

UNITED STATES COAST GUARD

MVI

15 April 1952

(T/V VENTURA - F/V LYNN - 2-1 24)

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

Subj: Marine Board of Investigation; steam tanker VENTURA and motor fishing vessel LYNN, collision Boston Outer Harbor, 28 November 1951, 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, Conclusions, Opinions, and Recommendations, has been reviewed and is forwarded herewith.

2. The motor fishing vessel LYNN of 170 GT, departed from the fishing pier at Boston, Massachusetts, at approximately 1630, 28 November, 1951, bound for offshore fishing grounds. The SS VENTURA, a tank vessel of 10,441 GT, without cargo, departed from Revere, Mass., at 1542 on the same date, bound for Westville, New Jersey. The LYNN preceded the VENTURA into North Channel at a speed of about nine knots; the VENTURA was overtaking the LYNN at a speed of about thirteen knots. At approximately 1725 the VENTURA, the overtaking vessel, had the LYNN ahead a little on her starboard bow, a distance of about 250 yards, heading on approximately parallel courses. The VENTURA sounded a two-blast passing signal which was neither heard nor answered by the LYNN. The master of the LYNN heard the bell signals of the lookout on the bow of the VENTURA and assumed that a vessel was anchored to his starboard, and, evidently on this assumption, took collision avoiding action by changing course to port. Immediately following the two-blast passing signal from the VENTURA, the LYNN changed course radically across the bow of the VENTURA. A situation "in extremis" was thus created and both vessels collided, causing the immediate foundering of the LYNN. The weather at the time of this casualty was good with general south-westerly breeze, excellent visibility and a smooth sea. As a result of this casualty 13 crew members on board the LYNN perished.

3. The Board made the following Findings of Fact:

"1. That the tanker VENTURA, Official Number 247389, collided with the trawler LYNN, Official Number 241106, in Broad Sound approaches to Boston Harbor, at or about 5:27 p.m., Eastern Standard Time, on Wednesday, November 28, 1951.

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- "2. That the VENTURA is a "T-2" steel hulled, single screw, turbo-electric drive, ocean tanker of 10,441 gross tons; operated by The Texas Company of 135 East 42d Street, New York, New York.
- "3. That the LYNN was a steel hulled, single screw, diesel propelled fishing vessel of 170 gross tons; owned and operated by R. O'Brien and Company, Incorporated, of 34 Fish Pier, Boston, Massachusetts.
- "4. That the LYNN departed from the Fish Pier at Boston, Massachusetts, at approximately 4:30 p.m., November 28, 1951, bound for offshore fishing grounds and stood out via the Main Channel at a speed of approximately nine knots, entering North Channel at approximately 5:09 p.m.
- "5. That the LYNN rounded North Channel Lighted Buoy 1, abeam aboard, at approximately 5:20 p.m. and headed for the Graves Lighted Whistle Buoy 5.
- "6. That the VENTURA departed from the Union Oil Products Company Dock at Revere, Massachusetts, in ballast for Westville, New Jersey, at 3:42 p.m., Eastern Standard Time, November 28, 1951, and stood down the Chelsea River and Boston Harbor Main Channel to intermittent slow and half speed bells assisted by tugs.
- "7. That Coast Pilot Alonso L. Hodgson of 86 Woodford St., Portland, Maine, took over the conn of the VENTURA at 4:25 p.m., and the dockmaster and tugs departed at 4:30 p.m.
- "8. That the VENTURA continued out through President Roads, passing Deer Island Light at approximately 5:12 p.m.; increased to full speed (78 to 80 r.p.m. or about 13 knots) at 5:13 p.m., and entered North Channel at 5:15 p.m.
- "9. That the VENTURA passed North Channel Lighted Buoy 1 at 5:22 p.m., and commenced a slow swing to the right toward the course for the Graves Lighted Whistle Buoy 5.
- "10. That at approximately 5:25 p.m., with the VENTURA heading approximately 072° true and the LYNN about 250 yards ahead, bearing a little on the VENTURA's starboard bow and headed on an approximately parallel course, the VENTURA blew two blasts on its whistle as a passing signal.

