

NVI

17 September, 1961
(JACK - a-3 Bd)

From: Chief, Merchant Vessel Inspection Division
To: Commandant

Subj: Marine Board of Investigation; Uninspected MB JACK, 9 g.t.,
foundering off Plum Island, Long Island Sound 10 June, 1961,
with loss of life

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, Opinions and Recommendations, has been reviewed and is forwarded herewith.
2. The motorboat JACK of 9 g.t., built in 1912 as a trawler, was purchased by the owner in June, 1960. After purchase the vessel was hauled out and found to be in a structurally defective condition, but no effective repairs were made to correct such defects. At 0815, 19 June, 1961, although small craft warnings were broadcast, the JACK, with 13 passengers on board, departed from Niantic, Connecticut for a fishing excursion in the vicinity of Little Gull Island. At 1315 the JACK undertook to return to Niantic. The weather conditions in the morning were E to ENE, wind velocity 13 to 18 knots, with a 3 to 4 sea. In the afternoon the wind shifted to E to ESE increasing in velocity and accompanied by gusts and high seas. Shortly after 1400 the JACK opened up and almost immediately thereafter foundered, approximately $3/4$ of a mile off Plum Island, Long Island Sound. Eleven passengers lost their lives as a result of this casualty.

3. The Board made the following Findings of Fact:

- "1. The Motor Passenger Boat JACK foundered on 10 June, 1961, about $3/4$ of a mile northeast of Plum Island in Long Island Sound ($41^{\circ} 10' 9'' N$; $72^{\circ} 11' 36'' W$) with resulting loss of 11 lives.
- "2. The Motor Passenger Boat JACK, official number 233561 was a gasoline propelled vessel which utilized a four cylinder Redwing Thoroughbred engine, rated at 40 horsepower, to provide a maximum speed of 9 knots. It was 53 feet long, 11-1/2 feet in the beam and displaced 9 gross tons. It had a wooden hull with caulk seams.

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which was built in 1912 and had been converted from a trawler. The cabin was a full trunk type and the top extended about two feet above the flush deck of the vessel aft to the pilothouse. To the starboard of the wheel, a wide ladder led down to the engine housing where a passageway on the right went forward about 3 feet to an opening, in an athwartship bulkhead, leading to a 10 or 11 feet long cabin. A bench about 3 feet deep was lengthwise on either side of the cabin. On each bench were stacked 5 rows of 3 adult type life preservers of orange and white canvas. Forward, the galley was separated from the bow by a bulkhead. A door, the full height of this partition was open. A space about 4-1/2 feet long, used occasionally for storing, exposed the skeletal structure of the boat in that area. Immediately aft of the helm, a trap door in the deck showed the bilges, steering gear, etc. The boat was licensed as a party fishing boat. It was owned and operated by Robert Thornton of 945 Bruckner Blvd., Bronx, New York who holds motorboat operator's license No. A 6488.

"3. The vessel had been employed as an 'open party fishing boat' since June, 1950 and was operated out of Niantic, Connecticut.

"4. It had been purchased by the present owner in June, 1950, at which time it had been taken out of the water and examined by him. Later, due to leakage it was hauled out of 15 July, 1950, at Darrow's Boat Yard, Niantic, Connecticut, at which time the stuffing box was repacked and nine, two inch number 12 screws were put in the hull forward, below the water line for the purpose of drawing the planking into the ribs. Since excessive leakage did not subside, the JACK was again placed on the ways on 18 July, 1950, at the same yard. Here an inspection of the under part of the hull by James W. Darrow, owner of the yard, revealed that 5 or 6 planks forward on both sides of the keel had pulled away, about half the thickness of the planking, giving a clapboard appearance to that part of the hull. Trying 2 or 3 fastenings, Mr. Darrow found they would not draw due to the soft bed in the ribs. The yard owner refused to perform any work on the boat because securing the proper water tight integrity required extensive work such as renewing the ribs. However, while the boat was out, Mr. Thornton did some caulking and placed some sheet lead over the seams to retain the caulking cotton. In August, 1950, the boat was hauled at Bayreuthers Yard at Saunders Point, near Niantic, at which time the bottom was painted to prevent worm holes. Subsequently, the JACK was stored in the open at the Steinsay Boat Yard, Astoria,

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from the fall of 1950 until May, 1951. For a period of about two weeks prior to its being placed in the water, the owner and his son (holder of a 3rd Mate's license), readied it for the season by scraping and painting. The entire hull was painted white and the superstructure green. The metal guard covering the stem was removed because some of its retaining nails had rotted out. Screws two inches longer than the nails were substituted because of the dry condition of the wood. About a pound of caulking cotton and a quart and a half of seam compound were used on the bottom of the hull. The vessel was put in the water about 15 May, 1951, and after three days during which no unusual leakage was observed, it was sailed to Niantic.

