

**United States Department of the Interior**  
 National Park Service

# National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in National Register Bulletin, *How to Complete the National Register of Historic Places Registration Form*. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions.

## 1. Name of Property

Historic name: Tanker Mary A. Whalen, ex S. T. Kiddoo

Other names/site number: \_\_\_\_\_

Name of related multiple property listing:

N/A

(Enter "N/A" if property is not part of a multiple property listing)

## 2. Location

Street & number: Pier 11, Atlantic Basin, Red Hook

City or town: Brooklyn State: New York County: Kings

Not For Publication:  Vicinity:

## 3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended,

I hereby certify that this \_\_\_ nomination \_\_\_ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60.

In my opinion, the property \_\_\_ meets \_\_\_ does not meet the National Register Criteria. I recommend that this property be considered significant at the following level(s) of significance:

\_\_\_ national      \_\_\_ statewide      \_\_\_ local

Applicable National Register Criteria:

\_\_\_ A      \_\_\_ B      \_\_\_ C      \_\_\_ D

<p>_____  <b>Signature of certifying official/Title:</b></p>	<p>_____  <b>Date</b></p>
<p>_____  <b>State or Federal agency/bureau or Tribal Government</b></p>	

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In my opinion, the property \_\_\_ meets \_\_\_ does not meet the National Register criteria.

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**Signature of commenting official:** **Date**

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**Title :** **State or Federal agency/bureau  
or Tribal Government**

**4. National Park Service Certification**

I hereby certify that this property is:  
\_\_\_ entered in the National Register  
\_\_\_ determined eligible for the National Register  
\_\_\_ determined not eligible for the National Register  
\_\_\_ removed from the National Register  
\_\_\_ other (explain:) \_\_\_\_\_

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Signature of the Keeper Date of Action

**5. Classification**

**Ownership of Property**

(Check as many boxes as apply.)

- Private:
- Public – Local
- Public – State
- Public – Federal

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**Category of Property**

(Check only **one** box.)

- Building(s)
- District
- Site
- Structure
- Object

**Number of Resources within Property**

(Do not include previously listed resources in the count)

Contributing	Noncontributing	
<u>1</u>	_____	buildings
_____	_____	sites
_____	_____	structures
_____	_____	objects
_____	_____	Total

Number of contributing resources previously listed in the National Register \_\_\_\_\_

**6. Function or Use**

**Historic Functions**

(Enter categories from instructions.)

TRANSPORTATION/water related

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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**Current Functions**

(Enter categories from instructions.)

Work in Progress  
EDUCATION

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**7. Description**

**Architectural Classification**

(Enter categories from instructions.)

No style  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Materials:** (enter categories from instructions.)

Principal exterior materials of the property: steel

**Narrative Description**

(Describe the historic and current physical appearance and condition of the property. Describe contributing and noncontributing resources if applicable. Begin with a **summary paragraph** that briefly describes the general characteristics of the property, such as its location, type, style, method of construction, setting, size, and significant features. Indicate whether the property has historic integrity.)

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**Summary Paragraph**

The Tanker *Mary A. Whalen*, ex *S. T. Kiddoo*, is a 1938 coastal petroleum tanker currently docked at Pier 11, Atlantic Basin, in Brooklyn, Kings County. The tanker was in active service until 1994 and is currently being preserved by the non-profit PortSide New York for educational use. The Whalen is a rare example of a steel, lap welded ship, built during the technological transition period between riveted and edge-welded plating. Her first twenty+ years she operated under the name *S.T. Kiddoo* and carried gasoline and kerosene. In 1962, she was rechristened *Mary A. Whalen* and was converted to carry heavier fuel oil products. The tanker was always

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based out of the port of New York, either out of Red Hook, Brooklyn while working for the Ira S. Bushey companies, or out of Staten Island while working for Eklof Marine Co. She regularly went as far away as Maine during her S.T. KIDDOO years. In 1993, a bearing burnt up, and her crankshaft was damaged; and she was towed around as a barge for a few months. She went out of service completely in 1994, as evidenced by the last date marked on the calendar still hanging in the wheelhouse. She is one of the last local examples of several types (Bushey boat, coastal oil tanker, bell boat). The dispute following her grounding off the Rockaways in 1968 culminated in a Supreme Court Decision, U.S. vs. Reliable Fuel (1975) that dramatically changed how liability for damages in maritime collision cases would henceforth be decided.

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### **Narrative Description**

The *Tanker Mary A. Whalen*, ex *S. T. Kiddoo*, is a 1938 coastal petroleum tanker currently docked at Pier 11, Atlantic Basin, in Brooklyn, Kings County. The tanker was in active service until 1994 and is currently being preserved by PortSide New York for educational use.

The tanker was built in 1938 by the John J. Mathis Company in Camden, New Jersey, for the Ira S. Bushey Co. of Brooklyn, a prominent petroleum products storage and transportation business. The Bushey Co. built much of its fleet, and it is likely that the company was involved in the design of the new tanker. The welded steel ship is 172 ft. in length, 31 ft. 6 in. in beam and 13 ft. depth of hold and 613 gross tons. Her official number is 237782, but she is not currently documented. The tanker retains a high degree of integrity relative to her 1938 build date. She retains her original configuration, her original alternating strake shell plating, her original direct reversible diesel power plant, and a rare surviving “bell boat” arrangement supplementing the telegraph for wheelhouse-engine room communications.