"11. That immediately thereafter the LYNN altered course to the left and headed across the bow of the VENTURA.

"12. That the VENTURA then gave full left rudder and, in rapid succession, stopped its engines, backed slow and backed full speed.

"13. That at approximately 5:27 p.m., the stem of the VENTURA hit the port quarter of the LYNN abreast of the LYNN's port lifeboat.

"14. That at the moment of impact the VENTURA was heading about 030° true and swinging left, with her engines backing full speed.

"15. That at the moment of impact the LYNN was headed in a northerly direction and her engines going ahead full speed.

"16. That the initial impact was light and caused little damage but the continuing pressure of the VENTURA's stem, pushing the LYNN ahead of it with the point of contact well above the water line and the center of resistance well below the water line, rolled the LYNN over on her starboard side.

"17. That the hull of the LYNN, lying on its starboard side, passed down the port side of the VENTURA at approximately 5:28 p.m. and foundered immediately thereafter.

"18. That the VENTURA stopped its engines at 5:28 p.m. to avoid the possibility of its propeller injuring survivors in the water and made preparations to lower a lifeboat to search for survivors.

"19. That no whistle signals were sounded by the LYNN and none were sounded by the VENTURA after its first two-blast signal.

"20. That the trawler M. C. BALLARD, which departed from the Boston Fish Pier at approximately the same time as the LYNN, was passed by the VENTURA at approximately 5:23 p.m. in the vicinity of North Channel Lighted Buoy 2 and was, at the time of the collision, approximately 500 yards behind the LYNN and proceeding at a speed of about nine knots.

"21. That although the M. C. BALLARD reached the immediate vicinity of the collision within two or three minutes after the collision the LYNN had already gone down.

"22. That the M. C. BALLARD on arriving at the scene heard cries for help from men in the water and picked up four men.

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"23. That the first two men picked up by the M. C. BALLARD were Joseph C. McNamara of 22 McCall Street, Medford, Mass., Master of the LYNN and John James King of 267 Shirley Street, Winthrop, Mass., a crew member, and that both were alive and uninjured, though suffering from the effects of the immersion.

"24. That the next two men picked up by the M. C. BALLARD were James Hayes of 36 Wycliff Avenue, West Roxbury, Mass., Mate of the LYNN, and John J. Rogers of 12 Columbia Street, Malden, Mass., Assistant Engineer, and that both were apparently dead when picked up.

"25. That the M. C. BALLARD observed a stream of bubbles arising in the water at the point where the four men were picked up and that further search in the vicinity failed to reveal any more survivors or bodies.

"26. That at or before 5:40 p.m., the M. C. BALLARD departed the scene to bring the survivors into port and arrived at the Boston Fish Pier shortly before 7:00 p.m.

"27. That Hayes was removed to the Boston City Hospital by police ambulance and was pronounced dead on arrival at 7:10 p.m.

"28. That Rogers was removed to Carney Hospital by the Carney Hospital ambulance and was pronounced dead on arrival at 7:15 p.m.

"29. That McNamara and King were removed to the U. S. Public Health Service Hospital at Brighton, Mass., by Coast Guard ambulance for examination and treatment.

"30. That, at the time of the collision Captain McNamara, Hayes, and King were in the pilothouse of the LYNN and Rogers was on watch in the engine room.

"31. That, immediately after the collision, Captain McNamara, Hayes, King and Rogers were together on the port side of the bridge of the LYNN and were picked up by the M. C. BALLARD a few minutes after the LYNN sank.

