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UNITED STATES COAST GUARD

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ADDRESS REPLY TO

Galveston, Texas

CAPTAIN OF THE PORT 1944 APR 22 PM 1 49

AND REFER TO 6614

1944 APR 22 PM 12 52
NEW ORLEANS DISTRICT
U.S. COAST GUARD
NEW ORLEANS, LOUISIANA
C.G. HEADQUARTERS
MAIL SECTION
APR 15 1 12 PM '44

PORT SECURITY SECTION

13 April, 1944

To: The Commandant

Via: DCGO, 8th Naval District

Subj: Violation of Oil Pollution Act of 1924, 33 USC 431-437 by
SS ANNA H. BRANCH, 23 March, 1944

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As directed by Headquarter's letter to all DCGOS, 18 August, 1943, File CG-100.18, inclosure is forwarded with attention invited to the fact that the U. S. Attorney will not act in this case.

[Signature]
F. E. SIMMEN

Incl

Copy of U. S. Attorney's letter dated 5 April, 1944

CC: DCGO, 8th Naval District
U. S. District Engineer
Merchant Marine Inspector in Charge

Ind-1
DCGO, 8ND (ops)
6614
19 April, 1944

To: The Commandant

Forwarded.

[Signature]
J. J. GIDIERE
By direction

UNITED STATES COAST GUARD
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Department of Justice

ADDRESS REPLY TO

DEPARTMENT OF JUSTICE

UNITED STATES ATTORNEY
Southern District of Texas

PM 2 28

File No.
27-A4672

Houston (2), Texas
April 5, 1944

PORT SECURITY SECTION

Coast Guard Officer, Eighth Naval District

Lieutenant J. B. Paul
Acting Captain of the Port
United States Coast Guard
Galveston, Texas

Dear Sir:

In Re: Violation of the Oil Pollution Act by U. S.
Merchant Vessel S/S ANNA H. BRANCH, owned
by the War Shipping Administration... (6614)

Reference is here made to your report bearing date March 28, 1944, addressed to the United States Army Engineer relative to an apparent violation of the Oil Pollution Act occurring on or about March 23, 1944, by the U. S. Merchant Vessel S/S ANNA H. BRANCH.

Inasmuch as your report indicates that the vessel is owned by the War Shipping Administration, this office will not take any further action herein and are marking our records closed.

Yours very truly,

DOUGLAS W. MCGREGOR
United States Attorney

By /s/ W. F. Leigh
Assistant

Ind-1
DOGO, 8BD (3/27)
31 March, 1944

To: The Commandant

WFL:mk

COPY

UNITED STATES COAST GUARD



Galveston, Texas

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1944 APR 5 PM 2 28

ADDRESS REPLY TO

CAPTAIN OF THE PORT (1)
AND REFER TO 6614

PORT SECURITY SECTION

28 March, 1944

To: The Commandant

Via: District Coast Guard Officer, Eighth Naval District

Subj: Oil Pollution Act of 1924, 33 USC 431-437; violation by U. S. Merchant Vessel S/S ANNA H. BRANCH, 23 March, 1944

- Ref: (a) HQ ltr to all DCGOS 18 August, 1943 (CG-100.18 Min.).
- (b) DCGO 8ND ltr to COTP, Galveston 18 September, 1943, (6614) Enforcement of the Oil Pollution Act.
- (c) HQ Dispatch to all DCGOS 231920 (October).

In accordance with References (a), (b) and (c) inclosure is forwarded.

J. B. Paul
 J. B. PAUL
 Acting

Incl. Copy of file in subject case

Ind-1
DCGO, 8ND (ops)
31 March, 1944

To: The Commandant

Forwarded.

E. C. Whitfield
 E. C. WHITFIELD
 By direction

1944 APR 5 PM 3 4

District Engineer, U. S. Army Galveston, Texas
6614
CAPTAIN OF THE PORT (1) March 28, 1944
S/S ANNA H 6614

Statements were taken from Theodore Yeast, Ezra W. Douglas, Jack Tavaras, Chief Engineer, and Leo Maher, Second Assistant Engineer of the vessel. Copies are attached for your information. Samples of the oil were taken from the vessel. These samples, together with the statements taken, will be retained in this office by the U. S. Attorney.

