

*mr*

DEPARTMENT OF JUSTICE

UNITED STATES ATTORNEY  
EASTERN DISTRICT OF LOUISIANA

NEW ORLEANS 12, LOUISIANA

December 28, 1944

✓

Captain of the Port  
United States Coast Guard  
New Orleans, La.

*20 March*

In re: Oil Pollution Act violation - SS  
JOSEPH FRANCIS, W.S.A. Vessel char-  
tered to the Mississippi Shipping Co.,  
Inc. Your file #CG-6614?

Dear Sir:

Reference is made to your communication dated  
October 18, 1944, reporting a violation of the Oil Pollution  
Act of 1924 in connection with the above matter.

The United States Engineer Office does not  
recommend prosecution in this case for the following reasons:

Good oil, small quantity. List of vessel cause  
of pollution.

This office concurs in the above finding and  
we are therefore closing our file in this case.

Very truly yours,  
For the U. S. Attorney

/s/ N. E. Simoneaux  
Asst. U. S. Attorney.

NES:cam  
cc  
United States Engineer Office, New Orleans, La.

DECLASSIFIED  
Authority *NN3-26-83-11*  
By *[Signature]* NARA. Date *6/6/17*



UNITED STATES COAST GUARD

ADDRESS REPLY TO  
CAPTAIN OF THE PORT

AND REFER TO  
CG-6614

RECEIVED

1944 APR 5 PM 2 28

9  
NEW ORLEANS DISTRICT  
U.S. COAST GUARD  
NEW ORLEANS, LOUISIANA

PORT SECURITY SECTION

MAR 29 6 50 AM '44

28 March, 1944

APR 1  
APR 2  
APR 3  
APR 4  
APR 5  
APR 6  
APR 7  
APR 8  
APR 9  
APR 10  
APR 11  
APR 12  
APR 13  
APR 14  
APR 15  
APR 16  
APR 17  
APR 18  
APR 19  
APR 20  
APR 21  
APR 22  
APR 23  
APR 24  
APR 25  
APR 26  
APR 27  
APR 28  
APR 29  
APR 30  
MAY 1  
MAY 2  
MAY 3  
MAY 4  
MAY 5  
MAY 6  
MAY 7  
MAY 8  
MAY 9  
MAY 10  
MAY 11  
MAY 12  
MAY 13  
MAY 14  
MAY 15  
MAY 16  
MAY 17  
MAY 18  
MAY 19  
MAY 20  
MAY 21  
MAY 22  
MAY 23  
MAY 24  
MAY 25  
MAY 26  
MAY 27  
MAY 28  
MAY 29  
MAY 30  
JUN 1  
JUN 2  
JUN 3  
JUN 4  
JUN 5  
JUN 6  
JUN 7  
JUN 8  
JUN 9  
JUN 10  
JUN 11  
JUN 12  
JUN 13  
JUN 14  
JUN 15  
JUN 16  
JUN 17  
JUN 18  
JUN 19  
JUN 20  
JUN 21  
JUN 22  
JUN 23  
JUN 24  
JUN 25  
JUN 26  
JUN 27  
JUN 28  
JUN 29  
JUN 30  
JUL 1  
JUL 2  
JUL 3  
JUL 4  
JUL 5  
JUL 6  
JUL 7  
JUL 8  
JUL 9  
JUL 10  
JUL 11  
JUL 12  
JUL 13  
JUL 14  
JUL 15  
JUL 16  
JUL 17  
JUL 18  
JUL 19  
JUL 20  
JUL 21  
JUL 22  
JUL 23  
JUL 24  
JUL 25  
JUL 26  
JUL 27  
JUL 28  
JUL 29  
JUL 30  
AUG 1  
AUG 2  
AUG 3  
AUG 4  
AUG 5  
AUG 6  
AUG 7  
AUG 8  
AUG 9  
AUG 10  
AUG 11  
AUG 12  
AUG 13  
AUG 14  
AUG 15  
AUG 16  
AUG 17  
AUG 18  
AUG 19  
AUG 20  
AUG 21  
AUG 22  
AUG 23  
AUG 24  
AUG 25  
AUG 26  
AUG 27  
AUG 28  
AUG 29  
AUG 30  
SEP 1  
SEP 2  
SEP 3  
SEP 4  
SEP 5  
SEP 6  
SEP 7  
SEP 8  
SEP 9  
SEP 10  
SEP 11  
SEP 12  
SEP 13  
SEP 14  
SEP 15  
SEP 16  
SEP 17  
SEP 18  
SEP 19  
SEP 20  
SEP 21  
SEP 22  
SEP 23  
SEP 24  
SEP 25  
SEP 26  
SEP 27  
SEP 28  
SEP 29  
SEP 30  
OCT 1  
OCT 2  
OCT 3  
OCT 4  
OCT 5  
OCT 6  
OCT 7  
OCT 8  
OCT 9  
OCT 10  
OCT 11  
OCT 12  
OCT 13  
OCT 14  
OCT 15  
OCT 16  
OCT 17  
OCT 18  
OCT 19  
OCT 20  
OCT 21  
OCT 22  
OCT 23  
OCT 24  
OCT 25  
OCT 26  
OCT 27  
OCT 28  
OCT 29  
OCT 30  
NOV 1  
NOV 2  
NOV 3  
NOV 4  
NOV 5  
NOV 6  
NOV 7  
NOV 8  
NOV 9  
NOV 10  
NOV 11  
NOV 12  
NOV 13  
NOV 14  
NOV 15  
NOV 16  
NOV 17  
NOV 18  
NOV 19  
NOV 20  
NOV 21  
NOV 22  
NOV 23  
NOV 24  
NOV 25  
NOV 26  
NOV 27  
NOV 28  
NOV 29  
NOV 30  
DEC 1  
DEC 2  
DEC 3  
DEC 4  
DEC 5  
DEC 6  
DEC 7  
DEC 8  
DEC 9  
DEC 10  
DEC 11  
DEC 12  
DEC 13  
DEC 14  
DEC 15  
DEC 16  
DEC 17  
DEC 18  
DEC 19  
DEC 20  
DEC 21  
DEC 22  
DEC 23  
DEC 24  
DEC 25  
DEC 26  
DEC 27  
DEC 28  
DEC 29  
DEC 30