"5. Since the time of its purchase and with the exception of the examination at Darrow's Ship Yard, where adverse criticism was given, no inspection of the hull was made by a person competent to evaluate its seaworthiness. A courtesy inspection by the U. S. Coast Guard Auxiliary in 1950, found the boat in compliance with the legal requirements as to equipment.

"6. On the late afternoon of 9 June, 1951, the JACK returned from a day's fishing trip in Long Island Sound and was cleaned and refueled early that evening.

"7. At about 0700, on 10 June, 1951, Mr. Thornton, as was his practice, turned on the radio and learned from a local radio station broadcast that small craft storm warnings had been issued covering that area. The warning had been issued by the U. S. Weather Bureau, effective 0700 hours, EDTST that morning covering from Block Island to the Virginia Capes and was effective for the ensuing 24 hours.

"8. The weather conditions in the morning were overcast skies with visibility 8 to 15 miles, the wind was E to ENE, with velocities of 13 to 18 knots and a 3 to 4 sea. In the afternoon the wind shifted to E to ESE, increasing in velocity and accompanied by gusts and higher seas.

"9. Sailing at about 0815 from Niantic, the Motor Passenger Boat JACK carried 14 persons including the skipper. There were Eleanor D. Wilcox, Roy Wilcox, Barney Schwartz, his stepson Richard Parnes, Thomas Lamos, Albrecht Hilsinger, Anthony Lombardo, William Krevit, Gloria Venturella, Malcolm D. Gurian, Roy Roper, Costas Lambrinides, Vincent Lombardo and Robert Thornton. While some knew the boat and

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its owner, others embarked having read a sign posted on the pier advertising 'Open boat, fishing, sailing 8 a.m. daily.' There were no crew members except perhaps Barney Schwartz, who was a friend of the skipper and acted as 'mate'.

"10. In accordance with a promise to try for sea bass, the vessel was headed towards Little Gull Island where following about an hour and a quarter running time, the anchor was dropped off Fort Michie. After an unsuccessful period of about an hour, the boat was moved near Constellation Rock. No fish were caught here either. Then the vessel was anchored off the southwest side of Plum Island, close into the lee of the island, they upped anchor when no fish were had for a place about 1 mile to the east.

"11. Shortly after 1315 hours, it was decided by all that in view of their failure to catch any fish it would be best to return to Niantic. The anchor was hove and the course was set to take the boat between Plum and Little Gull Islands.

"12. After traveling about 2-1/2 miles at a slow speed and at about 1400, Mr. Thornton's attention was directed by a passenger to water at the bottom of the ladder. He went below and was told by Vincent Lombardo, who was in the cabin to escape the wind and the sea breaking over the vessel, that the water was coming in the bow. Lombardo observed a hole about 2-1/2 feet long by 2 feet wide well forward on the port side of the bow. He observed this after having felt the boat pound 5 or 6 times and discovered water over the floor boards of the cabin. The boat had pounded at various times during the day because of the heavy seas.

"13. Life preservers were passed up to all persons and each had one, which was put on. Four orange life jackets later recovered were stamped manufactured by Atlantic and Pacific Manufacturing Company, June 16, 1949, and 3 white canvas ones also retrieved were made by the same firm. The USCG Inspector's stamp of approval was barely outlined although too illegible to be read. All the cork blocks were in good condition and showed no signs of granulation.

"14. The JACK sank very quickly because of the large hole, and broke up. All of the persons now in life preservers were grouped about the cabin top which had come off in one piece. However, despite their ability to remain afloat the chilly water and seas breaking over their heads, caused loss of control of their extremities and despite the assistance of others, Mrs. Wilcox, Barney Schwartz, Richard Parnes and Thomas Lamos succumbed within two hours.

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"15. At about 4 p.m., Thornton and Lambrinides decided to attempt to swim to Plum Island for assistance. Moving with the wind but against the ebb tide, they had progressed between 30 and 50 feet from the JACK when the motor boat CINDY approached and picked them up.

"16. The motor boat CINDY, 38 feet long with twin engines, is owned by Samuel Klickfeldt, Oak Avenue, Milford, Connecticut, and was operated by Ignwood Ryan, 41 Fairwood Street, Milford, Connecticut. The latter with four other persons had departed Milford on Friday, 8 June, for a weekend fishing trip.