Sir:

Here is a report on the violation of the Oil Pollution Act of 1924, 33 USC 431-437 by the U. S. Merchant Vessel S/S ANNA H. BRANCH at Piers 30 and 40, Galveston, Texas, on 23 March, 1944. The facts in the case are as follows:

The S/S ANNA H. BRANCH, a steam screw vessel under the United States flag, is owned by the War Shipping Administration and operated by the Overlakes Freight Corporation, 19 Rector Street, New York, New York through Collin and Gissel S.S. Company, American National Bank Building, Galveston, Texas, who are the local agents for the vessel. The master is Rudolph A. Smith, Box 481, Red Bank, New Jersey.

The above vessel was moored to the T-Head of Piers 30 and 40 where she was receiving general cargo. At the same time, oil was pumped from the No. 1 double bottom tank into the port settling tank of the vessel. Bunkering operations, which were in charge of Second Assistant Engineer Leo Maher, continued until approximately 11:45 a.m. when it was discovered that oil was escaping overboard through the discharge line leading from the port settling tank on the port side of the vessel. The spill was discovered by a Todd, Galveston Dry Dock worker, whose name is not given, standing on a barge tied near the vessel. The cause of the spill was failure on the part of Second Assistant Engineer, Leo Maher, to keep track of the amount of oil that was being pumped into the port settling tank and have the pumps cut off before oil overflowed through the overflow line. Mr. Maher indicated that the pneumeracator was not functioning properly and did not indicate that the tank was full at the time of the spill. However, he did not discover the improper working of the pneumeracator and failed to take any other steps to determine the amount of oil being pumped into the tank in question. As this accident was due to the negligence of Second Assistant Engineer, Mr. Leo Maher, this spill is being reported to the Officer in Charge, Merchant Marine Inspector, U. S. Coast Guard, for his information and action.

District Engineer, U. S. Army

6614

28 March, 1944

S/S ANNA H. BRANCH

Statements were taken from Theodore Yost, Ezra W. Douglas, Jack Tavares, Chief Engineer, and Leo Maher, Second Assistant Engineer of the vessel. Copies are attached for your information. Samples of the oil were taken from the water and from the tank of the vessel. These samples, together with the originals of the statements taken, will be retained in this office for use by the U. S. Attorney.

1. The Anna H. Branch is a 2,776 ton vessel with a tonnage of 2,776 tons, sailing under the American flag, owned by the War Shipping Administration, Washington, D. C., operated by the Overlake Freight Corporation, 17 Baxter Street, New York (5), New York. The general agents are Collins and Giese, J. B. PAULSON, Cotton Exchange Building, Houston, Texas; local agent Lieut. (jg), U. S. Coast Guard Reserve American National Bank Building, Galveston, Texas. The vessel is under the command of Acting Captain A. Smith, Box 422, Red Bank, New Jersey.

Incl

2 Copies of statements of Yost, Douglas, Tavares, and Maher, taken on general cargo. On Tuesday, March 21, she moved around the corner of the pier to the T-Head of Piers 30 and 40 and continued to take on the rest of her cargo.

CC: The Commandant, U. S. Coast Guard, Washington, D. C.

3. DCGO, Eighth Naval District, New Orleans, La. when the Second Assistant U. S. District Attorney, Houston, Texas oil from the No. 1 double bottom Merchant Marine Inspector in Charge, Galveston, Texas inquired until approximately 1145, 23 March, when oil was seen to flow through the overhead discharge line leading from the port settling tank on the port side of the vessel by a Todd Dry Dock worker who was standing on a barge which was tied up on the port side of the pier. The worker called to one of our Coast Guardsmen, Theodore Yost (636-084) Sea2e, USCGR, who was on duty on the deck of the ship and advised him of this oil spill. He immediately went to the engine room of the ship and advised the Chief Engineer, Jack Tavares, license No. 189864, who immediately gave orders for the pump to be shut down.

4. Upon investigating the cause of the spill, it was found by the Chief Engineer Tavares that the Second Assistant Engineer Leo Maher had been depending upon the tank gauge, which is commonly called a "pneumometer", to determine how much oil had been pumped into the port settling tank. It was found that the pneumometer was out of order and was not working properly, therefore, the tank filled and overflowed through the port settling tank overflow line. This in my estimation is a case of negligence, because had Maher been on the alert he would have noticed that the pneumometer was not working and could have prevented the overflow by taking soundings of the settling tank.