"32. That, in addition to Captain McNamara, Hayes, King, and Rogers, the following persons were on board the LYNN at the time of the collision and that the latter all perished as a result of the sinking of the LYNN:

William Mayo, 15 Marston Street, Medford, Mass.,
Chief Engineer;
Herman Walsh, 559 Massachusetts Avenue, Boston, Mass.,
Cook;

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John W. McNamara, 79 Spring Park Avenue, Jamaica Plain,
Mass., Fisherman;
Edward McNamara, 75A Clifton Street, Dorchester, Mass.,
Fisherman;
Alfred Malcolm, 74 Hamilton Street, Dorchester, Mass.,
Fisherman;
Joseph R. MacDonald, 323 Main Street, Everett, Mass.,
Fisherman;
John L. Dort, 12 Beanfield Street, Dorchester, Mass.,
Fisherman;
Michael L. LeBlanc, 617 Boston Avenue, Somerville, Mass.,
Fisherman;
Thomas LeBlanc, 702 Broadway, Somerville, Mass.,
Fisherman;
Joseph Hickey, 10 Parlin Street, Everett, Mass.,
Fisherman;
Jacob Pothier, 52 Argyle Street, Everett, Mass.,
Fisherman;
George Proctor, 6 Stafford Street, Roxbury, Mass.,
Fisherman; and
Thomas Marchand, 617 Boston Avenue, Somerville, Mass.,
Fisherman

"33. That the hull of the LYNN was located the following day, Thursday, November 29, 1951, resting on the bottom in position 42° - 22' - 27" North, 70° - 54' - 08" West in approximately sixty-three feet of water and that two divers in the employ of Charles L. Hazelton and Son, Incorporated, of 178 Border Street, East Boston, Mass., descended to the wreck and established its identification that afternoon.

"34. That the hull of the LYNN when boarded by the divers was resting with a list to starboard of approximately ten degrees and with the bow somewhat higher than the stern.

"35. That the two divers entered the forward compartment of the LYNN on 30 November, 1951, and found three bodies in the companionway leading to the forward compartment and eight bodies in the forward compartment; the bodies were subsequently identified as:

William Mayo
Herman Walsh
John W. McNamara
Edward McNamara
Alfred Malcolm
Joseph R. MacDonald
Michael F. LeBlanc
Thomas LeBlanc
Joseph F. Hickey
Jacob Pothier
George Proctor

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"36. That the bodies of the remaining two crew members, John L. Dort and Thomas Marchand have not been recovered.

"37. That the two divers noted that the outboard side of the LYNN's port lifeboat had been crushed, the davits bent slightly inboard above the collars at the boat deck and the after davit recently scratched about half way up, and that the top of the foremast had broken off just above the stay band; and that they subsequently noted on November 30 that the port lifeboat had carried away and was then missing.

"38. That the divers made a careful examination of the exterior of the LYNN's hull above the turn of the bilge, using an underwater light, and could discover no damage or fresh abrasions, except a small bright spot directly under the sheave of the after port Gallows, where the trawl board is put over the side.

"39. That a false stem on the VENTURA, consisting of a piece of steel moulded to about ten inches with a bulb on its forward edge, extending from a point above the deepest draft mark down to the forefoot and fastened to the stem by intermittent welding, was bent to port and torn adrift below the twenty-five foot draft mark.

"40. That no other damage to the VENTURA resulted from the collision and there were no other significant abrasion marks on her hull which could be ascribed to the collision.

"41. That, at the time of the collision, the weather was good, with a gentle southwesterly breeze, excellent visibility, and a smooth sea.

"42. That the current was approximately at slack water at the time of the collision.

"43. That the LYNN was properly lighted and her lights were clearly visible to the VENTURA.

"44. That the VENTURA was properly manned with licensed and certificated personnel at the time of the collision and had a lookout stationed on the forecastle head.

"45. That the VENTURA lookout sighted the LYNN while she was still well on the VENTURA's starboard bow and reported this to the bridge by means of a bell signal of one bell and that he subsequently gave repeated signals of three bells each to indicate that the LYNN was dead ahead.

