

MVI

24 JAN 1956

(LEVIN J. MARVEL - a-5 Bd)

Commandant's Action

on

Marine Board of Investigation; foundering of the schooner LEVIN J. MARVEL off North Beach, Maryland, 12 August 1955, with loss of life

1. Pursuant to the provisions of Title 46, C.F.R. Part 136, the record of the Marine Board of Investigation convened to investigate subject casualty, together with its Findings of Fact, Conclusions, and Recommendations, has been reviewed.
2. The LEVIN J. MARVEL was a wooden sail vessel of 183 gross tons, built in 1891 at Bethel, Delaware. In recent years, the vessel was used in carrying passengers for hire on pleasure voyages in the Chesapeake Bay area.
3. At 1100 Monday, 8 August 1955, small craft warnings were hoisted for the Chesapeake Bay area which at 1400 next day were changed to northeast storm warnings. This storm warning continued until the morning of 13 August, the day after the foundering of the MARVEL. A hurricane alert was issued at 1400 9 August which terminated at 1400 11 August.
4. At about 1400 on Monday, 8 August, while small craft warnings were displayed, the LEVIN J. MARVEL departed from Annapolis with 23 passengers and 4 crew members on board for a six-day voyage on Chesapeake Bay to end at Annapolis on the following Saturday. The voyage proceeded partly under sail when conditions permitted and partly under tow of the accompanying motorboat, and the vessel arrived at Cambridge, Maryland, at 2000 Wednesday, 10 August. At 1400 11 August, although the hurricane alert was terminated, the northeast storm warnings (wind velocity 35 to 73 mph) were flying and in effect, weather advisories were issued of northeast winds 25 to 35 mph increasing to gale force on the lower Bay on the following day, Friday, and because of the uncertainty of the course that the hurricane would take in its movement northward, extreme caution was indicated in the interests of safety to life and property.
5. In the face of these warnings, although the then present weather was favorable, the LEVIN J. MARVEL departed from Cambridge at 1400, 11 August, to arrive at Annapolis on the scheduled date, Saturday. The weather continued favorable until about 0300 the following morning, 12 August, when it began to threaten and by 0630 the wind was northeasterly, 25 to 40 mph, with gusts of higher velocity. By 0700 when about two and one-half miles

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off Blcody Point Light, due to worsening weather conditions the sail vessel could no longer proceed in a northerly direction and was forced to change course to a southerly direction, but being unable to maintain steerageway, course was again changed to west-southwest running before the wind toward Herring Bay, anchoring at 0930 one and one-half miles to the eastward of Fairhaven. Due to the inability to close defective shipside airports and probable leakage because of the deteriorated state of the hull, the vessel began making water which, as the morning progressed and the weather worsened, got beyond the control of the pumps on board. By 1200 one power bilge pump had failed and the other was ineffective. The radio transmitter on board was inoperative and although efforts were made, signals of distress could not be put on the air and the plight of the LEVIN J. MARVEL was unknown to anyone except those on board. By 1400 the wind was north-northeast, force 7 to 8, squally, overcast, with very rough sea. The uncontrolled ingress of water caused the bow of the vessel to lose buoyancy and become awash, and the persons on board gathered aft in preparation to abandon ship. At 1430 the vessel rolled heavily, lay over on her beam, and foundered. There being no lifesaving equipment on board and the accompanying motorboat having been previously lost, the passengers and crew were forced to enter the water with jacket-type life preservers and the floating wreckage as their only means of survival. Fourteen passengers perished and nine passengers and all four crew members survived.

REMARKS

6. Pursuant to the provisions of 46 CFR 136.23-1, duplicate records of investigation of subject casualty will be transmitted to the U.S. Attorney General, as such record contains evidence of probable violation, on the part of John H. Meckling, 19 Victor Parkway, Annapolis, Maryland, master and managing owner of the LEVIN J. MARVEL at the time she foundered, of the following statutes:

- a. R.S. 4561 (46 U.S.C. 658). Sending an unseaworthy vessel to sea, thereby endangering life.
- b. Act of June 25, 1948 (18 U.S.C. 2196). Neglect of duty in taking an unseaworthy vessel to sea in the face of known displayed storm warnings.
- c. Act of April 25, 1940 (46 U.S.C. 526). Negligent and/or reckless operation of vessel so as to endanger life, limb, or property.
- d. Act of June 25, 1948 (18 U.S.C. 1115). Destruction of life through negligence, inattention to duty, and misconduct.