To: THE COMMANDANT (OPS)  
Via: DCGO, 8th Naval District (ops)  
Subj: Oil Pollution Act, 1924; violation of

*SS Joseph Thomas*

1. Forwarded herewith for your information is report of violation of Oil Pollution Act, 1924 (U.S.C. Title 33, Sec. 431-437), furnished in compliance with General Order No. 7, U. S. Treasury Department, U. S. Coast Guard, dated 2 September, 1941.

2. Analysis of oil discharged into Mississippi River, together with Analysis of oil from vessel, has been forwarded with report to the District Engineer, War Department. Copy of report has been forwarded to U. S. Attorney.

*P. A. Short*  
P. A. SHORT

Incl

1. Report of W. A. Sickinger - 22 March, 1944
2. Report of witness: F. D. Carpenter - 20 March, 1944
3. Report of witness: Weber Schaefer - 20 March, 1944
4. Report of witness: Donald Hendrix - 20 March, 1944
5. Laboratory Report No. 825/6 - 25 March, 1944
6. Letter to District Engineer, U. S. Engineer Office dated 28 March, 1944

Ind-1

DCGO, 8ND (ops)  
31 March, 1944

1944 APR 5 PM 1 35

To: THE COMMANDANT (OPS)

Forwarded.

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

CAPTAIN OF THE PORT OFFICE

NEW ORLEANS, LA.

22 March, 1944

22 March, 1944

To: Captain of the Port, New Orleans, Louisiana

Subject: Oil Pollution Act; S/S JOSEPH FRANCIS, W. E. A.,  
vessel chartered to the Mississippi Shipping Co.,  
Inc., BIENVILLE STREET WHARF, 20 March, 1944, at  
settling about 0930.