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"46. That the bell signals of the VENTURA's lookout were heard and understood by the officers on the VENTURA's bridge and that the latter had the LYNN in full view and were well aware of her presence.

"47. That the VENTURA was being combed by Coast Pilot Alvin L. Hodgdon at the time of the collision, and that he personally sounded the two-blast passing signal and gave the order to the helmsman to put the wheel hard left.

"48. That the Master of the VENTURA, Sverre O. Pedersen, of 3326 Ninth Street, Port Arthur, Texas, was on the bridge at the time of the collision, concurred in the actions taken by the pilot, and personally initiated and rang up the stop and backing orders on the engine telegraph just prior to the collision.

"49. That the course recorder record of the VENTURA for November 28, 1951 (Exhibit 15), is an accurate record of the headings of the VENTURA for the period from 3:04 p.m. until midnight on that date and that the track of the VENTURA from the time she entered North Channel up to the point of collision, as reconstructed from the data in the course recorder record and engine room bell book, is shown by the following plot:

"50. That the collision occurred in inland waters of the United States and the provisions of 33 USC 1221, 1222, 203, 206-209, 212-213, 221 are applicable.

"51. That the Master of the VENTURA notified the U. S. Coast Guard of the collision by radio at approximately 5:30 p.m.

"52. That the VENTURA's port lifeboat was launched at 5:34 p.m. to search for survivors and searched until 10:17 p.m., at which time it was advised by the Coast Guard to secure.

"53. That an extensive search for survivors was carried out by Coast Guard surface craft and aircraft, Boston Harbor Police Boats, and miscellaneous fishing boats without success, the search being secured by the Coast Guard on the afternoon of November 30.

"54. That the LYNN was not subject to inspection and not required to carry licensed or certificated personnel.

"55. That, at the time of the collision, the LYNN was being conned by the Master, Joseph C. McManara, from a position in the starboard side of the wheelhouse, and the only lookout was the mate, who was standing in the port side of the wheelhouse, that the two windows on the forward side of the wheelhouse and one on the starboard side were open, and that the window on the port side, door on the port side, and door on the starboard side of the wheelhouse were closed.