The *Mary A. Whalen* features a relatively flat-bottomed hull and a rectangular mid-body section with a pointed bow, raking stem post and an elliptical stem. The hull is built up of steel plates arranged in alternating in-and-out strakes more typical of earlier riveted steel and iron hulls. There is a single screw and a semi-balanced steel plate rudder below the stem. The main deck is open with a raised ullage trunk along the centerline providing access to and control of petroleum products. There is a mast and boom at the forward end of the trunk. At the bow, there is a raised forecastle deck. At the stern, there is a raised boat deck surmounted by a small cabin and a wheelhouse above. A funnel rises behind the cabin and wheelhouse. The tanker is currently painted with a black hull, red decks and houses, and a buff funnel, silver band above it and black top. A more detailed description derived in part from a recent inspection follows<sup>1</sup>:

### **General**

The ship has a slightly raked stem with little flare. The stem is elliptical in plan. A semi-balanced flat plate rudder is fitted against the stempost.

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<sup>1</sup> Derived in part from Charles C. Deroko, “Mary A. Whalen Hull Inspection Report,” 16 January 2006.

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There is a raised fo'c'slehead forward with the usual arrangement of windlass, bitts and deck vents. The fo'c'slehead has a raised bulwark fitted with two closed chocks just aft of the stem bar. It is faired into the deck at the aft end with a long curved, sniped plate. There are two stockless anchors, each stowed in its own hawse pipe. Double mooring bits, three each on the port and starboard sides, are provided on the main deck. The raised boat deck has two double bits at the stem and one davit on the starboard side. The steering gear and engine room skylight are on the aft end of the boat deck.

Three steel hull guards are fitted as follows: one at the main deck, one at the 14' draft mark, and one at the 9' draft mark. The two lower guards end at the forward end of the deckhouse. The deckhouse is on the main deck above the propelling machinery. The deckhouse sides are slightly inboard of the side shell providing a narrow walkway to the stem. The aft port and starboard staterooms are outboard of the fidley (skylight) leading to the engine room below. The galley is aft of the staterooms. The captain's cabin is on the boat deck and the wheelhouse is located directly above it. The wheelhouse is square in plan and is fitted with a visor above the forward windows. It carries a searchlight, hazardous cargo light, and navigation light screens and is augmented by flanking bridge wings. Immediately behind the bridge is a single stack with two exhaust pipes.

A 90' long, 16' wide and 40" high ullage tank extends from the raised fo'c'sle to the after house. A single mast is stepped and stayed at the forward end of the tank. A boom, topping fit lift and two vang are fitted to the mast. A containment coaming is fitted port and starboard along the main deck from the fo'c'selhead to the aft house. Two internal spudwells of 30" OD diameter have been installed on the lower decks. The one on the port side is 4' 4" forward of the house, and the one on the starboard side is 8' 10" aft of the foredeck bulkhead.

Compartmentation from bow to stem is as follows: forepeak, pump engine room with tank top, pump room with tank top, cargo tanks (four each, port and starboard), coffer dam, engine room, fuel tank, water tank, lazaret with rubber trunk. Access to the forepeak, fuel tank and water tank is through bolted manholes with vertical ladders. The pump engine room is reached through a centerline door on the main deck and the spaces under the tank top have bolted manholes. The pump room is reached via two doors on the main deck, one each port and starboard. Access to the aft accommodation and engine room is through a door and down a short ladder at the aft end of the ullage trunk. The cargo tanks are reached through hinged hatches and vertical ladders. Access to the coffer dam is through a bolted manhole at the aft end of the ullage trunk.

### Engine Room

The ship retains her original six-cylinder 1937 model Fairbanks Morse direct reversible diesel engine turning a single shaft and screw. The engine is missing the pistons, heads and rods (though most of these parts have been acquired) but has a damaged bearing and crankshaft remaining to be repaired. The upper engine room features an original array of engine gauges and

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an original engineer's desk. The upper engine room features the telegraph and the bells and jingles activated by the wheelhouse.<sup>2</sup> The fidley or skylight above the upper engine room features sloped sides and circular portlights.

### Wheelhouse

The wheelhouse is largely unaltered (the gyro compass is removed) and features a stained and varnished fittings and furnishings, including a large pedestal wheel with turned spokes, doors and window casings, chart table and bench. A compass binnacle stands in front of the wheel. The bell and jingle control levers remain on either side of the wheelhouse and on the wings of the bridge deck.