24 March, 1944

COPT, Galveston, Texas

Subj: Oil Pollution Act - S.S. Anna H. Branch; violation of
Galveston, Texas

CAPTAIN OF THE PORT (ops)

The Coast Guard Yacht who caused the flow of oil to be stopped, notified the Acting Petty Officer, Vera W. BOGALIN (517-297) Sea2c, USCGR, 6614. She reported the spill to the Section Petty Officer, W. K. HARR (530-430) Sea2c, USCGR, Section II at Pier 18. Harr detailed James J. 24 March, 1944 (503) Sea2c, USCGR, and James O. JOHNSON (557-611) Sea2c, USCGR, to make a preliminary investigation and take samples of oil.

The samples were taken from the port settling tank discharge line and from

To: water, Captain of the Port, Galveston, Texas Pictures were obtained of the oil on the water and the overflow of discharge line from the port side

Subj: Oil Pollution Act - S.S. Anna H. Branch; violation of statute from the Coast Guard Yacht and Douglas, and the Chief Engineer Jack

1. The Anna H. Branch is a steam screw cargo vessel with a tonnage of 9,776 tons, sailing under the American flag, owned by the War Shipping Administration, Washington, D. C., operated by the Overlakes Freight Corporation, 19 Rector Street, New York (6), New York. The general agents are Collin and Gissel S.S. Company, Cotton Exchange Building, Houston, Texas; local agents are Collin and Gissel S.S. Company, American National Bank Building, Galveston, Texas, telephone number 2-8425. The vessel is under the command of Rudolph A. Smith, Box 481, Red Bank, New Jersey.

2. The Anna H. Branch has been docked at Pier 40 for the past several days taking on general cargo. On Tuesday, March 21, she moved around the corner of the pier to the T-Head of Piers 30 and 40 and continued to take on the rest of her cargo.

3. The oil spill occurred, 23 March, 1944, when the Second Assistant Engineer, Leo Maher, Z-18667, began pumping oil from the No. 1 double bottom tank into the port settling tank. Pumping was continued until approximately 1145, 23 March, when oil was seen to flow through the overboard discharge line leading from the port settling tank on the port side of the vessel by a Todd Dry Dock worker who was standing on a barge which was tied up on the port side of the pier. The worker called to one of our Coast Guardsmen, Theodore Yost (636-086) Sea2c, USCGR, who was on duty on the deck of the ship and advised him of this oil spill. He immediately went to the engine room of the ship and advised the Chief Engineer, Jack Tavares, license No. 189864, who immediately gave orders for the pumps to be shut down.

4. Upon investigating the cause of the spill, it was found by the Chief Engineer Tavares that the Second Assistant Engineer Leo Maher had been depending upon the tank gauge, which is commonly called a "pneumeracator", to determine how much oil had been pumped into the port settling tank. It was found that the pneumeracator was out of order and was not working properly, therefore, the tank filled and overflowed through the port settling tank overflow line. This in my estimation is a case of negligence, because had Maher been on the alert he would have noticed that the pneumeracator was not working and could have prevented the overflow by taking soundings of the settling tank.

24 March, 1944

COTP, Galveston, Texas

Subj: Oil Pollution Act - S.S. Anna H. Branch; violation of

5. The Coast Guardsman Yost who caused the flow of oil to be stopped, notified his Acting Petty Officer, Ezra W. DOUGLAS (613-292) Sealc, USCGR, who in turn reported the spill to the Section Petty Officer, W. E. HAMM (530-430) BM2c, USCGR, Section II at Pier 18. Hamm detailed John C. CRANFILL (538-103) BM2c, USCGR, and James C. JOHNSTON (587-614) Cox'n, USCGR, to make a preliminary investigation and take samples of oil. The samples were taken from the port settling tank discharge line and from the water in the slip between Piers 40 and 41. Pictures were obtained of the oil on the water and the overflow of discharge line from the port side of the ship, and these pictures along with samples of oil and statements from the Coast Guardsmen Yost and Douglas, and the Chief Engineer Jack Tavares, and the Second Engineer Leo Maher, are attached for your future guidance and information.

He advised me that the ship was losing some oil. I immediately went forward along the port rail to mid-ship and looked overboard and saw that oil was running from a discharge line on the port side of the ship at a point approximately three and half feet above the water line of the ship. The oil was flowing from the discharge line onto the deck of the barge and off the side into the harbor.