1. Relative to subject, investigator proceeded to the S/S JOSEPH FRANCIS on 20 March, 1944, while moored to the BIENVILLE STREET WHARF, to investigate a report of bil being permitted to enter the Mississippi River from said vessel. The S/S JOSEPH FRANCIS, is a War Shipping Administration Vessel, chartered to the Mississippi Shipping Co., Inc., and operated by the latter company.
2. Investigator met George C. O'Neal, Sp. 1/c (PS), USCGR, and Garvice L. Fou, B.M.2/c, USCGR, both attached to the Captain of the Port of New Orleans, Customhouse, and together we boarded the S/S JOSEPH FRANCIS. Oil was covering the outside starboard passageway about in line with the midship house and over the oil there had been spread a considerable amount of sawdust. The vent from the starboard settling tank comes out on the main deck on the outside passageway and an examination of this vent proved that oil had passed through it only a short time before we arrived on the ship. The oil had found its way along the deck and went through the scuppers, down the side of the ship and into the Mississippi River between the starboard side of the vessel and the docks. Because of an upstream eddy and a collection of driftwood, a considerable amount of the oil had collected at the starboard bow of the vessel and some was held under the docks.
3. Upon investigation, it was learned that at about between 0800 and 0900 on 20 March, 1944, the Chief Mate aboard the vessel, one Mr. Foster D. Carpenter, requested the Chief Engineer, one Mr. Weber Schaefer, to trim up the ship. It seems that the vessel was moored with her starboard side to the docks and Mr. Carpenter had received a complaint from the stevedores during unloading operations because of a slight list to port. This list caused the cargo to batter against the hatches as it was being removed. In order to comply with the request of the Chief Mate, the Chief Engineer issued orders to the Second Assistant Engineer, Mr. Donald Hendrix, to shift the fuel oil in the port deep tanks into the starboard settling tank. This procedure would bring the ship up on an even keel. As his signed statement will attest, the Chief Engineer warned the

301  
33 W/lop' 1944  
THE PORT OFFICE  
NEW ORLEANS, LA.  
22 March, 1944

Second to be very careful during this operation and to cease pumping operations as soon as the guage on the settling tank indicated that it was about one foot short of being filled. For some reason or other, the Second Engineer permitted the settling tank to overflow through the vent, causing the oil to flow onto the deck, down the side of the ship and then into the river. The Second Engineer stated that the guage on the settling tank was dirty and that the light about it was insufficient, however he admitted that he read the guage incorrectly but claimed the reasons above in his defense.

4. Investigator and George C. O'Neal examined the guage and found it to be clean and found sufficient light about it that the guage could be read without use of any other light.

5. Signed statements were secured from the Chief Mate, Mr. Foster D. Carpenter; the Chief Engineer, Mr. Weber Schaefer, and the Second Assistant Engineer, Mr. Donald Hendrix. These statements are attached to the original of this report.

6. A sample of the oil in the starboard settling tank was secured by O'Neal. A sample of the oil in the river was secured by Fou. Both samples have been sent to the Customs Laboratory for analysis and the report of the findings is attached hereto and made part hereof.

George C. O'Neal Sp-10 (FS)  
Garville L. Kou, S.M., Sr.

*Wm. A. Sickinger*  
Wm. A. Sickinger, C. Sp. (FS) USCGR.

20 March, 1944

20 March, 1944

My name is Foster D. Carpenter, and I reside in 1038 Desire Street, New Orleans, La. I am employed by the Mississippi Shipping Co., as Chief Mate aboard the S.S. JOSEPH FRANCIS, said vessel being operated by the above company. I would state that on 20 March, 1944, at about 0930, the JOSEPH FRANCIS was moored to Bienville Street Wharf in New Orleans, La. At about 0830 on 20 March, 1944, I asked the Chief Engineer, Mr. Weber, Schaeffer, to even up the ship from a port list, if possible. He told me he would see what could be done about it. Pending further report, I forgot the matter. At about 0930, one of the deck crew told me that fuel oil was flowing on deck - the main deck, starboard side at the midship house. I went on deck and saw oil dripping from the starboard vents from the fuel tanks. The outside starboard passageway was covered with oil and it was evident that the oil had flowed over this part of the deck, through the scuppers, down the starboard side of the ship, into the river. I would estimate that about two barrels - 110 gallons of oil got into the river. The oil is known as "Bunker C" type fuel. I have read the above statement and find it to be true and correct.

/s/ Foster D. Carpenter  
Chief Officer  
S/S JOSEPH FRANCIS

/s/ George C. O'Neal Sp.1c (FS)  
Garvice L. Pou, B.M.2c.

As a result, the settling tank bubbled over and oil came up through the vent onto the deck of the ship from where it flowed into the scuppers, over the side into the Mississippi River. Not more than thirty gallons of oil spilled into the Mississippi River. As soon as the Chief Officer of the ship, I ordered the oil transfer pump be disconnected and plugged placed necessary precautions. The gauge on the settling tank is in good working order and condition and it is clean. Insofar as the lighting in the vicinity of the gauge is concerned, it may not have been up to standard. However, the gauge could be read without the use of a flashlight or other lights. I have read the above statement and I find it to be true and correct.