### Structure

The hull is a transversely and longitudinally framed, welded steel structure. The compartments fore and aft of the cargo tanks are transversely framed; the cargo tanks are longitudinally framed. No double bottom is fitted. Hull framing in the bow and stem compartments consists of 5" x 14" flat bar transverse side frames on about 20" centers (18" in the forepeak) that are connected to 4" x 3/8" deck beams through 14" x 12" x 14" deck knee brackets. The side frames are skip welded with an apparent average interval of about 4"-10" (4" long welds at 10' between centers), although this varies from frame to frame. The deck framing in the transverse compartments is continuously welded. The transverse frames are continuous and pass through sniped holes through side and panting stringers. Stinger plates, 15" x 14", with 3" flanges, are welded to the side shell, tying the side frames together longitudinally. The forepeak is fitted with six panting stringers, three each, port and starboard. The forepeak bilge is fitted with transverse vertical floors on each frame. Horizontal angle reverse bars, toed aft, stiffen the floors at their upper ends. The end bulkheads are vertically stiffened with 61 1/2" x 14" flat bars of 24" centers. A bar system is fitted forward. The engine room is provided with 13 14" x 3 14" T section web frames introduced at every third frame. The aft void extends one frame space and is stiffened throughout with longitudinal flat bars. The after bulkhead is stiffened with vertical flat bars. The lazaret is transversely framed with a heavy transom floor; the rudderstock is on the centerline. Immediately aft of the transom floor, the stem radius is framed with one-piece cant frames and beams welded to the transom floor, shell plating and deck.

Eight cargo tanks, four each, port and starboard, are created by a longitudinal centerline bulkhead and five transverse bulkheads. They are identified from bow to stem as starboard tanks IS, 2S, 3S, and 4S, and port tanks IP, 2P, 3P and 4P. Each cargo tank is about 26' long, making the total length of the cargo tanks about 104'. Each cargo tank is longitudinally framed with thirteen 8" x 3/8" or 8" x 1/2" flat bars on about 21" centers. The longitudinal flat bar frames are continuous and pass through the side web frames through sniped holes and through clearance cuts in the bottom floors. The longitudinal frames are connected to the vertical bulkhead

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<sup>2</sup> "Bells are direction, jingles are speed," says the cheat sheet in the *Whalen's* fiddley. They were placed there in the early 1990s by George Doumar when he was training a new engineer. See: "Bells Are Direction, Jingles Are Speed." Red Hook WaterStories. <https://redhookwaterstories.org/items/show/1606?tour=11&index=2>.

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stiffeners with 12" x 12" x 3/8" tipping brackets. In cargo tanks 4S and 4P, the longitudinal bottom frames are provided with flanges in way of the pipe suction bells. Each cargo tank is fitted with three built-up transverse web rings constructed as follows: the 20" x 3/8" x 5" flanged web frames, provided about every six and a half feet, are connected to the 18" x 1/4" x 5" flanged floors through heavy 24" x 24" x 1/4" x 5" flanged brackets. A centerline bulkhead is provided and is longitudinally stiffened with six 8" x 3/8" flat bar frames. The upper section of the transverse ring is completed with an 8" x 4" unequal angle iron. All frame/stiffener/deck beam connections are made through tripping brackets.

The end bulkheads that separate the cargo tanks from the pump room and fuel tank are stiffened with 6 1/2" x 12" flat bars; the intermediate bulkheads, 2, 3, & 4, are each vertically stiffened with sever 7" x 3/8" flat bars. Transverse bulkheads 2, 3, & 4 are also fitted with horizontal stringers 7'-08" from the bottom. Each stringer is 24" X 1/4" with a 3" flange. The vertical bulkhead stiffeners are continuous and pass through the horizontal plate stiffeners through sniped holes.

Each cargo tank has three vertical 5" x 5" x 3/8" angle stanchions supporting the deck. The angle stanchions are lap welded, on their lower ends to the webs of the upper ends to the flat bar transverse deck beam at the junction of the ullage trunk, which appears to be longitudinally framed with 6' x 3/8" flat bars.

### Hull Plating

Shell plating is arranged in five strakes from garboard strake A through sheer strake E and is given as being 3/8" thick throughout. A flat keel is connected directly to the centerline bulkhead in way of the cargo tanks. The shell plating is set in over the internals. The plating is arranged clincher fashion from the keel plates through strake C. It then changes to the in-and-out system with strake D as an in-strake and strake E as an outstrake. A deep stealer plate for strakes C and D is fitted forward on the first 5 1/2 frames from the stem. The plates are fitted with welded seam and butt laps throughout. Welded inserts were used to perform previous repairs. The deck plating is lap welded throughout while ullage trunk and deckhouse sides are worked flush.

### Accommodations

On the main accommodations level, there are two port cabins, two starboard cabins, and one center cabin. Cabin PI has all original details, a large officer's bunk, locker and small sink. Cabin P2 has the bunk and sink removed; the hanging locker and buck wall remain. P2 is the only accommodation fitted with linoleum tile. Cabin CI has two bunk beds and lockers; the sink has been removed but the pipes remain. The bulkhead dividing cabins SI and S2 has been removed to make one large cabin. All bunks and sinks have been removed and only two lockers remain. Vintage brass rails and wood chart racks ring the sides of the fidley deck. The toilets have been removed from the two heads on the main accommodations level.

### Captain's Cabin

The captain's cabin is accessed via a door on the starboard side of the boat deck. The cabin has one bunk, one original hanging locker, one newer hanging locker, a desk which appears to be



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original, and its own head, which contains a sink and toilet. The captain's cabin has portholes on all sides.