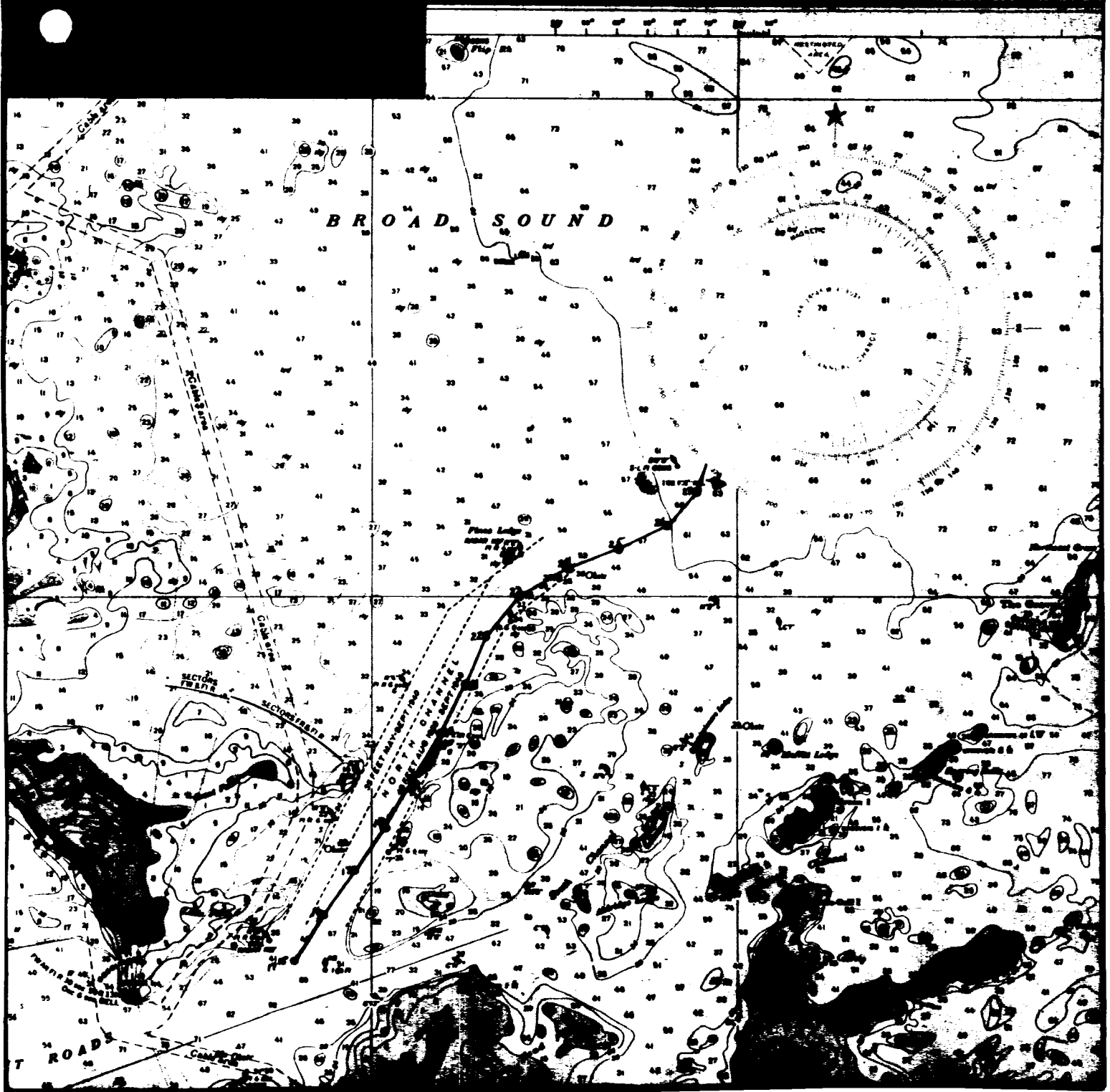
"56. That the exhaust from the diesel main engine of the LYNN leads up the after side of the pilothouse and discharges to the atmosphere a short distance above the pilothouse."

4.

The Board made the following Conclusions:

"1. Witnesses from the LYNN and VENTURA are in substantial agreement that both vessels were well lighted and that the weather and visibility were excellent. There is also general agreement that the LYNN stood out North Channel at a speed of about nine knots and then headed up for the Graves Lighted Whistle Buoy 5, with the VENTURA some distance astern and overtaking.

"2. Witnesses from the VENTURA testified that, after rounding North Channel Lighted Buoy 1, the VENTURA came right abeam to a course of 066° or 68° true and that a short time later the LYNN, which had been on a parallel heading began edging



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to the left, whereupon the VENTURA sounded two blasts on its whistle as a passing signal; that immediately following this signal the LYNN changed course more radically to the left, cutting across the path of the VENTURA so abruptly as to render a collision inevitable; and that although the VENTURA gave left full rudder and backed full, the LYNN was well across the VENTURA's bow when the collision occurred and drifted from the port side of the VENTURA immediately after the collision.

"3. On the other hand, the master of the LYNN, supported in many details by his helmsman, testified that although he had seen the range lights of a vessel astern shortly after he entered North Channel, he heard no whistle signals and was unaware of the close approach of the VENTURA until he saw its bow a few scant feet away, coming up on the LYNN's port quarter. He testified that just before this he had heard a bell, which he thought might be from an anchored barge so he gave the LYNN a slow bell and, after looking out to starboard and seeing nothing, looked out the port door and saw the VENTURA bearing down on him. He stated that he then rang for full speed ahead and jumped to the wheel to help the helmsman put the rudder hard right. Both the master and the helmsman testified that the LYNN had been on a steady course prior to the collision and had not swung to the left. The master gave the course as East 1/2 North, magnetic (69° true) and the helmsman gave it as East by North, magnetic (63° true). The master's sketch of the relative position of the two vessels just prior to the impact (Exhibit 11) shows the two vessels on nearly parallel headings and the helmsman testified that the hull of the LYNN passed down the starboard side of the VENTURA after the impact with the VENTURA going hard right and bearing down on top of the LYNN.

