

UNITED STATES COAST GUARD

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

MVI
12 July, 1950
File: (LORRAINE a-5 Bd)

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

Subj: Marine Board of Investigation; Tug M/V LORRAINE, sinking of in lower Chesapeake Bay on 9 April, 1950, 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 tug LORRAINE of 98 gross tons, was built in 1885 as a steam vessel, but during the middle part of 1930's due to the deteriorated condition of her machinery, she was converted to a motor vessel and thereafter was exempt from safety inspection and certification requirements. At about 0210 9 April, 1950, the LORRAINE in an unseaworthy condition, with a crew of seven, while towing a coal laden barge from Newport News, Virginia to Camden, New Jersey, due to increasing wind and sea, found it necessary to anchor the barge off the Rappahannock River. Thereafter, while proceeding into Whitestone, Virginia for shelter, the aft peak tank became flooded, the vessel bumped the bottom under the aft peak deteriorated bulkhead causing it to give away, flood the engine room and thus sink the vessel approximately 2500 yards off Windmill Point Lighthouse.

3. As a result of this casualty, the following six persons aboard the LORRAINE lost their lives.

John G. Woods, Mate - 106 Melrose Avenue, Westmont, New Jersey
William F. Jefferson, Chief Engineer - 506 East Brooklyn Park Boulevard,
Richmond, Virginia
Edward M. Kellum, Assistant Engineer - 806 Whitsmore Avenue
Baltimore, Maryland
Ollie Hudgins, Seaman - 2705 Virginia Avenue, Newport News, Virginia
Norman G. Fisher, Seaman - Lewes, Delaware
Lester Lee, Cook - 1203 Harlem Avenue, Baltimore, Maryland, c/o Miss
Doris Lee

4. The Board made the following Findings of Fact:

"(1) That the LORRAINE was an oil screw motor tug, official No. 126309, 380 horsepower, 98 gross tons, 37 net tons, built in 1885 at Camden, New Jersey; owned by Eastern Transportation Company of Baltimore, Maryland.

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(2) That the LORRAINE departed Newport News, Virginia, for Camden, New Jersey at 1100 April 8, 1950, with the barge AJAX and 4,000 tons of coal in tow; that the weather at time of departure was good; and that the following crew members were on board:

Master - Olen P. Brown, 124 Elwood Avenue, Norfolk, Virginia *EXP 11 P.O.*
Mate - John G. Woods, 106 Melrose Avenue, Westmont, New Jersey *MASTER STAND*
Chief Engineer - William F. Jefferson, 506 East Brooklyn Park *NO BAYS SOUNDSEE*
Boulevard, Richmond, Virginia
Assistant Engineer - Edward M. Kellum, 806 Whitsmore Avenue, *NO*
Baltimore, Maryland
Seaman - Ollie Hudgins, 2705 Virginia Avenue, Newport News,
Virginia
Seaman - Norman G. Fisher, Lewes, Delaware *EXP 110.08*
Cook - Lester Lee, c/o Miss Doris Lee, 1203 Harlem Avenue,
Baltimore, Maryland

(3) That the LORRAINE and tow proceeded up Chesapeake Bay passing Wolf Trap Lighthouse between 2030 and 2100 on 8 April 1950 with favorable weather making about five knots over the bottom.

(4) That shortly after midnight the wind increased from the northwest making up a choppy sea.

(5) That at about 0200 on 9 April 1950 the wind and sea had increased to such an extent that the mate who was on watch advised the captain he was going to anchor the barge AJAX off the mouth of the Rappahannock River and proceed into Whitestone, Virginia, to await more favorable weather conditions. Brown, the captain, agreed to this proposed action.

(6) That the barge AJAX was anchored in the vicinity of Rappahannock Spit Lighted Bell Buoy at 0210, 9 April 1950.

(7) That during the operation of anchoring the barge AJAX no physical contact was made by the LORRAINE while casting off the towing hawser.

(8) That after seeing the hawser clear the mate headed the LORRAINE into the Rappahannock River toward Whitestone, Virginia, while the captain returned to his room off the wheelhouse.

(9) That after dropping the tow the wind increased in velocity and the seas built up from northwest causing water to come over the starboard rail and flood the deck aft.

