

## T. LUTHER PINDER

MARCH 27, 1926.—Committed to the Committee of the Whole House and ordered to be printed

Mr. JOHNSON of Illinois, from the Committee on Claims, submitted the following

### REPORT

[To accompany H. R. 5332]

The Committee on Claims, to whom was referred the bill (H. R. 5332) for the relief of T. Luther Pinder, having considered the same, report thereon with a recommendation that it do pass with the following amendment:

In line 5 strike out the figures "\$9,500" and insert in lieu thereof "\$8,000."

The facts in the case are fully set forth in the findings of the board of investigation, which is attached hereto and made a part of this report.

TREASURY DEPARTMENT,  
Washington, February 26, 1926.

The CHAIRMAN COMMITTEE ON CLAIMS,  
*House of Representatives, Washington, D. C.*

SIR: I have to acknowledge the receipt of your letter of February 1, 1926, inclosing a copy of bill H. R. 5332, Sixty-ninth Congress, first session, for the relief of T. Luther Pinder, and asking to be furnished all papers, or copies of same, on file in this department relating to the claim, with my opinion as to its merits.

Following the enactment clause the bill reads:

"That the Secretary of the Treasury be, and he is hereby, authorized to pay to T. Luther Pinder, of Monroe County, Florida, the sum of \$9,500, out of any money in the Treasury not otherwise appropriated, as compensation for the total loss of pilot boat numbered 7 (*Eola*), caused by being set on fire by the drifting Coast Guard harbor launch AB-3 (*Cossack*) on the morning of May 9, 1925, in the harbor of Key West, Florida."

On receipt of telegraphic advice on May 9, 1925, of the loss by fire on that date of Coast Guard harbor launch AB-3, (formerly *Cossack*) and pilot boat No. 7 (*Eola*), the commandant of the Coast Guard on the same date designated a board of investigation for the purpose of inquiring into the facts and circumstances connected with the destruction, by fire, of the AB-3 and also the collision of the said AB-3 with pilot boat No. 7. (See inclosed copy of letter dated May

9, 1925, from the commandant of the Coast Guard to Commander John G. Berry, United States Coast Guard, Gulf division, Key West, Fla.) The findings and opinion of said board of investigation, together with the action by the reviewing authority, are contained in the communication dated June 4, 1925, a copy of which is also inclosed.

In view of the facts established by the board of investigation, that no member of the Coast Guard was criminally liable for this accident; that pilot boat No. 7 was destroyed through no fault of its owner, but by the AB-3, which drifted into her while in a mass of flames, and that the sum of \$8,000 for the replacement of the pilot boat, together with the sum of \$1,500 as compensation for the loss of her services until she could be replaced, in all \$9,500, appear to be reasonable, the department is of the opinion that the bill under notice is a just one and that it should be passed. I, therefore, so recommend.

Respectfully,

A. W. MELLON,  
*Secretary of the Treasury.*

TREASURY DEPARTMENT,  
UNITED STATES COAST GUARD,  
*Washington, May 9, 1925.*

From: Commandant.

To: Commander John G. Berry, United States Coast Guard, Gulf division, Key West, Fla.

Subject: Investigation, destruction by fire of Coast Guard cutter AB-3, and collision with pilot boat No. 7, May 8, 1925.

Reference: (a) Telegram, Gulf division, May 9, 1925.

1. You are hereby designated a board of investigation to convene at the Gulf division, United States Coast Guard, or at such other places as you may deem advisable, at the earliest opportunity, for the purpose of inquiring into the facts and circumstances connected with the destruction by fire of the Coast Guard cutter AB-3, and also the collision of said cutter with pilot boat No. 7, May 8, 1925, as set forth in the telegram from the Gulf division dated May 9, 1925.

2. In accordance with the provisions of section 183 of the Revised Statutes, as amended by the act of February 13, 1911, you are given authority to administer an oath to any witness attending to testify or depose during the course of the investigation.

3. You will make a thorough investigation of all the circumstances attendant upon the above-named destruction by fire of the Coast Guard cutter AB-3, and also those relative to the collision with the pilot boat No. 7, and, upon the conclusion of the investigation, you will report the facts established thereby with your opinion as to the responsibility for the same, the amount of damage, and you will also state specifically whether there was any negligence on the part of any officer or member of the crew of the AB-3 on May 8, 1925, while acting within the scope of his employment.