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7. In connection with the Recommendation of the Board that legislation be sought placing vessels carrying passengers for hire under Federal inspection, it is pointed out that there are now before Congress two bills, H.R. 7952 and H.R. 8267, which provide for the inspection and certification of such vessels when carrying more than six passengers.

8. Subject to the foregoing Remarks, the Findings of Fact, Conclusions, and Recommendations of the Marine Board of Investigation convened to investigate subject casualty are approved.

(signed) A. C. Richmond

A. C. RICHMOND
Vice Admiral, U. S. Coast Guard
Commandant

REPORT
OF
MARINE BOARD OF INVESTIGATION

Convened at
BALTIMORE, MARYLAND

By order of
THE COMMANDANT
UNITED STATES COAST GUARD

to inquire into and investigate the
foundering of the schooner LEVIN J.
MARVEL off North Beach, Maryland, on
12 August 1955, with loss of life.

FINDINGS OF FACT

1. That at about 1440 hours EDT on 12 August 1955, the Schooner LEVIN J. MARVEL foundered during a storm, while at anchor about 1-1/2 miles to the eastward of Fairhaven, Md., in Chesapeake Bay.

That there were 27 persons aboard, 23 of whom were passengers.

That as a result of this casualty, the following 14 passengers lost their lives:

Miss Florence Goldstone, age 37
463 Clinton Ave.
Brooklyn, N. Y.

Mrs. Andrew Chesson, age 41
Cameron Village
Paleigh, N. C.

Dr. Walter Goldstone, age 40
463 Clinton Ave.
Brooklyn, N. Y.

Miss Rhoda Fedder, age 48
1 University Pl.
New York, N. Y.

Dr. Hillard R. Nevin, Sr., age 42
308 Highland Blvd.
Brooklyn, N. Y.

Harry Kirsener, age 58
267 Washington Pl.
Lawrence, N. Y.

Mrs. Hillard R. Nevin, age 40
308 Highland Blvd.
Brooklyn, N. Y.

Dr. B. H. Roberts, age 34
Ridgeview Rd.
Orange, Conn.

Hillard R. Nevin, Jr., age 13
308 Highland Blvd.
Brooklyn, N. Y.

Louis H. Sobel, age 52
1646 York Ave.
New York, N. Y.

Miss Hilary Ciel Nevin, age 9
308 Highland Blvd.
Brooklyn, N. Y.

Mrs. Louis H. Sobel, age 56
1646 York Ave.
New York, N. Y.

Andrew Chesson, age 41
Cameron Village
Raleigh, N. C.

John C. Ferguson, Sr., age 62
41 Patton Dr.
Bloomfield, N. J.

That there were 13 survivors, to wit:

John Meckling, Master
19 Victor Pkwy, Victor Haven
Annapolis, Md.

Stephen Morton, Deck Crew
73 Maryland Ave.
Annapolis, Md.

1. (Continued)

Elry Pinkney, Cook
Parole
Md.

Charles Savoy, Waiter
110 W. Washington St.
Annapolis, Md.

Perry L. Schwartz, Passenger
15 E. 196th St.
New York, N. Y.

Miss Margaret D. Killip, Passenger
298 Oak Ridge Dr.
Rochester, N. Y.

William Balle, Passenger
1123 Clay Ave.
Bronx, N. Y.

Miss Meryle V. Hutchinson, Passenger
501 W. 113th St.
New York, N. Y.

Harry Nathanson, Passenger
287 Washington Pl.
Lawrence, N. Y.

Miss Nancy Madden, Passenger
2900 Connecticut Ave., N.W.
Washington, D. C.

Charles Greenwald, Passenger
441 E. 96th St.
Brooklyn, N. Y.

Mrs. Frances Roberts, Passenger
Ridgeview Rd.
Orange, Conn.

John C. Ferguson, Jr., Passenger
41 Patton Dr.
Bloomfield, N. J.

2. That the Schooner LEVIN J. MARVEL, official number 141175, was a three-masted baldheaded ram-type schooner, 125.5 ft. in length, with wooden hull; of 183 gross tons, built in 1891 and rebuilt in 1919 and 1926.
3. That the vessel did not have watertight bulkheads, being open throughout, with the exception of light wooden partitions separating the various living spaces.
4. That the vessel was owned by Chesapeake Windjammer Vacation of Annapolis, Md.
5. That Mr. John Henry Meckling, of 3 State Circle, Annapolis, Md., who acted as Master, was managing owner and operator. He owned 31/64 of the stock of the company; Mr. John Thomas Evans of Duncansville, Pa., owned 31/64 of the stock; and the estate of Bertram Ashmead of Philadelphia, Pa., held 2/64 of the stock of the company.
6. That the LEVIN J. MARVEL, under the command of Mr. Meckling, with a crew of one deckhand (Stephen Morton), one cook (Elry E. Pinkney) and one waiter (Charles Savoy), and carrying 23 passengers for hire, departed Annapolis, Md., at about 1400 hours EDT on 8 August 1955.
7. The vessel's itinerary for the week of 8-12 August 1955 was as follows:

7. (Continued)

<u>PLACE</u>	<u>ARRIVAL</u>	<u>DEPARTURE</u>
Annapolis, Md.	- - -	8 August - 2:00 p.m. (Monday)
Poplar Island	8 August, Nightfall	9 August - 7:00 a.m. (Tuesday)
Oxford, Md.	9 August - 5:00 p.m.	10 August - 1:00 p.m. (Wednesday)
Cambridge, Md.	10 August - 8:00 p.m.	11 August - 2:00 p.m. (Thursday)

8. That the weather at the time of the casualty was as follows:

A moderate to strong gale, Force 7-8 from NNE;
squally; overcast; with very rough sea.

9. That, briefly stated, the weather forecasts for the
Chesapeake Bay area during the period of 9-13 August
1955 were as follows:

NE storm warnings were continuously displayed from
1400 hours EDT on 9 August until the forenoon of
13 August.

A hurricane alert for Hurricane "Connie" was issued
by the Weather Bureau at 1400 hours EDT 9 August.
This alert terminated at 1400 hours EDT 11 August.

10. That storm warnings are displayed by day at the Cambridge,
Md. Yacht Club.

11. That at about 1400 hours on 11 August 1955, upon termina-
tion of the hurricane alert for the Chesapeake Bay area
but at a time when NE storm warnings were being continued,
the LEVIN J. MARVEL left the sheltered waters of Cambridge
Harbor.

12. That at this time winds of 35-40 miles per hour were pre-
dicted for the extreme southern Maryland, Chesapeake Bay
and coastal areas, and 15-30 miles per hour winds were
predicted for the central and northern portions of Chesa-
peake Bay, and that the Weather Bureau warned that all
precautions should be continued in the area of hurricane
and storm-warning displays.

13. That, prior to leaving Cambridge Harbor, Mr. Meckling ob-

13. (Continued)

served the MS storm-warning flag being exhibited at the Cambridge, Md., Yacht Club mast.

14. That the vessel was anchored for about two hours off Hambrook Point in the Choptank River, Md., to enable the passengers to go swimming.
15. That the MARVEL got underway at about 1630 hours 11 August 1955 and proceeded down the Choptank River towards the Bay, entering the waters of Chesapeake Bay at about 2040 hours 11 August 1955; she then proceeded northward up the Bay, under sail, the weather being fine and clear with a gentle northeasterly breeze, slight sea and swell.
16. That Mr. Meckling was relying on the vessel's radio for weather information; that the vessel's radio was turned off at about 2345 hours on 11 August 1955 and no weather reports were received on board until 0630 hours 12 August 1955.
17. That as the MARVEL proceeded northward under sail the weather commenced to threaten at about 0300 hours on 12 August 1955; and at about 0630 the winds had increased to 25-40 miles per hour, northeasterly, with occasional gusts of 40-45 miles per hour.
18. That at this time the vessel was underway about 2-1/2 miles SSW of Bloody Point Light.
19. That at about 0700 several male passengers assisted Mr. Meckling and Morton in taking in and securing the sails.
20. That an attempt was made to use the yawl boat, but it was found to be inoperative.
21. That at about 0700 the vessel was headed toward the lee side of Poplar Island.
22. That at this time visibility, wind and sea conditions were such that the MARVEL was unable to maintain steerageway for the lee side of Poplar Island, and that the course was changed to WSW, the vessel running before the wind toward Herring Bay.
23. That at about 0900 hours 12 August 1955, the MARVEL anchored about 1-1/2 miles to the eastward of Fairhaven, Md., in Chesapeake Bay, on her lee shore, in about 26 feet of water, with about 200 feet of chain to the starboard anchor.