The galley includes a Webb Perfection diesel stove patented in 1918 which appears to be original, vintage wood paneled refrigerator/freezer, and a large round table with eight stools, all secured to the deck. The steel deck is covered with black and white ceramic tile. The captain's cabin, galley and wheelhouse appear to retain original details, including bronze portholes, stained wood casings, doors and trim and many original furnishings.

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## 8. Statement of Significance

### Applicable National Register Criteria

(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing.)

- A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
- B. Property is associated with the lives of persons significant in our past.
- C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- D. Property has yielded, or is likely to yield, information important in prehistory or history.

### Criteria Considerations

(Mark "x" in all the boxes that apply.)

- A. Owned by a religious institution or used for religious purposes
- B. Removed from its original location
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- C. A birthplace or grave
- D. A cemetery
- E. A reconstructed building, object, or structure
- F. A commemorative property
- G. Less than 50 years old or achieving significance within the past 50 years

**Areas of Significance**  
(Enter categories from instructions.)

transportation  
maritime history  
law  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Period of Significance**  
1938-1975  
\_\_\_\_\_  
\_\_\_\_\_

**Significant Dates**  
1938  
1962  
1968  
1975

**Significant Person**  
(Complete only if Criterion B is marked above.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Cultural Affiliation**

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Architect/Builder**

John J. Mathis Yard, Camden, NJ  
\_\_\_\_\_  
\_\_\_\_\_

**Statement of Significance Summary Paragraph** (Provide a summary paragraph that includes level of significance, applicable criteria, justification for the period of significance, and any applicable criteria considerations.)

The tanker *Mary A. Whalen*, originally *S.T. Kiddoo*, is of national significance under **Criterion A** in the areas of Maritime History and Law. She grounded off the Rockaways in late December 1968. The stranded crew's Christmas dinner and the repeated attempts to free the ship were broadly covered by newspapers at the time, and the battle between her owners, Reliable Transfer, and the US Coast Guard over liability for the damages resulted in a groundbreaking Supreme Court decision with broad and lasting significance. The Court upended the historical precedent of splitting the cost of damages 50/50 regardless of fault. In their judgement (required reading for all admiralty lawyers) the Court ruled that the owners of the *Mary A. Whalen* and the Coast Guard were not equally responsible for the accident and thus should not equally bear the costs. The decision was not a narrow one – it was not just that the *Mary A. Whalen's* owners were deemed responsible for 75% of the damages – but liability in proportion to fault became and remains the rule for all maritime collisions going forward.

The *Mary A. Whalen*, built in 1938, is also significant under **Criterion C** as a rare example of an early twentieth century coastal oil tanker constructed of welded steel plating and lapped stakes, a method of construction that marked the transition between early lapped and riveted hull plates and edge-welded plating, a widely accepted method of modern boat building technology. The *Mary A. Whalen* operated as a rare “bell boat” until 1994, and she retains the technology of the 1930s in her engine room and pilot house, retaining her original power plant and system of telegraphs and bell controls.

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**Narrative Statement of Significance** (Provide at least **one** paragraph for each area of significance.)

### **Criterion C**

The standard system of bells and jingles associated with “bell boats” became increasingly obsolete in the post-World War II era, as engines were equipped with safer automatic pilothouse controls. Very few “bell boats” remain intact. The tanker is also significant under Criterion A in representing the history of coastal fuel transportation in the Northeast. The ship was operated by the Ira S. Bushy and Sons, an important petroleum delivery business that served the east coast between New York and Maine. In addition to transporting fuel to coastal terminals, the *Mary A. Whalen* was also part of the history of lighterage in New York Harbor through her role in bunkering ships.

Although not constructed at the Bushey yard, the *Mary A. Whalen* is believed to have been built for the company from one of its designs. As built, the tanker delivered gasoline between 1938 and 1962<sup>3</sup> before being modified to deliver heavier oil products, such as home heating fuel, between 1962 and 1994. In this capacity, the original S.T. Kiddoo (renamed the *Mary A. Whalen*<sup>4</sup>) delivered fuel to terminals in the Gowanus Canal, Newton Creek and other restricted waterways in the New York metropolitan area, as well as to ships in harbor, thus making an important contribution to the city’s maritime history. The *Mary A. Whalen* is one of few surviving examples of a harbor and coastal tanker engines-aft tanker. She retains a high degree of

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<sup>3</sup> On the 2012 National Register of Historic Places Registration Form for the tanker Mary A. Whalen the date for her new name and changeover was listed as 1958. Subsequent findings including the handwritten notes of Captain Alf Dyrlund, who was an inaugural captain after the change, and a review of the US Customs' *Merchant Vessels of the United States*, place the date as 1962. See: “Alf Dyrlund, Captain of the MARY A. WHALEN, 1962-1978 - Alf Dyrlund Collection.” Red Hook WaterStories. <https://redhookwaterstories.org/items/show/1329>.