"4. The weight of evidence strongly supports the version of the collision given by witnesses from the VENTURA. The course recorder record of the VENTURA (Exhibit 15) affords an automatically recorded and unbiased record of the headings of that vessel from 3:04 p.m. till midnight on the day of the collision. The heading recorded from 3:04 p.m. until the tugs came alongside at 3:25 p.m. agrees with the charted direction of the Union Oil Products Company Dock and the headings recorded from 3:56 p.m. to 4:27 p.m. agree with the headings necessitated by the narrow confines of the channel in the Chelsea River. The geographical layout of the channels traversed is such that a reconstruction of the VENTURA's track based on data in the course recorder record and engine room bell book can readily be oriented to the proper position on the chart and affords

a clear picture of the movements of the vessel from the time it left the dock at Revere until the collision took place. The validity of this reconstruction is enhanced by the fact that the current was at approximately slack water and there was little wind. The reconstructed plot agrees well with the position of the hull of the LYNN when located by divers on the day following the collision.

"5. The pilot of the VENTURA testified that he traversed North Channel on course 029° true and subsequently came right to course 066° true. The reconstruction of the VENTURA's track shows that her heading varied between 020° true and 036° true in running out North Channel, with the average course made good from 5:15 p.m. to 5:22 p.m. being 031° true and that she then came right very slowly until shortly before 5:25. From 5:23 to 5:24 her heading increased from 053° true to 065° true with the average for the minute being 059° true, and from 5:24 to 5:25 her heading ranged from 065° true to 073° true and back to 072° true with the average for the minute being 070° true. From 5:25 until after the collision, the VENTURA's heading was changing continuously to the left and at the moment of impact had decreased to about 30° true.

"6. Considering the lines of the two vessels and the respective points of contact, it appears impossible for the LYNN to have been rolled over to starboard by the collision unless the two vessels were on headings converging by at least thirty degrees. The conclusion is inescapable that the LYNN changed course radically to the left just prior to the collision and was at the moment of impact sixty degrees or more to the left of the course her master testified she was on.

"7. Notwithstanding this, the VENTURA had a clear duty as overtaking vessel to keep clear of the LYNN.

"8. The six witnesses from the VENTURA all testified that the VENTURA blew a whistle signal to the LYNN. The two witnesses from the LYNN and three witnesses from the BALLARD all testified that they did not hear any whistle signal from the VENTURA. However, the two witnesses from the LYNN were both in the pilothouse at the time and two of the BALLARD witnesses were in the pilothouse and the third was below decks. None of the witnesses who did not hear the signal was in a favorable position to do so. The master of the BALLARD testified that the VENTURA blew a one blast signal to his vessel when it passed the BALLARD just after

minutes before the collision and that he went up to the pilot-house to tell the mate to answer the signal. The mate and helmsman of the BALLARD were in the pilot-house at the time and neither one heard the signal. The helmsman said that although the windows were open, the noise from the exhaust made it difficult to hear and the mate agreed that the pilot-house was a little noisy due to the exhaust."

5. The Board expressed the following Opinions:

"1. That the VENTURA was at fault in approaching dangerously close to the LHM before sounding a passing signal, for attempting to pass the LHM without having received an assenting signal from the latter and unnecessarily close to her, and for failing to keep out of the way of the LHM, in violation of Article 18 (Rule VIII), Article 23, and Article 24 of the Inland Rules (33 USC 203, 208 and 209 respectively), and that these violations contributed materially to the collision.

"2. That the VENTURA failed to blow a backing signal upon reversing her engines, as required by Article 25 of the Inland Rules (33 USC 213), and that this violation may have contributed to the collision.