24. That an unusual and excessive amount of water was observed in the bilges in the forepart of the vessel under the dining room prior to, and soon after, the time the vessel anchored.
25. That the vessel was equipped with two (2) one-cylinder gasoline-driven bilge pumps, one forward (on the weather deck) and one aft; that the vessel was also equipped with one portable hand pump.
26. That the forward bilge pump was successfully used to pump the water out soon after the vessel was anchored.
27. That during the morning, while the vessel was at anchor, the weather conditions continued to worsen in that the wind and seas gradually increased, the sky being overcast; with intermittent rain and poor visibility.
28. That the yawl broke adrift from the stern of the MARVEL some time during the morning. It was not recovered.
29. That some of the passengers endeavored to close the majority of the vessel's 22 portlights, which were located below the main deck in the messroom, cabins and toilets. That they were successful in closing some, but that a large number of them had dogs missing, latch bolts frozen, or both, or were warped, all of which factors precluded the portlights' being watertight.
30. That large quantities of water entered the hull through the defective portlights.
31. That the portlights had not been inspected since the vessel commenced the operating season in the Spring of 1955; and that there is no evidence indicating that the portlights were tested for watertightness at any time.
32. That at about 1200 EDT 12 August 1955, great quantities of water were once again observed in the forepart of the vessel.
33. That efforts to start the exposed forward bilge pump were fruitless.
34. That the portable hand pump was put into operation by the combined efforts of passengers and crew.
35. That one of the gasoline-driven bilge pumps was carried down into the dining room and put into operation, but this proved unsuccessful due to the fact that the debris in the space concerned repeatedly clogged the suction. The pumps being unable to handle the amount of

35. (continued)

water which was entering the vessel, she commenced to settle by the head.

36. That at about 1300 hours EDT on 12 August 1955 the starboard anchor commenced to drag, permitting the vessel to lay in the trough of the seas. At this time the port anchor was let go with about 100 feet of chain, and the vessel's head came back up into the wind and sea.
37. That at about 1300 hours the Master attempted to transmit a "May Day" distress message to the Coast Guard and the marine operators at Norfolk, Va., and Wilmington, Del., but, the radio transmitter being inoperative, no contact was made with any outside station at that time.
38. That, although testimony was given to the effect that a Mr. Marshall received a "May Day" message, the Board is unable to locate such a Mr. Marshall, supposed to be an amateur radio operator in the North Beach, Md., area; and that, upon contacting the Federal Communications Commission, it was learned that they had no record of such an amateur station. (The earliest information about the casualty came from Miss Deborah Killip, one of the survivors, who made her way ashore at approximately 1615. Word was passed to Barrack H. Maryland State Police, Waldorf, Md.)
39. That at or about 1400 the MARVEL gradually lost buoyancy due to the continued intake of water. With the foredeck awash, passengers and crew gathered aft and made preparations to abandon the vessel.
40. That at the direction of the Master, a light line was passed through the front of the shoulder straps of the life preservers of a number of the passengers, this being considered a means of preventing the passengers from drifting apart.
41. That during this time there was no panic, passengers and crew conducting themselves in an orderly manner throughout.
42. That at about 1430 hours, while the line was being passed, the MARVEL suddenly rolled heavily and lay over on her starboard beam's end.
43. That one group of survivors, clinging together, drifted for several hours until finally they reached a duck blind to which one of the MARVEL's passengers had already made his way. The entire group was later rescued

43. (Continued)

when Mr. William K. McWilliams and Mr. George Killam (of North Beach, Md.), at great risk to themselves, came out in a small outboard motorboat and took them ashore two at a time.

44. That other survivors were in the water for several hours, and made their way, separately, to the beach.
45. That by 16 August 1955 the last of the 14 bodies of the deceased had been recovered, all having been found in the vicinity of the casualty.
46. That, although testimony does not reveal the exact causes of the deaths of the 14 victims, the coroners' reports indicate that these were by drowning.
47. That after the casualty had occurred, the wreckage of the MARVEL was lying on the bottom in about 22 feet of water in a position Lat. 38°45'20" N., Long. 76°31'20" W.

THE FOLLOWING ADDITIONAL PERTINENT FACTS WERE ESTABLISHED

48. Efforts by the Board to contact Mr. John Thomas Evans of Duncansville, Pa., as part owner of the MARVEL, have been unsuccessful.
49. That the LEVIN J. MARVEL was documented as a freight vessel for the coasting trade.
50. That although the LEVIN J. MARVEL was documented as a freight vessel for the coasting trade, it was in fact outfitted and equipped to carry passengers for hire.
51. That at the time of the casualty the vessel had 23 persons on board as paying passengers.
52. That the LEVIN J. MARVEL was an uninspected vessel.
53. That the propulsion of the LEVIN J. MARVEL was augmented by a motor-propelled yawl during various portions of the voyage.
54. That the yawl boat was used as an auxiliary means of propulsion to maintain the schedule advertised.
55. That it was advertised by the owners that the LEVIN J. MARVEL met "all requirements of maritime safety and standards."