<sup>4</sup> Mary Agnes Whalen was Captain John Tabeling’s wife and mother to James Harold [Tabeling]. They ran the Reliable Fuel Supply Co., the company that, from 1962 to 1971, owned the ship launched in 1938 as the S.T. KIDDOO, In 1958 that ship was renamed in her honor. See: Red Hook Waterstories. " Who was the eponymous Mary A Whalen? Red Hook WaterStories. Accessed July 4, 2023. <https://redhookwaterstories.org/items/show/1771>

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integrity to her 1938 construction date, retaining her original engine room, pilothouse, telegraph and bells, galley and accommodations. Period finishes are exceptionally intact and include ceramic tiling, Webb Perfection stove, wood-paneled fridge/freezer, brass rails, brass light fixtures, portholes, and varnished wood trimmings, cabin doors and built-in furniture. Control equipment including the steering wheel, binnacle, and gauges also date to the tanker's original construction. Very few ships of this age remain in service for more than fifty years without substantial changes in configuration and technology. Consequently, the *Mary A. Whalen* is a rare and highly representative example of the shipbuilding practices and technology of the 1930s.

### Oil Tankers

The oil refining industry in the United States developed after 1859, when the first oil well was dug in Titusville, PA. The Pennsylvania oil fields almost immediately became the major source of oil and within two years, more than 3,000 barrels a day were being produced at Titusville. As production grew and new uses for petroleum were found, the need to develop ways to transport large quantities of oil became a crucial concern. Early manufacturers transported wooden barrels of oil or tins of case oil (kerosene) in sailing ships; however, the barrels were inefficient, expensive, and leaky. A steam-powered oil carrier, the *Vaderland*, was built by Palmer's Shipbuilding and Iron Company in England in 1872. However, the ship was also built for passengers, and it is uncertain if it ever carried oil. A more successful carrier, the *Zoaster*, was built by the Nobel Brothers of Sweden in 1878. Her design was widely copied but never patented. The first steam-powered oil tanker built with bulkheads dividing the hull into eight separate cargo tanks for oil transport was the British-built *Gluckauf*, built in 1885 for Wilhelm Anton Riedemann. The *Gluckauf* represented the first true tanker, a ship in which the hull itself became the oil container. The *Gluckauf* came to an untimely end in 1893, when, shrouded by fog, she ran aground at Fire Island. She could not be salvaged, and portions of her hull remain in shallow water. By 1891, about seventy similar ships, most owned by Standard Oil, were in operation. All had triple expansion engines and could operate at 8 to 11 knots per hour on 25 tons of coal per day. They averaged capacities of 2,000-3,000 tons. In these tankers the cabin and officers' quarters were located aft of the engines. Many later tankers were built following this model. In 1903, the Noble Brothers built two oil tankers with internal combustion engines, another advance in tanker technology. The transition to using oil itself for fuel between 1911 and 1927 only resulted in an increased demand for oil and hence tankers.

During World War I, more than 300 American tankers were built to replace tankers sunk by German submarines. Many of these utilitarian carriers were purchased by oil companies after the war and were widely used in oil transport. New tankers were desperately needed again during World War II in response to the scale of military and naval operations and the continuing loss of ships from relentless submarine attacks. Innovations in standardized construction, including block building and arc welding, helped speed construction and meet demands. Approximately 500 of the resulting T2 tankers (532 feet in length and 16,500 deadweight tons) were built during the war. Many of these utilitarian and reliable tankers passed into commercial service at the conclusion of the war and the T2 briefly became an industry standard.

### Coastal Tankers

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There are two basic categories of oil tankers. Crude tankers are built to move large quantities of unrefined oil from the extraction site to the refinery, while smaller tankers transport consumer products from the refineries to the distributors. Crude tankers have no artificial restrictions on size, as long as harbors are deep enough. Some supertankers are up to 1,300 feet long with capacities as great as 500,000 tons. Coastal and inland tankers are limited in size by the depth of the rivers and harbors that these boats must access to load and unload cargo. Thus, coastal tankers are relatively small, less than 200 feet in length, and have a capacity of only a few thousand tons. The *Mary A. Whalen* is an example of the latter type. She delivered oil products up and down the Atlantic Coast, ranging as far north as Maine and as far south as Virginia, accessing many rivers along the way, between 1938 and 1962. As is typical of its type, the ship is 172 feet long and 613 DWT. The *Mary A. Whalen* is one of the last surviving examples of her type and is a rare example of 1938 technology.

During the second half of the twentieth century, coastal fuel transportation increasingly relied upon specialized barges, which could be towed individually or in combination by single tugs. De-coupling the propulsion from the fuel-containing vessel allowed barges to be loaded and unloaded at the dock, while tugs could be scheduled for other work or maintenance independently. Today, the larger tug and barge combinations are designed as articulated units which operate as single units for improved maneuverability. Legislation in the wake of the Exxon Valdez disaster has recently banned the use of single hull vessels such as the *Mary A. Whalen* for petroleum transportation. Vessels of the *Mary A. Whalen*'s vintage are now functionally obsolete. The 1934 motor barge Kristin Poling, ex SOCONY Poughkeepsie, was the only vessel of Whalen's age still delivering fuel in New York's waterways. She was taken out of service at the end of 2011 and scrapped.