/s/

H. Schaeffer  
Chief Engineer  
JOSEPH FRANCIS

/s/  
George C. O'Neal Sp.1c (FS)  
Garvice L. Pou B.M.2c.

## LABORATORY REPORT

U. S. CUSTOMS LABORATORY

20 March, 1944

20 March, 1944

My name is Donald Hendrix, and I reside in No. 1533 Magazine

My name is Weber Schaefer, and I reside in No. 300 Orion Street, Metairie, Louisiana. I am Chief Engineer aboard the S.S. JOSEPH FRANCIS. I would state that at about 0900 on 20 March, 1944, the Chief Mate asked me to trim up the ship from a slight list to port. In order to do this it was necessary to pump fuel from the port deep tanks into the starboard settling tanks. The settling tanks are located on the starboard side of the ship, at the skin below the midships house. I assigned Mr. Donald Hendrix, Second Assistant Engineer to perform the task. He is a new man aboard, having started on 20th March, 1944, at about 0800. In the presence of the First Assistant Engineer, Mr. I Madsen, I instructed the Second, Mr. Hendrix, to be very careful in this operation and to cease pumping when the guage showed that the tank was about one foot from the top level of the tank. The oil in the deep tanks is a Persian Oil, known as Bunker C type with a 21.3 A.P.I. gravity. This oil is lighter than the usual Bunker C type and perhaps the oil flowed faster into the settling tank than what the Second thought it would, and, as a result, the settling tank bubbled over and oil came up through the vent onto the deck of the ship from where it flowed into the scuppers, over the side into the Mississippi River. Not more than thirty gallons of this oil reached the Mississippi River. As soon as I was notified of the mishap, I ordered the oil transfer pump below stopped, ordered plugs placed in the scuppers and spread sawdust over the deck of the ship and took all other necessary precautions. The guage on the settling tank is in good working order and condition and it is clean. Insofar as the lighting in the vicinity of the guage is concerned, it may not have been up to standard. However, the guage could be read without the use of a flashlight or other lights. I have read the above statement and I find it to be true and correct.

/s/

H. Schaefer  
Chief Engineer  
JOSEPH FRANCIS

/s/

George C. O'Neal Sp.1c.(PS)  
Garvice L. Pau B.M.2c.

100

6415  
DEPARTMENT  
1937

LABORATORY REPORT

LAB. NO. 25/6

2 samples

U. S. CUSTOMS LABORATORY

20 March, 1944

New Orleans, La. 3/25/44 193

Sample of My name is Donald Hendrix, and I reside in N. 1533 Magazine Street, New Orleans, La. I am the Second Assistant Engineer aboard the S/S JOSEPH FRANCIS, having come aboard on 20 March, 1944, at 0800. At about between 0800 and 0830, I got orders from the Chief Engineer to pump oil from the port deep tank into the starboard settling tank in order to trim the ship from a slight port list. During the course of this operation, I read the gauge on the settling tank incorrectly. This was due to lack of light and a dirty gauge and, as a result, the oil overflowed the settling tank and came up through the vents where it flowed over the deck to the scuppers and then down the side of the ship. I do not believe that any oil got into the river. Not more than two barrels of oil came through the vents. I have read the above and it is true and correct.

Submitted 1944, at 0800. At about between 0800 and 0830, I got orders from the Chief Engineer to pump oil from the port deep tank into the starboard settling tank in order to trim the ship from a slight port list. During the course of this operation, I read the gauge on the settling tank incorrectly. This was due to lack of light and a dirty gauge and, as a result, the oil overflowed the settling tank and came up through the vents where it flowed over the deck to the scuppers and then down the side of the ship. I do not believe that any oil got into the river. Not more than two barrels of oil came through the vents. I have read the above and it is true and correct.

Entry No. New Orleans, La. 3/20/44, at about 1400.

Imported of Joseph

Required about 1400.

Other data

1 sample of oil and water, and 1 sample of oil with small amount of water.