- (10) That on deck were stored two 115-fathom towing hawsers and one 20-gallon drum of oil.
- (11) That shortly after leaving Windmill Point Lighthouse on starboard the Assistant Engineer (Kellum) reported in person to the mate on watch in the wheelhouse that water was coming into the engine room from the aft peak tank.
- (12) That the captain overhearing the report to the mate on watch proceeded to the deck aft, while the tug was headed up into the wind and sea (Nw), to ascertain the cause of the engine room taking water.
- (13) That upon arriving aft the captain discovered water on deck up to his knees and a manhole cover to the aft peak tank missing. The oil drum had broken its lashings and the hawsers were scattered about the deck. The coaming of the uncovered manhole was under water.
- (14) That the captain made an attempt to find the manhole cover but was unsuccessful. One of the seamen (Fisher) was ordered by the captain to call the other seaman and cook.
- (15) That the captain then made his way forward on the port side and looked into the engine room where he observed the chief engineer and assistant engineer below him working near the auxiliary bilge pumps. The captain observed more water than usual in the after part of the engine room.
- (16) That the seaman and cook arrived and were ordered to go up by the lifeboat.
- (17) That the captain then returned to the wheelhouse where the mate was attempting to use the radio-telephone to call the Coast Guard. As the mate was unsuccessful the captain tried to get the radio-telephone in operation but was also unsuccessful.
- (18) That by this time the vessel began to settle rapidly whereupon the captain and the mate left the wheelhouse around 0300, 9 April, 1950.
- (19) That as the vessel was sinking the two engineers called up the port side to those by the lifeboat that the boat was going down. The two seamen and cook went over the bow. When the vessel went down the top of the wheelhouse and Captain's cabin floated off with the captain (Brown) on top of the wheelhouse. The mate (Woods) and assistant engineer (Kellum) were in the water nearby and managed to get on with Brown.

- (20) That all hands had on life jackets when last seen by Brown.
- (21) That the vessel sank 2,500 yards 335 degrees true from Windmill Point Lighthouse.
- (22) That the wheelhouse wreckage with Brown, Woods and Kellum on board drifted south-southeast past Windmill Point Lighthouse.
- (23) That during the course of drifting Woods and Kellum were washed off the wreckage by the seas prevailing at the time.
- (24) That Brown was sighted on the wreckage and rescued in a semi-conscious condition by the MV JOHN WARD of Deltaville, Virginia, at around 0600 9 April 1950.
- (25) That Brown was brought to Deltaville, Virginia, where he received medical attention and the District Operations Office, 5th Coast Guard District, was notified of the casualty at 0745 9 April 1950.
- (26) That all persons on board the LORRAINE with the exception of Brown lost their lives by drowning.
- (27) That the bodies of the following have been recovered:
- | | |
|--------------------|------------------------|
| Mate | - John G. Woods |
| Chief Engineer | - William F. Jefferson |
| Assistant Engineer | - Edward M. Kellum |
| Seaman | - Norman G. Fisher |
| Seaman | - Ollie Hudgins |
| Cook | - Lester Lee |
- (28) That Brown holds able seaman, lifeboatman and tankerman's certificates issued by the U. S. Coast Guard.
- (29) That the lifeboat having a nine-person capacity was ordered prepared for lowering but could not be launched due to the starboard list of the vessel.
- (30) That the CGC MOHICAN found the lifeboat in a vertical position with one end out of the water about 12 inches.
- (31) That the lifeboat identified by Brown as being from the LORRAINE contained a manufacturer's plate with the following data:

Built by - Chas. S. Rossiter & Co. Baltimore, Md.
Size 14' x 5' x 2.2' Cu ft 91
No. 772 No. Pco. 9
No. 18 BWG Gauge Date July 08

