

31 July, 1951
(SS ELIZABETH -
SS ELIZABETH G-3 B4)

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

Subj: Marine Board of Investigation; collision SS ELIZABETH and SS
ELIZABETH in vicinity Miah Maul Light, Delaware Bay on 16 February
1951.

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 its Findings of Fact, Conclusions and Recommendations, has been reviewed and is forwarded herewith.

2. The freighter SS ELIZABETH of 8258 g.t. was downbound and the freighter SS ELIZABETH of 8838 g.t. was upbound in the Delaware Bay shortly after midnight on 16 February, 1951. Both vessels were closing in on opposite courses at a combined speed of approximately 30 knots in a difficult part of the channel, in the vicinity of Miah Maul lighthouse. Both vessels became confused as to the course and intention of the other and collided at 0205 16 February, 1951, in close proximity of said lighthouse. The weather was fine, clear and cold, northwest breeze and flood tide of about 1 knot. One person was injured in this casualty. The ELIZABETH's damage was estimated at \$360,000.00 and that of the ELIZABETH \$94,273.00.

3. The Board made the following Findings of Fact:

"1. The SS ELIZABETH and SS ELIZABETH collided in lower Delaware Bay in the vicinity of the Miah Maul lighthouse on 16 February, 1951 at or about 0205, (All times in this report are plus five (5), zone time.) Both vessels suffered extensive hull damage, but remained afloat and were able to proceed to Philadelphia after the collision. One crew member of the ELIZABETH, Sante S. Lanza, Ordinary Seaman, 277 Clinton Street, Brooklyn, New York, "Z" number unknown, suffered leg injuries and was hospitalized at the St. Agnes Hospital, Philadelphia.

2. The ELIZABETH, owned and operated by A. H. Bull S.S. Company, 115 Broad Street, New York, N.Y., was outbound from Philadelphia to New York, under the command of Leon W. Brownley, Master, of 4609 Crosswood Avenue, Baltimore, Md. and had Chris Gunderson, of 7412 Colonial Road, Brooklyn, N.Y., on board as pilot acting under the authority of his Coast Guard license. Her sailing draft was 14 feet forward and 23 feet, 8 inches aft.

3. The ELIZABETH, owned and operated by the American Export Line, 39 Broadway, New York, N.Y. was inbound from New York to Philadelphia under the command of Guy W. Hudgins, of 349 Stegman Parkway, Jersey

City, N. J., and had James Richard Orton of 314 Pilottown Road, Lewes, Delaware on board acting under the authority of his state pilot's license. Her draft at the pilot station was 11 or 12 feet forward, 21 feet and 10 inches aft.

4. The weather prior to and at the time of collision was fine, clear and cold. A moderate northeast breeze was blowing, and the tide was flooding with a velocity of about a knot at the scene of the collision.

5. Ship characteristics:

Name of vessel:	ELIZABETH	EXANTHIA
Nationality:	U.S.A.	U.S.A.
Type:	Dry Cargo (st. co.)	Dry Cargo (st. co.)
Official Number:	245183	241176
Home Port:	New York, N.Y.	New York, N.Y.
Built:	Wilmington, N.C. 1944	Bath, Maine 1941
Length:	441.2	402.0
Beam:	63.2	60.2
Depth:	36.7	36.0
Draft:	14' F. 23.8' A.	11' or 12' F. 21.10 A.
Gross Tonnage:	8,258	6,533
Net Tonnage:	4,832	3,813
Engine:	Steam, single screw	Steam, single screw
Damage:	Starboard side in way of #1 hold, shell plating and frames and reefer boxes.	Bow plates and frames

6. Pertinent course changes and bells from log and bell books follows:

<u>Time</u>	<u>ELIZABETH (2/15/51)</u>	<u>Time</u>	<u>EXANTHIA</u>
0116	Ship John	1258	Pilot aboard and proceeded
0125	Buoy #35		Full ahead
0150	Elbow Cross Ledge Lighthouse	0131	Brandywine
0204	Full astern - stop	0146	Fourteen Foot Bank Lighthouse
0206 $\frac{1}{2}$	Collided	0202	Miah Maul
		0204	Stop
		0205	Full astern - hit

7. The ELIZABETH sailed from Pier 16 south, Philadelphia, at or about 2130 on the 15th of February bound for New York. Prior to sailing, all the navigating gear had been tested and was in good condition with the exception of the gyre recorder which had been inoperative for months. She proceeded uneventfully down the river under the con of pilot Gunderson and passed the Elbow of Cross Ledge Lighthouse to port at 0150 on the 16th. At this point the course was changed to 145 p.g.o. and her speed estimated at about 15 knots. It was also in this vicinity that the tide changed from ebb to flood.