H. W. Wilson
H. W. WILSON, CBM

I immediately went down into the Engine room of the ship and contacted the chief engineer and advised him that oil was running into the harbor. He ordered the pumps shut down at once.

After seeing that the pumps were shut off I immediately went on deck again and saw that the flow of oil had been stopped. I then contacted my acting petty officer, Douglas, Ezra W. (613-292) Sealc U.S.C.G.R. who reported to our Section Petty Officer at Pier 18.

I read the above statement and found it to be true and correct.

/s/ Theodore Yost

Leo Maher
I read the above statement made by Yost and find it to be true and correct. I was at hand shortly after the spill occurred and saw oil on the barge and water on the port side of the S.S. Anna H. Branch and I also saw the streaks leading from the ship back into the slip between Piers 40 and 41. I assisted John C. Cranfill (538-103) BM2c and James C. Johnston (587-614) Cox'n in obtaining the sample of oil taken from the water in the slip between Piers 40 and 41.

/s/ Ezra W. Douglas

C O P Y

23 March, 1944

My name is Theodore Yost (636-086) Sea2c U.S.C.G.R. and I do patrol work on the waterfront at Galveston, Texas. I am connected with Section #2 and am quartered and subsisted at the Coast Guard Barracks.

My name is Leo Mahor, 14 E. 11th St., Bayonne, N. J. I am employed On or about 1150, 23 March, 1944, I was assigned a post at the No. 4 hold aboard the S.S. Anna H. Branch which was docked at the T-Head of Pier 39 and 40 with the starboard side along side the dock and the bow pointing in the general direction of East. the engine room and was instructed by the Chief Engineer, Jack Towres, Licensee

At about 1215, 23 March, 1944, my attention was attracted by a member of the Todd Galveston Dry Dock working crew who was standing on a barge which was tied along the port side of the S.S. Anna H. Branch. He advised me that the ship was losing some oil. I immediately went forward along the port rail to amid-ships and looked overboard and saw that oil was running from a discharge line on the port side of the ship at a position approximately three and half feet above the water line of the ship. The oil was flowing from the discharge line onto the deck of the barge and off the barge into the Galveston Harbor.

I immediately went down into the Engine room of the ship and contacted the chief engineer and advised him that oil was running into the harbor. He ordered the pumps shut down at once.

After seeing that the pumps were shut off I immediately went on deck again and saw that the flow of oil had been stopped. I then contacted my acting petty officer, Douglas, Ezra W. (613-292) Sealc U.S.C.G.R. who reported to our Section Petty Officer at Pier 18.

I read the above statement and found it to be true and correct.

/S/ Theodore Yost

/S/ Leo Mahor

I read the above statement made by Yost and find it to be true and correct. I was at hand shortly after the spill occurred and saw oil on the barge and water on the port side of the S.S. Anna H. Branch and I also saw the streaks leading from the ship back into the slip between Piers 40 and 41. I assisted John C. Cranfill (538-103) BM2c and James C. Johnston (587-614) Cox'n in obtaining the sample of oil taken from the water in the slip between Piers 40 and 41.

C O P Y

/S/ Ezra W. Douglas

C O P Y

Galveston, Texas
March 23, 1944

My name is Leo Maher, 14 W. 11th St., Bayonne, N. J. I am employed as the 2nd Assistant Engineer aboard the S.S. Anna H. Branch. My seaman certificate number is Z-18667.

On or about 9:00 A.M., 23 March, I was on duty in the engine room and was instructed by the Chief Engineer, Jack Tavares, License #189864, 7543 Eradd St., Houston, Texas, to start pumping oil from the #1 double bottom tank into the port settling tank. This process was begun at once.

At approximately 11:45 A.M., 23 March, 1944, a Coast Guardsman came into the engine room and asked for the man in charge. I referred him to the Chief Engineer, Jack Tavares. He advised that oil was flowing from the port side of the ship into the harbor. Mr. Tavares ordered me to shut down our pumps at once. This I did.

Upon investigating the source of the spill, it was found that the port settling tank had become full and had overflowed through the port settling tank overflow line into the harbor.

During the process of pumping I had continuously watched the pneumericator, tank gauge, which did not indicate that the tank was full. It was found later that the gauge was not working properly.

I have read the above statement and find it to be true and correct.

/S/ Leo Maher

/S/ Jack Tavares

C O P Y