- (32) That the letters LORRAINE were observed on the port bow under recently applied red paint.
- (33) That there were rusted out holes located as follows:
(1) Starboard aft by drain hold - one 2" x 3"
(2) Port side aft garboard strake - one 2" x 4".
(3) Starboard side forward garboard strake, one 1½" to ½" x 10.
- (34) That the screw cap and ball check for the drain hole were missing.
- (35) That the outside of the lifeboat was painted recently but the boat had not been removed from the chocks as the area where the boat rested in the chocks had not been painted.
- (36) That the lifeboat could not have floated in its present condition.
- (37) That the life lines around the gunwale were missing, having been cut or torn away.
- (38) That the LORRAINE was converted from steam to diesel in 1937 and was not subject to inspection from that time.
- (39) That the aft peak bulkhead was in such condition that the aft peak tank could not be used to carry water. An attempt had been made by the owners to repair it. A cement patch was placed against the bulkhead from the inside to a height of three to four feet from the bottom. This did not prove successful and no further attempt was made to repair it.
- (40) That chain ballast was substituted in place of the previous water ballast giving the vessel approximately the same trim aft.
- (41) That the LORRAINE had last been hauled out on 24 February 1950 for replacing the propeller and bottom examination.
- (42) That the CG Harbor Tug MOHICAN, the CG 83312, and a plane from the Coast Guard Air Station Elizabeth City proceeded without unreasonable delay after first notice of casualty to search for survivors."

5. The Board expressed the following Opinions:

- "(1) That Woods the relief captain and mate was an older and more experienced man. Brown had a tendency to lean considerably on his judgment (Woods) as in the case of Woods' decision to anchor the barge AJAX.

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(2) That Brown apparently did not realize the responsibilities of being master of a vessel in taking care of lifesaving equipment and seeing that the vessel was in good operating condition at all times.

(3) That when the aft peak tank was discovered full of water the vessel was proceeding toward 10 to 12 feet of water on Rappahannock Spit. This full tank plus the chain ballast set the stern down three to four feet below the normal running draft of about ten feet to where the vessel was drawing about 13 to 14 feet. As the vessel proceeded ahead it bumped the bottom under the aft peak bulkhead causing it to give way flooding the engine room. As the stern was already under water with the manhole cover off it was a matter of a very few minutes before the engine room and aft peak tank became flooded sinking the vessel. After the vessel bumped the bottom its momentum carried it over into deeper water where it settled on the bottom with part of the stack and mast showing above water.

(4) That the danger of the situation was not realized in time by Brown as no effort was made to abandon the vessel immediately after it was discovered that the vessel was in a sinking condition.

(5) That the lead of the boat falls would have made it very difficult even under the best of conditions to launch the lifeboat over the side.

(6) That the garboard strakes in the shell of the lifeboat were in a deteriorated condition for some time because when it first floated off the chocks the metal in way of the chocks became loosened leaving holes which sank the lifeboat. It is very doubtful that this same lifeboat was put overboard three months previous to the vessel's sinking and rowed around.

(7) That no fire and boat drills were ever held to have the crew prepared for any emergency.

(8) That the LORRAINE was in an unseaworthy condition when departure was taken from Newport News, Virginia, at 1100 8 April 1950."

6. The Board made the following Recommendations:

"(1) That legislation be sought whereby towing vessels over 50 gross tons propelled by internal combustion engines come under the inspection laws and regulations.

(2) That the case be submitted to the Department of Justice for possible prosecution of the master and the owners of the tug LORRAINE for violation of 18 U.S.C. 1115."

REMARKS

7. Recommendation I of the Board suggests that legislation be sought to require towing vessels propelled by internal combustion engines, over 50 gross tons, to come under the inspection laws and regulations. The Acting Commander, 5th Coast Guard District in his endorsement recommends that all diesel propelled inland tugs come under inspection particularly those exceeding 20 years of age. General recommendations to extend the marine safety statutes and regulations thereunder to uninspected vessels in the interest of safety are of no value to HQ. In view of many previous efforts to obtain the extension of marine safety statutes and regulations thereunder, to uninspected vessels, with unsuccessful results, recommendations to be informative and helpful in influencing the enactment of corrective legislation, should be confined to or at least include the specific requirements of existing marine safety statutes or regulations thereunder that would or could have prevented the casualty under investigation.