"3. That Sverre O. Pedersen, Master of the VENTURA, and Alonso L. Hodgson, pilot in charge of the boom at the time of the casualty, were responsible for these violations of the Inland Rules by the VENTURA and were guilty of negligence within the meaning of 18 USC 1115.

"4. That the actions of the VENTURA once a situation in extremis had been reached were, except for the failure to blow a backing signal, prompt and reasonable.

"5. That the engines of the VENTURA had been backing full speed for more than a minute prior to the collision and the speed of the VENTURA at the moment of impact was probably about seven or eight knots.

"6. That the master of the VENTURA took prompt measures to attempt to rescue survivors of the LHM and to notify others who might be able to do so.

"7. That the lookout in the wheelhouse of the LHM, with no windows open aft or to the port side, and with the exhaust from the vessel's diesel engine discharging a short distance

behind him, was in a poor position to hear whistle signals from an overtaking vessel and that this contributed to the failure of those on the LYNN to hear the whistle signal sounded by the VENTURA and to the collision.

"8. That the LYNN was at fault in radically altering course to port across the approach to North Channel without ascertaining how this sudden maneuver would affect other vessels in her immediate vicinity, contrary to the precautions required by the ordinary practice of seamen and therefore by Article 29 of the Inland Rules (33 USC 221), and that this maneuver contributed materially to the collision.

"9. That the LYNN's change of course to port across the bow of the overtaking VENTURA violated Article 18 (Rule VIII) of the Inland Rules (33 USC 209); and that Joseph C. McManara, master of the LYNN, was the responsible officer and was guilty of negligence within the meaning of 18 USC 1135.

"10. That the engines of the LYNN, if reduced in speed at all in response to a slow bell, which the master testified he rang after hearing a bell and which he followed shortly thereafter with a signal for full speed ahead, were not at slow speed long enough to reduce the speed of the LYNN appreciably and that the speed of the LYNN at the moment of impact was about nine knots.

"11. That no failure of material contributed to the collision.

"12. That the search for survivors conducted by the Coast Guard and other agencies was prompt and thorough and no reasonable measures were omitted."

6. The Board made the following Recommendations:

"1. The Board directed the recorder by letter, dated February 12, 1952, copy of which is hereto appended marked "Q", to file a report of violation against the VENTURA for the violations cited in Opinions 1 and 2 of this report, to prefer charges under the provisions of 46 USC 239, based on such violations, against Sverre O. Pedersen, master of the VENTURA, and Alonso L. Hodgdon, pilot of the VENTURA, and to file reports of violation against the LYNN and against Joseph C. McManara, master of the LYNN, for the violation cited in Opinion 9 of this report.

"2. On 14 February, 1952, the Board approved charges and specifications and reports as drawn by the recorder in compliance with the aforementioned directive.

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"3. The Board recommends that the evidence and findings in this investigation be referred to the Attorney General of the United States in accordance with the provisions of 46 USC 239 (h)."

APPENDAGE C

UNITED STATES COAST GUARD
1400 Custom House
Boston 9, Massachusetts

Date

12 February 1952

From: President, Marine Board of Investigation, VENTURA - LYNN case
To: CDR W. C. Mahoney, USCG, Recorder

Subj: Preferral of charges arising out of collision between the tug vessel VENTURA and the fishing vessel LYNN on 28 November 1951

Ref: (a) 2-1-1E, Merchant Marine Safety Manual
(b) 7-2-3, Merchant Marine Safety Manual
(c) 9-5, Merchant Marine Safety Manual
(d) 46 CFR 136.09-35, 137.05-10, 137.05-15
(e) Report of Marine Board of Investigation, VENTURA-LYNN case

"1. You are directed to file a Report of Violation, in accordance with reference (a), against the VENTURA for the violations cited in Opinions 1 and 2 of reference (e) and against the LYNN and against Joseph G. Molinaro, master of the LYNN, for the violation cited in Opinion 9 of reference (e).