31 July, 1961
(EXANTHIA - ELIZABETH C-5 Bd)

When pilot Gunderson's attention was first drawn to the EXANTHIA he noticed her about abeam of Gas Buoy 19 and slightly to the westward of it. As the vessels closed, he picked up the EXANTHIA's green side light at an estimated distance of four (4) to five (5) miles, and according to his estimate of the situation, the vessels had a safe starboard to starboard passing. When the vessels were about two (2) miles apart and the ELIZABETH's position below Buoy 27, two blasts were sounded in accordance with the pilot's estimate of the situation that the inbound steamer would pass to starboard, since only the green side light could be seen. No answer to the passing signal was heard and it was repeated with the same result. The signal was sounded for a third time as the vessels closed rapidly. By this time, the ELIZABETH and the EXANTHIA had closed to about a half mile and the rudder was ordered full left, the danger signal sounded and the engines rung full astern. As the ELIZABETH answered her helm, it was noticed that the EXANTHIA had closed in her green side light and was showing her red. While both vessels were thus swinging, the EXANTHIA crashed into the ELIZABETH's starboard side at 0205½, the point of impact being in No. 1 hold where the bow of the EXANTHIA penetrated 35 feet. The flooding of the hold changed the ELIZABETH's draft from 14 feet forward, 20.08 feet aft to 18.11 feet forward 18.03 feet aft. At the time of the impact the ELIZABETH's head was noted at 123 and the EXANTHIA's, 008, almost a right angle. The engine officers of the ELIZABETH testified that the full astern bell had been answered, but full astern motion on the engines had not been reached when they felt the impact.

As the vessels lay locked together the third mate of the ELIZABETH took cross bearings, but this was not considered an accurate fix for the point of collision inasmuch as the vessels collided while under considerable headway; the current was setting at more than a knot and the bearings themselves were nearly reciprocal.

8. The EXANTHIA sailed from New York for Philadelphia on 15 February, 1961. Prior to sailing her navigating gear had been tested and logged as in good working order. She proceeded to the vicinity of the pilot station at the entrance to Delaware Bay where pilot Orton boarded her shortly after midnight on the 16th. She proceeded up the bay and the master, Guy W. Hudgins, left the bridge in the pilot's charge in the vicinity of Brandywine Lighthouse. When near Fourteen Foot Bank Lighthouse a tanker, afterward identified as the SOUTHERN SUN, was overtaken and passed in the vicinity of Gas Buoy No. 19, (Delaware Bay Main Channel Lighted Bell Buoy 19). In order to avoid crowding the tanker, which was near the center line of the channel and deep laden, the pilot directed the EXANTHIA to the westward of the buoy. He then set a course so as to gradually work back into the channel line and considered he had done so when Buoys 25 and 27, (Delaware Bay Main Channel Lighted Buoy 25 and Delaware Bay Main Channel Lighted Buoy 27), were in range. At this point he noticed two outbound vessels, one showing a green side light and the other at a greater distance, showing a red. He hauled slightly to the right, to the amount of about two degrees, to a course of 330, and as the nearer vessel, afterward identified as the ELIZABETH, continued to show a