4. The attention of the board is particularly invited to article 971, Coast Guard Courts and Boards.

F. C. BILLARD, *Commandant.*

TREASURY DEPARTMENT,  
UNITED STATES COAST GUARD,  
*Washington, June 4, 1925.*

Board of investigation convened at Gulf division May 9, 1925, order, commander, Gulf division, May 9, 1925. Destruction by fire of Coast Guard harbor launch AB-3 (*Cossack*), with resulting loss of pilot boat No. 7 (*Eola*), May 9, 1925.

A board of investigation, convened for the purpose of inquiring into the facts and circumstances connected with the loss by fire of the Coast Guard harbor launch AB-3, May 9, 1925, while lying at the Curry Dock, Key West, Fla., finds, in substance, as follows:

#### FINDINGS

1. The Coast Guard harbor launch, the AB-3, took fire at about 1.30 a. m., May 9, 1925, while lying at the Curry Dock, Key West, Fla., her regular dock.

2. There was a watchman on board who immediately notified the fire department through the watchman at the Curry Dock, who also notified the division com-

mander, Gulf division. The watchman of the *AB-3*, Hobson, first tried to put out the fire by using the Pyrene fire extinguishers, and when they were exhausted, by buckets of water. Upon the arrival of the fire department he assisted them in every way possible, even risking his life by boarding the burning boat, breaking a hawser out of the forward compartment of the boat, and attaching a line aft.

3. There was no opportunity to notify the officer in charge of the *AB-3*, or other members of the crew, and that they could have done no good had they been there, or had they responded.

4. That the flames from the burning vessel, the *AB-3*, burned the lines holding her to the dock, and that she drifted on to the pilot boat *Eola* (otherwise known as pilot boat No. 7), which was at her regular mooring near by. The *AB-3* set the pilot boat No. 7 afire, burned her mooring line, and both vessels drifted down upon the wrecking tug *Warbler*, moored at the end of the P. & O. Dock. The crew of the *Warbler* shoved them off into the ebbing current of Key West Harbor, and they then drifted down the harbor.

5. The United States Coast Guard cutter *Saukee*, upon being notified, put out from her dock as soon as it was possible to do so, hoping to salvage the boats, but they both blew up before she could get there, in deep water in the vicinity of buoy No. 11.

6. Mr. Luther Pender is willing to accept the sum of \$8,000 for the loss of his boat, should the Government accept the responsibility for the loss.

7. No damage was done to anybody, except the damage already mentioned, and minor damages to the motor boat of the wrecking tug *Warbler*, such as scorching the boat cover and blistering the paint work, for which no claim will be made against the Government.

#### OPINION

1. That the Coast Guard harbor launch, the *AB-3*, was destroyed by fire on the 9th of May, 1925; cause unknown.

2. That the fire was not caused by the exploding of the ammunition.

3. That every precaution had been taken by the officer in charge of the *AB-3*, and the crew, to prevent a fire on board.

4. That no member of the Coast Guard was criminally liable for this accident, which is peculiar to gasoline-driven boats.

5. That the pilot boat No. 7 (*Eola*) was destroyed by fire, through no fault of its owner, but by the *AB-3*, which drifted into her while a mass of flames.

6. That the sum of \$8,000 for the replacement of the pilot boat No. 7, together with the sum of \$1,500, as compensation for the loss of her services until she can be replaced, would be a reasonable compensation and would be acceptable to the owner of the boat.

#### ACTION BY THE REVIEWING AUTHORITY

The proceedings, findings, and opinion of the foregoing board of investigation are approved.

The recommendation that the members of the crew of the *AB-3* be reimbursed for the loss of their clothing and property is approved. The recommendations that the articles of equipment of the *AB-3* be expended from the return of public property, and the vessel itself stricken from the list of Coast Guard vessels, are approved.

Headquarters has noted that pilot boat No. 7 (*Eola*), the property of T. Luther Pinder, was destroyed by the fire, and that the responsibility for the said loss devolves upon the Government. He makes claim in the sum of \$8,000 for replacement of his pilot boat, and the further sum of \$1,500 for the loss of her services until she can be replaced, a total claim of \$9,500.

Attention is invited to the fact that there is no appropriation available for the payment of this claim, and that he must have recourse to the Congress for an appropriation.

The heroism displayed by Seaman, First Class, Harry Hobson, United States Coast Guard, has been noted and he will be commended by letter from headquarters.

F. C. BILLARD, *Commandant*.

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