRY failed to sound fog signals until sometime after entering the fog bank, and then only when the fog signal of the FERNLAND was heard ahead.

(4) The master of the HENRY left a fairly inexperienced officer on the bridge in an area where the traffic is known to be generally heavy, and no definite instructions were given regarding passing vessels, or if the visibility was reduced.

(5) The Third Mate of the HENRY made no attempt to familiarize himself with standing orders, and only called the master after entering the fog. He made no attempt to reduce speed or sound fog signals until the master came on the bridge, and then only when so ordered.

(6) The FERNLAND was proceeding at an excessive speed, nearly 15 knots in reduced visibility, and even though the speed had been reduced before entering the fog, her velocity was still too great to allow her to avoid collision. Further, the indications on the radar, that another vessel was on a collision course and not visible at four miles, should have indicated to the master that he was entering the jaws of collision at too great a speed.

(7) The FERNLAND sounded her fog signals in accordance with legal requirements.

(8) The maneuver of the FERNLAND to avoid colliding amidships was a justified one, and one which probably saved her from sinking.

Chief, MVI Division to
Commandant

MVI
6 December, 1950
(E. J. HENRY-FERRLAND C-3 BI)

(9) There was no evidence of faulty gear on either vessel, and except for the incidents cited above, no other negligence was apparent.

6. The Board made the following recommendations:

(1) It is recommended that Paul J. Linton, License No. 8534, Master of the E. J. HENRY, be charged for misconduct for the violation of Articles 15, 16 and 29 of the Rules of the Road, 46 USC.

(2) It is recommended that James F. Tofsted, License No. 44340, Third Mate of the E. J. HENRY, also be charged with misconduct for the violation of Articles 15, 16 and 29 of the Rules of the Road, 46 USC."

REMARKS

7. Recommendations 1 and 2 of the Board indicate that the master and third mate of the E. J. HENRY should be charged with misconduct for violation of the Rules of the Road. Under the circumstances of subject casualty, a charge of "negligence" is more appropriate than a charge of "misconduct."

8. The term "46 USC" appearing at the end of the Board's recommendations 1 and 2 is obviously in error. Such term should be 33 USC 91, 92, and 121 as the U. S. Code citation for Articles 15, 16 and 29 referred to in the Board's recommendations.

9. Subject to the foregoing remarks, it is recommended that the Findings of Fact, Conclusions, and Recommendations of the Marine Board of Investigation be approved.

EDW. C. CLEAVE
EDW. C. CLEAVE

Ind-1

29 December, 1950
(E. J. HENRY-FERRLAND C-3 BI)

From: Chief, Office of Merchant Marine Safety
To: Commandant

Forwarded, recommending approval.

H. C. SHEPHEARD
H. C. SHEPHEARD

APPROVED: January 11, 1951

MERLIN O'NEILL
Vice Admiral, U. S. Coast Guard
Commandant