### Ira S. Bushey and Sons

The tanker *Mary A. Whalen*, ex *S. T. Kiddoo* (original name) was built for the Ira S. Bushey Company. Ira Sylvester Bushey descended from a Quebec family that made its home in Oswego, NY. He was the son of a shipbuilder and the grandson of a ship owner involved with trade between the United States and France. He began his career as a mule driver on New York's canals and by 1895 he was repairing boats in Jersey City, NJ. His father operated a shipyard in Brooklyn. The firm Ira S. Bushey and Sons was incorporated in 1903, and Ira moved to Brooklyn, NY in 1905. The firm prospered and purchased the Downing and Lawrence shipyard at the foot of Court St. in 1917 together with 1,400 feet of waterfront. By 1919, the firm had produced 254 barges, rail flats, and scows. By 1922, the Bushey Co. built tugs and barges, while also operating a fleet of its own. Ira S. Bushey died in 1925. In the mid-1920s, the Bushey firm invested heavily in the fuel transportation business, building fuel barges, storage terminals and distribution networks through a variety of interconnected companies. The company became an early and very prominent part of the fuel industry in the Northeastern United States.

Bushey also built and operated the first electrically driven drydock in the United States. The Bushey yard, located east of the Erie Basin in Gowanus Bay, one of the largest in Brooklyn, was noted for its progressive management and for the distinctive boat designs that it developed. In the 1930s, Bushey built twenty-one tankers ranging in capacity from 2,000 to 20,000 barrels.

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The *Mary A. Whalen* was built for the Bushey Company by the John H. Mathis Company, of Camden, NJ. Camden, on the Delaware River across from Philadelphia, was a major shipbuilding center going back to the nineteenth century. The Mathis company dates from the turn of the nineteenth century and was known for its extensive catalogue of tugboats, barges, tankers, cargo ships, fishing trawlers, passenger barges, research vessels, ferries, a hospital ship, carfloats, lighthouse tenders, and firefighting tugs built between 1918 and c. 1955. It also built many ships for the US Army and Navy, including freighters, patrol boats, coastal tankers, coastal freighters, and minesweepers, and many of its ships saw service in World War II. The *Mary A. Whalen*, ex *Kiddoo*, is believed to have been built from a design generated by Bushey.

Boat technology: welded vs. riveted.

The *Whalen* was built as shipyards were beginning the transition in steel hull construction from riveting to welding. Riveting was an exceptionally labor-intensive and expensive method of construction. Welding required considerably less labor. Electric welding appeared in 1918 and during the 1920s, the American Society of Mechanical Engineers developed a code for fabricating welded pressure vessels, such as boilers. Welded ships were built in Germany as early as the late 1920s, and welding was slowly accepted as an alternative to riveting, the more traditional way to construct a ship. By World War II the development of submerged arc welding was capable of joining steel plate as much as twenty times faster than other welding processes, prompting President Roosevelt to inform Winston Churchill that “here there had been developed a welding technique which enables us to construct standard merchant ships with a speed unequalled in the history of merchant shipping.” Welding played an important role in the US government’s ability to turn out more than 5,000 ships of all types during the wartime shipbuilding program<sup>5</sup>.

The typical welded ship features plates welded to framing members and edge welded to each other, thus creating a uniform and lightweight steel shell. The *Whalen* represents an interesting variant where the plates are arranged in alternating in-and-out strakes reminiscent of riveted hulls. Possible explanations could be that the plans for the ship included a traditional plating schedule designed for rivets, or that the yard was not confident in a fully edge-plated hull. Alternating strakes provide greater strength, and this may have been a deliberate specification for this ship. As a single hull tanker, the extra measure of strength and wear along the sides may have been desirable. This characteristic of the *Mary A. Whalen*, in addition to her gracefully shaped hull, illustrate the combination of traditional and new shipbuilding practices in the 1930s. The nominated boat was named after Solomon Thomas Kiddoo (1883-1965), secretary-treasurer of the Fairbanks-Morse Company, a manufacturing business that traced its roots to 1823. The development of diesel locomotives, tug, and ship engines in the 1930s sparked a major expansion of the company. Fairbanks-Morse marine engines of this period were widely used in tugboats and small ships, and many were used by the Navy during the Second World War. The *Kiddoo* was equipped with a direct reversible Fairbanks Morse 37-E-12 diesel engine manufactured by this company in 1937.

<sup>5</sup> Blockbuster Events in Welding History. American Welding Society. <http://vwww.avvs.org/about/blockbuster.htiTitl>

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In 1962 the *Kiddoo's* tanks and pumps were converted to deliver heavier oil products, such as home heating fuel, and the ship was renamed the *Mary A. Whalen*. The *Mary A. Whalen* delivered fuel to terminals in the Gowanus Canal, Newton Creek and other narrow waterways in the New York metropolitan area, as well as to ships in harbor, thus making an important contribution to the city's maritime history. The vessel went out of service in 1994 when an engine bearing failed, and her crankshaft was damaged. The *Mary A. Whalen* is a rare and significant example of a ship of its period and type, and it illustrates two phases in the history of coastal fuel transportation in the Northeast. It retains an especially high degree of integrity.

## Criterion A

### U.S. Maritime collision law pre-*United States v. Reliable Transfer Co.*

The rule for who paid for damages following a collision at sea was established by the Supreme Court in the 1854 case *Schooner Catherine v. Dickinson*. (The Schooner Catharine, Her Tackle, & C., Starks W. Lewis And Others, Owners And Claimants, Appellants, V. Noah Dickinson And Others, Libellants.) With their ruling the Court established the precedent that would stand for more than a century.