56. That the vessel was not equipped with any lifeboats, life rafts, life floats or other lifesaving devices except for life preservers and a few rubber play rafts.
57. That the vessel was last hauled out at Booz Brothers Company, Baltimore, Md., on 5 August 1954.
58. That a survey of the MARVEL while hauled out on that date disclosed that she required extensive caulking and other repairs due to age, inherent hull weakness and a recent grounding.
59. That as a result of that survey, temporary repairs were effected to the underwater body, such repairs being based on minimal operational requirements for the 1954 season only.
60. That the crew of the vessel was not adequate to operate the vessel with safety.
61. That the vessel did not carry a proper lookout as required by Article 29 of the Rules of the Road.
62. That neither the Master nor any of the crew members possessed any license, validated Merchant Mariner's Document or Port Security Card issued by the U. S. Coast Guard.
63. That the 20-foot motor-powered yawl did not have a Certificate of Number issued by the U. S. Coast Guard.
64. That the yawl boat, under power, was frequently used to carry passengers to and from the vessel without having on board a licensed operator.
65. That portions of the wreckage which were recovered indicate an excessive amount of rot in structural members of the vessel.

CONCLUSIONS

From the facts contained herein, it is concluded by the Board

1. That Mr. John H. Meckling and Mr. John Thomas Evans are the responsible owners and operators of the LEVIN J. MARVEL.
2. That during the voyage starting from Annapolis, Md., on 8 August 1955 Mr. John H. Meckling was the Master of the LEVIN J. MARVEL.
3. That the casualty was directly caused by the unseaworthy condition of the LEVIN J. MARVEL.
4. That the unseaworthiness was due to the poor physical condition of essential hull structures and fittings, which had been neglected by the managing owner.
5. That a contributing cause was the poor judgment used by Mr. Meckling in taking his vessel from a safe mooring in the face of known bad-weather warnings.
6. That the vessel was inadequately manned, while carrying passengers for hire, to operate with safety.
7. That in spite of directives issued by the Coast Guard setting forth conditions with which the vessel must comply to be exempt from inspection, the Master continued to operate contrary to said directives by propelling his vessel with the yawl boat as an auxiliary means of propulsion, thus removing the MARVEL from the category of "uninspected sailing vessel."
8. That the responsible owners resorted to misleading and false advertising by implying that the vessel met requirements of safety standards, such standards being in fact nonexistent.
9. That additional violations of Federal Statutes were committed as follows:
 - a. The LEVIN J. MARVEL, documented as a freight vessel for the coasting trade, did in fact carry persons exceeding allowances under Title 46 USC, Sect. 882.
 - b. Failure to maintain proper lookout (violation of Article 29, Inland Rules of the Road, Act of 7 June 1896 c.4, Sect. 1, 30 Stat. 102, as amended).
 - c. Failure to employ a Master and crew in possession of Port Security Identification Cards or Merchant Mariners' Documents (violation of Title 33, C.F.R., Chapt. 1, Subchapt. K, Part 121.02(f)).
 - d. Violation of the Numbering Act of 7 June 1918 (Title 46 USC, Sect.

282) by failure of present owners to register change of ownership of the 20-foot yawl motorboat.

- a. Failure to provide a licensed motorboat operator on board the yawl motorboat (violation of the Motorboat Act of 25 April 1940, Sect. 7; 54 Stat. 165; 46 USC 526 f).

RECOMMENDATIONS

The Board recommends

1. That this case be referred to the U. S. Attorney General for prosecution under authority of Title 18 USC 1115.
2. That in view of the gravity of this case and the foregoing recommendation, action on additional violations should be withheld pending disposition by the Attorney General.
3. That the outstanding efforts of Mr. William K. McWilliams and Mr. George L. Killam in effecting the rescue of some survivors at great personal risk be appropriately recognized by the Commandant, U.S. Coast Guard.
4. That legislation be sought placing all boats, and vessels, of any type, size or means of propulsion which carry one or more passengers for hire, under Federal inspection.

After making the above recommendations, the Board adjourned to await action of the convening authority.

(signed) H. C. Moore
H. C. MOORE
Captain, USCG, Chairman

(signed) E. H. Thiele
E. H. THIELE
Captain, USCG, Member

(signed) Alfred W. Kabernagel
ALFRED W. KABERNAGEL
Captain, USCG, Member

(signed) J. N. Gonyeau
J. N. GONYEAU
Lieutenant Commander, USCG, Recorder