"17. On the morning of the 10th, the CINDY departed eastern Long Island for the return to Milford. However, when in the vicinity of the eastern side of Gardiners Island, both engines failed. Anchoring, Mr. Ryan cleaned the filters and both engines started. About 15 minutes afterward, one of the engines stopped again. No success was met in the attempt to start it and finally the battery went dead. A rubber hose was hooked to the fuel pump and the gas was siphoned from the top of the tank through a handkerchief, used as a filter to insure the remaining engine would function. Because of this difficulty, the course was changed to by pass Plum Gut and go east of Gull Island.

"18. While heading northerly an unusual amount of debris was noticed in the water and shortly thereafter persons were seen afloat. Changing course towards the group the engine failed again and it was necessary to get the gas line cleared. The boat reached the side of Thornton and Lambrinides, who were taken aboard in an exhausted state, when the engine stopped once more. Down wind (wind ESE, 15-17 knots) and within 50 feet of the group of persons, the CINDY could offer no aid since the motors could not be started. Drifting rapidly with the strong wind and against the ebb tide of the 4 foot seas, the motorboat narrowly missed Silas Hook and was brought to anchor to the east of Plum Island to avoid being carried on the rocks. Meanwhile the persons in the water were carried farther away by the tide.

"19. Neither boat carried a radio transmitter. However, at darkness, four flares were fired and signals were sent by a 50 candlepower spotlight without result.

"20. The CINDY remained an anchor until taken in tow by the CG 36645 from Fisher's Island lifeboat Station to the Coast Guard Moorings at New London on the morning of 11 June, 1961, at about 0830.

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"21. Meanwhile the passengers from the JACK succumbed to the rigors of the sea one by one until by about 2000 hours, Vincent Lombardo was the sole survivor.

"22. James H. Carter (201-905), BMC, serving at the CG Moorings, New London, Conn., while at home, was relayed a message from a Mr. Brooks at about 2115, to the effect that the JACK with nine passengers had departed Niantic that morning and not returned. He arrived at the station within ten minutes and unsuccessfully attempted to contact Mr. Brooks for additional descriptive information. Mr. George Belle Isle, Niantic (thought to be a brother of Schwartz) phoned and was to give a more thorough description of the JACK.

"23. Carter had ordered a communications check at New London, Fishers Island, Little Gull Light and CORNFIELD LIGHTVESSEL for the purpose of locating the boat prior to his arriving at the Moorings. This was followed by additional orders to the Orient Point Light keeper who contacted the Greenport and Shelter Island Police for the latter to check the harbors within their jurisdiction.

"24. At 2300, a phone call from Mrs. Ryan, for the first time, established the CINDY as missing. The communications check was repeated as well as a check with a list on the CG 83394.

"25. The CG 83394 had been dispatched on 10 June at 1155 hours to aid a disabled vessel and searched a position about one mile north of Gardiners Point Bell Buoy until 1355. The search was then directed to the west side of Gardiners Island to Cartwright Island and Plain Point, on the east side of Gardiners Island, as a result of information radioced from Plum Island Light. The investigation was terminated with permission granted to anchor in Plum Island Harbor in order to pump bilges. This was necessary because of the heavy seas. While in the harbor, a list of all vessels in view was compiled. The 83 footer then proceeded at 1800 to the Moorings via the CORNFIELD LIGHTSHIP arriving at 1950. Neither the JACK nor CINDY were observed during the entire run.

"26. LTJG Alton F. Pinkham, USCG, Commanding Officer, CG Moorings, New London, was called by Chief Carter shortly before midnight and advised of the missing vessels and intensive communications check. He arrived in ten minutes and reviewed the work done. At 1215, he transmitted a priority dispatch to the Comptroller on watch at the 3rd CG District Office, advising of the situation concerning the CINDY and requested a search of the vicinity of Montauk Point to ascertain whether it was weatherbound there. At 1240, a priority dispatch was sent advising the District that "the JACK with 9 persons aboard was missing.

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"27. At 0250, 11 June, the District by a dispatch referring to the CINDY and JACK, ordered the Group Commander at New London to advise the Connecticut State Police, the Group Commander, Norwich to alert the local barracks of New York State Police for a communications search of all harbors and the Group Commander, Eatons Neck to re-check Port Jefferson.

"28. This was followed by a District dispatch at 0440, directing two aircraft to commence a search of certain areas at dawn as well as ordering the CG 83394 and boats from Fishers Island, Ditch Plains Lifeboat Stations to search defined areas within the perimeter of Stratford Shoals Light, to Montauk Point and New London. The shores of Plum Island and Little Gull Island were covered by land to insure that no survivors were washed up.

"29. The CG 83394 with instructions to search from Niantic to Little Gull Island, to Plum Gut and vicinity, departed New London at 0630 (EDST) and swept the area. Passing through Plum Gut into Gardiners Bay, the wheelman sighted Lombardo at a point about 2-1/2 miles northeast of the Ruins at about 0800. The survivor was on the cabin top wearing a white canvas lifejacket. He was taken aboard the 83 footer at 0810 and rushed to New London where an ambulance was waiting.