Writing the decision, Mr. Justice NELSON, noted that key question in the case was how to "settle the rule of damages in a case where both vessels are in fault" and concluded that "the question, we believe, has never until now come distinctly before this court for decision. The rule that prevails in the district and circuit courts, we understand, has been to divide the loss." This was also "the well-settled rule in English Admiralty," Nelson wrote. As for the rationale: "Under the circumstances usually attending these disasters, we think the rule dividing the loss the most just and equitable, and as best tending to induce care and vigilance on both sides, in the navigation."<sup>6</sup>

In other words, if both parties involved in a maritime collision were found to be at all at fault, they were, no matter if one party's failure was minor and the other egregious, judged to be equally liable and the cost of the damages was split equally between them.

In *The Pennsylvania*, 86 U.S. 125 (1873) the Court again ruled in favor of equally dividing damages and added that a violation of a safety regulation created a presumption of fault.<sup>7</sup> Proving that a technical error could not have possibly contributed to a subsequent collision was difficult to do and thus a minor infraction often resulted in a vessel being subject to the *Catherine* ruling.

<sup>6</sup> *The Schooner Catharine v. Dickinson*, 58 U.S. 170 (1854), <https://supreme.justia.com/cases/federal/us/58/170/>

<sup>7</sup> *The Pennsylvania*, 86 U.S. 125 (1873) <https://supreme.justia.com/cases/federal/us/86/125/>



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The US was following the practice of England and much of the rest of the world when *Catherine* was ruled but maintained it far longer. Following the 1910 Brussels Collision Convention<sup>8</sup> America became an exception. One of the key features of the Brussels Collision agreement was the established the apportioning of damages based on the degree of fault.<sup>9</sup> At the time<sup>10</sup>, and at points over the next 50 years, Congress considered adopting the rules of the Collision Convention, but for reasons broader than the subject of proportional liability, did not.

Some of the reasons for the USA's not signing onto the 1910 Brussels Collision agreement were spelled out by the Honorable John M. Woolsey in a 1928 letter to Assistant Secretary of Commerce, Walter Brown who had sought his opinion on the matter. Woolsey, who, before becoming a judge, had represented steam ship companies, recommended the Brussels Convention not be ratified by the USA in part because he did not believe American law should be set by treaty, and also because he did not like how the Convention apportioned damages in regard to lost cargo. But for all his reasons for not signing, he did support the idea of apportioning damages.<sup>11</sup>

Years later, in 1962, Peter N. Teige, Vice President and General Counsel, American President Lines, testified in the Senate before the Commerce Committee's Subcommittee on Merchant Marine and Fisheries in favor of 1910 Convention. He argued that the unalignment of American Admiralty law from the rest of the world led to duplicity of court cases as ship owners chose USA or foreign courts depending on what suited their interests better:

*"American collision law is out of step with the rest of the maritime world. Virtually all maritime nations have adopted the 1910 collision convention which established the proportionate fault rule in both-to-blame collision cases. The American law provides for an equal division of all damage between vessels irrespective of the degrees of fault. This has led to considerable forum shopping depending upon whether the American or foreign law is the more favorable. This has operated to produce uncertainty in the outcome of litigation, multiplicity of suits, and inconvenience to all concerned. Further, world trade would be enhanced through uniformity in international maritime law."<sup>12</sup>*

<sup>8</sup> Austin, Jim. "Historic Collisions And The Law. Part 2." Professional Mariner. April 14, 2009.

<https://professionalmariner.com/historic-collisions-and-the-law-part-2>.

<sup>9</sup> "High Court Voids Maritime Law Splitting Collision Costs Equally." *The New York Times* (New York), May 20, 1975. <https://www.nytimes.com/1975/05/20/archives/high-court-voids-maritime-law-splitting-collision-costs-equally.html>

<sup>10</sup> Austin, Jim. "Historic Collisions And The Law. Part 2."

<sup>11</sup> "Report prepared by the Honorable John M. Woolsey giving reasons for recommending that the Brussels Convention remain unratified by the United States, February 14, 1928" in United States. Congress. Senate. Committee on Commerce. Subcommittee on Merchant Marine and Fisheries. (1962). Liability in Collisions Between Vessels: hearings before the United States Senate Committee on Commerce, Subcommittee on Merchant Marine and Fisheries, Eighty-Seventh Congress, second session, on Mar. 1, 2, 1962. Washington: U.S. G.P.O..

<sup>12</sup> United States. Congress. Senate. Committee on Commerce. Subcommittee on Merchant Marine and Fisheries. (1962). Liability in Collisions Between Vessels: hearings before the United States Senate Committee on Commerce, Subcommittee on Merchant Marine and Fisheries, Eighty-Seventh Congress, second session, on Mar. 1, 2, 1962. Washington: U.S. G.P.O..

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The Senate, again, did not make any change.