"2. You are further directed to prefer charges under the provisions of RS 4450, (46 USC 239), based on the violations cited in Opinions 1 and 2 of reference (e), against Sverre O. Pedersen, master of the VENTURA and Alonso L. Hodgson, pilot of the VENTURA.

"3. Your attention is directed to references (b), (c), and (d), and particularly to the requirement in reference (b) that charges prepared by you be submitted to the Board for approval before being served.

/s/ W. R. Richards
W. R. Richards
Captain, U. S. Coast Guard

Chief, MVI Division to
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Remarks

7. Opinion paragraph 3 of the Board, states that Sverre O. Pedersen, Master of the VENTURA was equally responsible with Alonso L. Hodgdon, Federally licensed pilot in charge of the coam at the time subject casualty occurred, for the violation of the Pilot Rules specified in opinion paragraph 1, and also guilty of criminal negligence within the meaning of 18 USC 1115.

8. RS 4401 (46 USC 364) provides as follows:

"**** Every coastwise sea-going steam vessel subject to the navigation laws of the U. S., **** not sailing under registry, shall, when underway, except on the high seas, be under the control and direction of pilots licensed by the Coast Guard."

9. RS 4438 (46 USC 224) provides as follows:

"**** It shall be unlawful to employ any person or for any person to serve as a master, chief mate, engineer, or pilot of any steamer **** who is not licensed by the Coast Guard ****."

10. Alonso L. Hodgdon was a holder of a proper pilot's license, and, under the law, the direction and control of the navigation of the VENTURA was entrusted to his responsibility while on compulsory pilotage waters. Sverre O. Pedersen, Master of the VENTURA, although without Federal pilot's license or endorsements, was responsible in all respects for the safety of his vessel, including the exercise of vigilance with respect to the pilot's performance of duty. If, in the deliberate judgment of the Master, any act of the pilot involved danger to the ship, it was the duty of the Master to take corrective action and, if necessary, to supersede the pilot under such exceptional circumstances. Since the record does not indicate any exceptional circumstances such as insobriety, incompetency, unskillfulness, wanton negligence, or gross carelessness, etc. on the part of the Federally licensed pilot on board prior to the radical change of course to port by the LHM which created a situation "in extremis", it follows that the Master of the VENTURA cannot be held criminally responsible for subject casualty. Nothing in this paragraph, however, is to be construed as affecting any disciplinary proceedings pursuant to the provisions of RS 4450, as amended, and regulations thereunder against the license of the Master of the VENTURA or the license or certificates of service against any personnel involved in subject casualty.

11. For like reasons, the Master of the VENTURA is not liable for any civil penalties arising out of the violation of the Pilot Rules while the vessel was under the control and direction of the Federally licensed pilot.

12. Recommendation paragraph 3 of the Board, recommends that the record of subject casualty be referred to the U. S. Attorney General in accordance with the provisions of RS 4450, as amended, (46 USC 239 (h)). For the reason stated in paragraph 8, criminal proceedings against Sverre O. Pedersen will not be recommended.

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13. Opinion paragraph 11 of the Board, states that no failure of material contributed to the collision. A review of the record of investigation of subject casualty indicates that had clear vision been provided on the LHM for lookout aft, the subject collision with its resulting loss of life would, in all probability, not have occurred. Accordingly, the design and construction of vessels such as the LHM where navigating watches are almost invariably stowed in the pilothouse where adequate vision for effective lookout aft is not provided, is considered unseaworthy from such standpoint.

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

/s/ P. A. OVEYDEN
P. A. OVEYDEN

M
26 May 1952

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

Forwarded, recommending approval.

/s/ R. A. SMYTH
R. A. SMYTH
Acting

May 29, 1952

APPROVED:

/s/ Merlin O'Neill
Merlin O'Neill
Vice Adm., U. S. Coast Guard
Commandant