8. Proposed bills encompassing legislation suggested by the above recommendations are now before Congress for consideration. Such bills are as follows:

- (a) HR 7710 - A bill to apply the marine safety statutes and regulations thereunder to all motor vessels over 15 gross tons except pleasure vessels and vessels engaged in the fisheries.
- (b) HR 464 - A bill to apply the marine safety statutes and regulations thereunder to all seagoing motor propelled vessels.
- (c) HR 3254 - A bill to extend the marine safety statutes and regulations thereunder to seagoing motor fishing vessels of 15 gross tons or over.
- (d) HR 4450 - A bill to require licensed officers on motor vessels above 100 gross tons with certain exceptions for yachts and fishing vessels.

9. Recommendation 2 of the Board states that the owners of the LORRAINE should be cited for the criminal violation of 18 U.S.C. 1115. This statute provides that when the owner of any vessel is a corporation, any executive officer of such corporation, for the time being actually charged with the control and management of the operation, equipment or navigation of such vessel, who has knowingly and willfully caused or allowed fraud, neglect, misconduct, or violation of law, to cause loss of life, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both. The Board should have definitely indicated the officer or officers of the Eastern Transportation Company that were responsible for the unseaworthy condition of the LORRAINE

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which resulted in the subject casualty. From a review of the record, it would appear that Mr. Joseph E. Hooper, President of the Eastern Transportation Company was the responsible officer contemplated by said statute.

10. The provisions of 46 U.S.C. 658 providing that if any person knowingly sends or attempts to send or is party to the sending or attempting to send an American ship to sea, in the foreign or coastwise trade, in such an unseaworthy state that the life of any person is likely to be thereby endangered, shall be guilty of a misdemeanor and subject to fine and imprisonment, were also violated and should have been so indicated by the Board.

11. The record of subject casualty, containing evidence of criminal liability on the part of the master and the above named officer of the Eastern Transportation Company, will be referred to the United States Attorney General for prosecution through the Federal District Attorney of the District having jurisdiction under the provisions of the criminal code.

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

EDW. C. CLEAVE
EDW. C. CLEAVE

Ind-1

26 July 1950
MVI (LORRAINE a-5 Bd)

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

Forwarded, recommending approval.

H. C. SHEPHEARD
H. C. SHEPHEARD

APPROVED 31 July 1950

MERLIN O'NEILL

MERLIN O'NEILL

Vice Admiral, U. S. Coast Guard
Commandant

OFFICE MEMORANDUM - UNITED STATES GOVERNMENT

C
O
P
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To: Chief, Legal Division
From: Chief, Merchant Vessel Inspection Division
Via: Acting Chief, Office of Merchant Marine Safety

MVI
DATE: 9 August, 1950
(LORRAINE a-5 Bd)

Subject: Marine Board of Investigation; Tug M/V LORRAINE, foundering of in lower Chesapeake Bay on 9 April, 1950, with loss of life

1. The record of subject casualty indicates that due to the unseaworthy condition of the tug LORRAINE she foundered in lower Chesapeake Bay, 9 April, 1950, with the loss of life of six crew members. Accordingly, duplicate records of investigation of subject casualty are herewith forwarded for transmittal to the United States Attorney General as such records contain evidence of probable criminal liability on the part of Mr. Joseph E. Hooper, President of the Eastern Transportation Company, Baltimore, Maryland, which officer was responsible for the seaworthiness of the tug LORRAINE at the time she foundered.
2. Criminal liability against Mr. Hooper arises out of the violation of the following statutes:
 - (a) 46 U.S.C. 658 - Sending an unseaworthy vessel to sea
 - (b) 18 U.S.C. 1115 - Negligent and unlawful destruction of life
3. It is desired that all correspondence and memoranda arising out of subject casualty or received in relation thereto, be filed in the Casualty File MVI (LORRAINE a-5 Bd).
4. It is the recommendation of this Division that a copy of the letter transmitting the subject casualty to the United States Attorney General be forwarded to the Commander, 5th Coast Guard District, for his information and ready reference.

(Signed) EDW. C. CLEAVE

Incls.

Dupl. records

EDW. C. CLEAVE

Ind-1

9 August, 1950
(LORRAINE a-5 Bd)

From: Acting Chief, Office of Merchant Marine Safety
To: Chief, Legal Division

Forwarded.

(Signed) R. L. RANEY

R. L. RANEY