green light, he ordered a further course change to the right to 352 and then 335 in order to get his vessel over on the right hand side of the channel. The EXANTHIA passed Miah Maul abeam at 0202, and at this point when the vessels were about a mile apart, the pilot blew his first signal, one blast, to indicate a port to port passing. He stated he heard a two blast signal from the ELIZABETH and promptly stopped the engines, blew the danger signal and ordered the rudder full right. Captain Hudgins, who was in the room immediately below, heard the signal, rushed to the bridge and noting the proximity of the ELIZABETH rang the engines to full astern. As he did so he noticed that the ELIZABETH was swinging rapidly to the left and at 2:05 the vessels collided. Pilot Orton testified that as soon as the collision occurred he noticed that the sector of Elbow of Cross Ledge was red and that the position was south of Buoy 25. No other attempt was made to accurately fix the position of the collision since all hands answered the general alarm and the third mate on watch went to his emergency station. The engine room watch of the EXANTHIA testified that the engines were in astern motion when they felt the impact but had not reached full speed. It is noteworthy that the time of the collision as given by each vessel shows a difference of only a half minute. It was afterward ascertained that the vessel which the EXANTHIA overtook and passed at Buoy 19 was the SS SOUTHERN SUN, a deep laden tanker inbound. Her master and mate on watch testified that the EXANTHIA overhauled and passed them in the vicinity of Buoy 19 and that in doing so she hauled out of the channel line passing the buoy on her own starboard side. The SOUTHERN SUN at the time was nearly in mid channel. As the EXANTHIA drew ahead the master noticed that she gradually hauled back into the channel line, so that when about 2,000 yards distant from him she was about dead ahead. He first noticed that a collision had occurred when he saw two vessels north of Miah Maul close together showing green lights, and he passed them shortly afterward in a position between Buoy 25 and Miah Maul Lighthouse. He considered the SUN to be nearly in the center line of the channel, and the ELIZABETH and EXANTHIA were locked together well clear of him to the eastward. He also testified that he saw both side lights of the ELIZABETH from the time she passed Cross Ledge and he again saw them when turning at Buoy 19, however, he then paid no further attention to her until after the collision. It was also ascertained that the motor vessel DYNAPUEL had been overtaken and passed by the ELIZABETH between Ship John and Elbow of Cross Ledge just prior to the collision. Although the master and the mate could not positively identify the ELIZABETH, they stated that an outbound vessel had passed them to the eastward and since she passed well clear no further attention was paid to her. When the DYNAPUEL passed the site of the collision the ELIZABETH and EXANTHIA were close together and near the center of the channel with the ELIZABETH heading about southwest. The master of the DYNAPUEL testified that he had plenty of room to pass to the westward of the vessels although he customarily followed the channel line to his right due to his shoal draft.

9. The Board took notice of the way and manner in which pilot Gunderson reported this casualty. The ELIZABETH was boarded by LCDR Sayer, USCG, on the morning of the collision shortly after she docked, and he was informed that pilot Gunderson had left for New York. Pilot Gunderson testified that the marine superintendent of the Bull Line, through Captain Brownley, did, in fact, request him to remain on board. He also stated that he was familiar with the provisions of the marine casualty reports, inasmuch as they required a report in writing and in person, to the nearest Office of Marine Inspection. He also admitted knowing that the distance from the berth of the ELIZABETH to the Philadelphia Marine Inspection Office was but two (2) city blocks, yet he delayed reporting the casualty until he arrived in New York and then only by letter. His actions thereby caused the Board embarrassment, for his whereabouts were unknown when all of the other witnesses were available. It was also considered that pilot Gunderson, for reasons best known to himself, deliberately evaded the Board.

4. The Board made the following Conclusions:

1. It is considered that the principal cause of this collision was the lack of agreement on the passing situation and the failure of each pilot to recognize the dangerous speed with which the vessels were approaching each other, a velocity of more than 30 knots. On the one hand the pilot of the ELIZABETH was well acquainted with the channel on Miah Mault range and knew it as a constricted stretch of water with shoals on either side, hence any meeting situation could only be head and head. The Inland Rules, under which vessels navigate this channel, clearly call for a port to port passing, and an attempt at any other was undertaken at his own risk. His actions, inviting a departure from the rules is well covered by: BLATCHFORD J. in the ST. JOHN, 7 BLATCHFORD, 220, Federal Cases 12,224, (1870), in which is stated; "If by her two whistles she invited a departure from the rule, she took the risk both of her own whistle being heard and in turn, of hearing the response, if a response was made. She had no right to dictate to the other boat a departure from the ordinary rule of navigation, and the hazard of the consequences of giving such a signal, whether she heard such a response or not, rested upon her, if she persisted in her endeavor to pass on the starboard side of the other."

2. Pilot Gunderson's actions in ordering a full left rudder in extremis, leads to the conclusion, and other testimony bears this out, that the ELIZABETH was on her own right side of the channel when the two blast signals were blown. The testimony of witnesses, from disinterested vessels, place the point of collision to the easterly side of the channel, showing that the ELIZABETH moved a comparatively short distance to the left before the collision took place. Had the vessels passed clear of each other

31 July, 1951
(EXANTHIA - ELIZABETH C-3 Bd)

without a course change, the channel boundary to the west allowed the EXANTHIA little sea room. It was testified by ELIZABETH witnesses that they estimated a passing about 75 feet between the vessels and this is considered unsafe and poor judgement inasmuch as these ships were approaching each other at 33 knots.