/s/

	Oil-water	Oil
	Donald Hendrix	

/s/	Initial boiling point	215°	200°
	10% distilled at	255°	275°
	George C. O'Neal Sp. 1c (P3)	303°	304°
	Garvice L. Pop, BM 2c	345°	330°
	(End Point)		
	56% distilled at	(End Point)	347°

Chemical analysis shows that these oils have similar characteristics. In our opinion the oils are of petroleum origin and are of a type of heavy fuel oil and from the same sources.

G.E.S.

George E. Beavers, Acting Chief Chemist

LABORATORY REPORT

LAB. NO. 825/6

Form 6415  
DEPARTMENT  
January 1937

2 samples

U. S. CUSTOMS LABORATORY

New Orleans, La., 3/25/44, 193...

Sample of OIL & OIL-WATER MIXTURE Received 3/20/44

Submitted by Captain of the Div. Div. No. Port New Orleans

Entry No. Coast Guard Port Sample of oil taken from Mississippi River by G. L. Pou, BM 2/c, USCG, alongside the Joseph Francis, Bienville St. Wharf, 3/20/44

Importer Francis by Maker G. O'Neal Sp. 1/c, P.S. Origin USCGR, 3/20/44, at about 1400.

Required Analysis and identification.

Other data

REPORT

1 sample of oil and water, and 1 sample of oil with small amount of water.

	<u>Oil-water</u>	<u>Oil</u>
Initial boiling point	215°	200°
10% distilled at	255°	275°
20% distilled at	303°	304°
40% distilled at	345°	330°
(End Point)		
56% distilled at	(End Point)	347°

Chemical analysis shows that these oils have similar characteristics. In our opinion the oils are of petroleum origin and are of a type of heavy fuel oil and from the same sources.

1. Report of witness: F. D. Carpenter - 20 March, 1944
2. Report of witness: Weber Sommerer - 20 March, 1944
3. Report of witness: Donald Smith - 20 March, 1944
4. Report of witness: Donald Smith - 20 March, 1944
5. Report of laboratory No. 625/6 - 20 March, 1944

G.E.B.

George E. Beavers, Acting Chief Chemist.



CAPTAIN OF THE PORT  
CAPTAIN OF THE PORT

C  
O  
P  
Y

CG-6614

28 March, 1944

To: District Engineer, U. S. War Office, Foot of  
To: THE COMMANDANT (OPS) Orleans, Louisiana

Via: DCGO, 8th Naval District (ops)

Subj: Oil Pollution Act, 1924; violation of investigation covering the discharge of oil into Mississippi

1. Forwarded herewith for your information is report of violation of Oil Pollution Act, 1924 (U.S.C. Title 33, Sec. 431-437), furnished in compliance with General Order No. 7, U. S. Treasury Department, U. S. Coast Guard, dated 2 September, 1941.

2. Analysis of oil discharged into Mississippi River, together with Analysis of oil from vessel, has been forwarded with report to the District Engineer, War Department. Copy of report has been forwarded to U. S. Attorney.

P. A. SHORT

Laboratory No. 825/6 - 25 March, 1944

W. A. Sickinger - 22 March, 1944

F. D. Carpenter - 20 March, 1944

Weber Schaefer - 20 March, 1944

Donald Hendrix - 20 March, 1944

Incl

1. Report of W. A. Sickinger - 22 March, 1944
2. Report of witness: F. D. Carpenter - 20 March, 1944
3. Report of witness: Weber Schaefer - 20 March, 1944
4. Report of witness: Donald Hendrix - 20 March, 1944
5. Report of Laboratory No. 825/6 - 25 March, 1944

CAPTAIN OF THE PORT

C  
O  
P  
Y

6614

28 March, 1944

To: District Engineer, U. S. Engineer Office, Foot of  
Prytania Street, New Orleans, Louisiana

Subj: Oil Pollution Act; violation of

Forwarded herewith for your information is copy of investi-  
gation covering the discharge of oil into the Mississippi  
River from the S/S JOSEPH FRANCIS on 20 March, 1944.

P. A. SHORT  
Commander, USCG

Incl

1. Laboratory Report No. 825/6 - 25 March, 1944
2. Report of W. A. Sickinger - 22 March, 1944
3. Report of witness: F. D. Carpenter - 20 March, 1944
4. Report of witness: Weber Schaefer - 20 March, 1944
5. Report of witness: Donald Hendrix, - 20 March, 1944