"30. The scheduled search by sea and air was discontinued at 1710 on 13 June at which time no further survivors had been found. However, all aircraft and vessels passing the area were ordered to keep a sharp lookout.

"31. Mr. Thornton has at all times maintained that his boat was holed by striking a lobster pot buoy although he denies having felt any impact of such a collision."

4. The Board expressed the following Opinions:

"1. It is significant that despite the age of the Motor Passenger Boat JACK (1912), during the period of more than a year which the present owner possessed it, he invested relatively little material and labor in the upkeep of the vessel. Caulking constituted the principal effort to maintain the vessel's watertight integrity. He completely neglected to follow the stern warning of the rotted out fastenings on the metal guard of the stern and the inability of long screws to draw the planks into the ribs. The opinion of the Board is that all evidence points to a serious failure of the restorative power of the wooden skeletal structure of the boat due to dry rot. The poor seaworthy condition of this boat was made even more apparent when lead plates were used to hold the caulking cotton in place.

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"2. It is believed that the vessel was provided with all the equipment required for this type motorboat with the exception of children's life preservers. The life preservers actually aboard were in good serviceable condition.

"3. With the knowledge that small craft storm warnings were flying and particularly with the wind and seas from the east, the JACK was navigated in the Long Island and Block Island Sounds wherein little or no interruption of the prevailing wind and sea was experienced. With the possible exception of the first anchorage south of Plum Island, the boat felt the full brunt of the increasing wind and heavier seas.

"4. It is the conclusion of the board that with the hull in poor condition, the force of the seas further weakened the vessel so that upon its return trip to Niantic, a series of 5 or 6 poundings was sufficient to cause a portion of the planking to let go. As a result, water entered far more rapidly than the power of the pumping system could dispose of it.

"5. The idea of a collision with a lobster pot buoy having holed the vessel is rejected when considering that the JACK was traveling at a slow speed, the structure of the type of buoys and the fact that the damage was sustained forward without a reduction in speed having been noted at the time.

"6. In view of the rapid manner in which the boat sank, it is doubtful whether had a radio been aboard the JACK, it could have been used in time to transmit a call. On the other hand, had the CINDY been able to radio the fact of the incident and its position, assistance would have been forthcoming so that most of the eight persons alive at the time would have been saved.

"7. The life preservers were given to all passengers and were worn in a proper manner. Mr. Thornton did all in his power to aid and comfort those in the water.

"8. It is believed that the persons aboard the CINDY were physically unable to render any additional assistance to that which was given. Against the strong wind, a line could not have been heaved the approximately 50 feet to the people in the water.

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"9. The Board is unable to explain how Vincent Lombardo, although a husky well built man, was able to survive the severity of the night adrift except to conclude that his prayers were answered.

"10. It is believed that the Commanding Officer of the CG Moorings at New London, Connecticut and the personnel attached to the command took the required action expeditiously, consistent with the information supplied to them. None of the informants were able to pinpoint the location of the vessel with sufficient clarity to assure any hope of successfully locating the scene of the incident during darkness."

6. The Board made the following Recommendations:

"1. That a charge of negligence be preferred against the motorboat operator's license issued to Robert Thornton, under R.S. 4450, as amended, specifying his failure to heed the small craft storm warning that was displayed prior to his departure on the morning of 10 June, 1961.

"2. That the record of the proceedings of this board be forwarded to the Department of Justice for possible criminal action based on negligent operation of the Motor Passenger Boat JACK (46 USC 526-1).

REMARKS

6. Recommendation 2 of the Board that the record of subject casualty be transmitted to the Attorney General of the United States is concurred with. A review of the subject casualty indicates that the record contains evidence of criminal liability on the part of Robert Thornton, 945 Bruckner Blvd., Bronx, New York, owner and operator of the M.B. JACK at the time the subject casualty occurred, arising out of the violations of the following statutes:

- (a) 46 USC 658 - sending an unseaworthy vessel to sea
- (b) 18 USC 2196 - negligently endangering life
- (c) 18 USC 1115 - negligent destruction of life
- (d) 46 USC 526 1 -and n - reckless and negligent operation of vessel

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

P. A. OVENDEN
Acting

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

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foundering off Plum Island, Long Island Sound 10 June, 1951,
with loss of life

Forwarded, recommending approval.

/s/ H. C. SHEPHEARD

APPROVED: OCT 9 1951

MERLIN O'NEILL
MERLIN O'NEILL

Vice Admiral, U. S. Coast Guard
Commandant