3. On the other hand, the performance of duty of the pilot of the EXANTHIA is deemed ill considered. He too was well aware of the constricted nature of the Miah Maul channel and the consequent requirement for a port to port passing by his own admission, however, he permitted the EXANTHIA to be navigated on the left or westerly side of the channel with no consideration of the embarrassment the action would cause approaching vessels. It is considered that pilot Orton had ample speed and room to get over on the right hand side of the channel without delay after he passed the SOUTHERN SUN rather than attempting to gradually work back into the channel line as he did. Further, this course of action, admittedly carried the EXANTHIA very close to Buoy No. 23, (Delaware Bay Main Channel Black Can Buoy C-23), with the possibility of hitting an aid he could not see.

4. It is considered that pilot Orton permitted his vessel to proceed into the jaws of danger before he took any remedial action. Well aware of his speed and a green light in plain view bearing down on him he waited until he was abeam of Miah Maul, less than a mile from the approaching ship, before stopping his engines. The half mile rule was designed for slower vessels, and this fact is ordinarily taken into consideration by pilots of high speed ships, since any doubt of intentions must be clarified in time to avoid collision, practically an impossibility under the half mile rule with a combined velocity of over 30 knots.

5. It is considered that the performance of duty on the part of each master was all that could have been asked of them under the conditions. When summoned on the bridge with collision imminent, each took all means in his power to avoid it, and failing that, to lessen the impact. It is therefore considered that neither master deserves censure, and it is likewise considered that actions of the crews of each vessel were equally faultless.

6. The Board made the following Recommendations:

1. In view of the above, it is recommended that pilot Chris Gunderson be cited for violation of Article 18, Rule 1, of the Inland Rules.

Chief, MVI Division to
Commandant

31 July, 1951
(EXANTHIA - ELIZABETH C-3 Bd)

2. It is recommended that pilot Gunderson not be charged with negligence under R.S. 4450 in view of the citation recommended in Paragraph 1.
3. That pilot Gunderson be charged with misconduct for deliberate refusal to comply with the provisions of the law for reporting a marine casualty.
4. That the ELIZABETH be cited for violation of Article 18, Rule 1, of the Inland Rules.
5. That the EXANTHIA be cited for failure to properly comply with the provisions of Article 18, Rule 1, of the Inland Rules.
6. That pilot James R. Orton be cited for violation of Article 18, Rule 1, of the Inland Rules.
7. That pilot Orton be charged with negligence for failure to properly comply with the provisions of Article 18, Rule 1, of the Inland Rules.
8. That inasmuch as pilot Orton was acting under the authority of his state pilot's license, a copy of this report and the proceedings of the Board transmitted herewith be provided to the American Pilots' Association, 425 Washington Building, Washington, D.C. for their information and appropriate action.
9. That the monetary penalty recommended against pilot Orton be held in abeyance pending action by the appropriate State authorities.

REMARKS

6. Conclusion 1 of the Board quotes verbatim a federal court decision (Federal cases 12,224 - 1870) in support of the conclusion that the circumstances under which the subject vessels navigated the channel in question clearly called for a port to port passing. Under the provisions of R.S. 4450, as amended, and regulations thereunder, a marine board is required to establish, as far as possible, the cause and responsibility for the casualty as well as other determinations for the purpose of carrying out the Coast Guard's obligation to take all appropriate measures for the safety of life and property at sea. Citation of judicial precedent is unnecessary in carrying out this investigative function and should be avoided.

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

P. A. OVENDEN
Acting

Chief, MVI Division to
Commandant

31 July, 1961
(EXANTHIA - ELIZABETH C-3 Bd)

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

Subj: Marine Board of Investigation; collision SS EXANTHIA and SS ELIZABETH
in vicinity Miah Maul Light, Delaware Bay on 18 February, 1961

Forwarded, recommending approval.

APPROVED:

31 August, 1961

/s/ A. C. RICHMOND

A. C. RICHMOND

Rear Admiral, U. S. Coast Guard
Acting Commandant