While the rule of splitting the cost of damages equally remained in place and was followed, there was unease with it among some judges. In *National Bulk Carriers, Inc., v. United States* (1950) all of the three judges of the US Court of Appeals for the Second Circuit agreed that when the tanker *Nashbulk* collided with the *Rutgers Victory*, the latter was "grievously at fault." The establishing of damages, however, came down to whether or not the *Nashbulk* should have signaled an alert when she made a last-minute course correction to avoid the collision. Circuit Judge Chase, writing for the majority, seemingly unhappy with the idea that the *Nashbulk* should be on the hook for half the damages, ruled that the lack of signaling was not a fault. Chief Judge Learned Hand dissented. He was not convinced that that his fellow judges believed an alarm signal from the *Nashbulk* would not have made some difference and further stated that:

"I do not mean that I should divide the damages equally, if I were free to divide them proportionately to the relative fault of the vessels. An equal division in this case would be plainly unjust; they ought to be divided in some such proportion as five to one. And so they could be but for our obstinate cleaving to the ancient rule which has been abrogated by nearly all civilized nations. Indeed, the doctrine that a court should not look too jealously at the navigation of one vessel, when the faults of the other are glaring, is in the nature of a sop to Cerberus. It is no doubt better than nothing; but it is inadequate to reach the heart of the matter, and constitutes a constant temptation to courts to avoid a decision on the merits. Nevertheless, so long as our antiquated doctrine prevails, I think we should apply it unflinchingly, and in the case at bar I would divide the damages."<sup>13</sup>

### The *Mary A. Whalen* collision lawsuit

This "antiquated doctrine" was the rule of law when the tanker *Mary A. Whalen* went aground in the Rockaways of New York City on a windy night, just before Christmas, 1968. Because of the major changes in law that would result from this incident, Retired Navy officer Jim Austin, writing for the Professional Mariner describes it as "arguably one of the more famous strandings in US maritime history."<sup>14</sup>

On the night of the grounding, the coastal tanker *Mary A. Whalen*, owned by the Reliable Transfer Co., was headed from Constable Hook, N.J to Island Park, N.Y. with a load of fuel oil. Her course led across the mouth of Rockaway Inlet with a rocky breakwater to its southeast and Coney Island to the northwest. The southernmost point of the breakwater was, ordinarily, marked by a flashing light maintained by the Coast Guard.

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<sup>13</sup> *National Bulk Carriers, Inc., v. United States of America et al*, 183 F.2d 405 (2d Cir. 1950).

<https://law.justia.com/cases/federal/appellate-courts/F2/183/405/266471>

<sup>14</sup> Austin, Jim. "Historic Collisions And The Law. Part 3." *Professional Mariner*. June 23, 2009.

<https://professionalmariner.com/historic-collisions-and-the-law-part-3>.

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The court record summarized what happened next:

“the *Whalen's* captain and a deckhand observed while the vessel was proceeding southwardly across the inlet, the light was not operating that night. As the *Whalen* approached Rockaway Point about half an hour later, her captain attempted to pass a tug with a barge in tow ahead, but, after determining that he could not overtake them, decided to make a 180° turn to pass astern of the barge. At this time, the tide was at flood, and the waves, whipped by northwest winds of gale force, were eight to ten feet high. After making the 180° turn and passing astern of the barge, the captain headed the *Whalen* eastwardly, believing that the vessel was then south of the breakwater and that he was heading her for the open sea. He was wrong. About a minute later, the light structure on the southern point of the breakwater came into view. Turning to avoid rocks visible ahead, the *Whalen* ran aground in the sand.”<sup>15</sup>

Newspapers ran stories of the grounding, with dramatic pictures of the attempts to dislodge the *Whalen* by tugs and helicopter. They also reported on the Christmas dinner the crew had on board: “Tugs Fail to Free Tanker” (*New York Times*, 12/25/1968), Crew’s “Christmas Party Trapped in the Yule Tide” (*Newsday*, 12/26/1968), “Stranded 7 Eat Christmas Dinner at Sea” (*Utica Observer-Dispatch*, 12/26/1968), “Copter Links Grounded Tanker to Tug” (*New York Times*, 12/26/1968) and finally “Tanker Aground Off Queens Pulled Free After 2 1/2 Days” (*New York Times*, 12/27/1968).

Marine engineer and architect Dr. Charles R. Cushing clambered across the jetty and onto the *Whalen* to assess her condition and figure out ways to free her. In an oral history for PortSide New York, he recalls that “we started doing calculations to see whether it was feasible to trim the vessel or put a heel on the vessel to get it off the bottom, and things like that. So, there were a lot of hydrostatic calculations being done – by hand, with slide rules.” This was one of the first jobs for Cushing and his newly founded firm C. R. Cushing & Co. He went on to play a significant role in maritime history during his long career, including being one of the architects of containerization.<sup>16</sup>

After the ship, with the help of tides and tugs, was successfully freed, Reliable Transfer Co. sued the US government for damages on the grounds that the Coast Guard failed to maintain a breakwater navigation light.

The case was first heard before Judge Orrin G. Judd of the Eastern District of New York. In his judgment entered February 13, 1973<sup>17</sup>, he noted that “but for the negligence of the government

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<sup>15</sup> *United States v. Reliable Transfer Co., Inc.*, 421 U.S. 397 (1975)

<sup>16</sup> “Charles Cushing, Naval Architect: Oral History.” Red Hook WaterStories, Aug. 24, 2018, redhookwaterstories.org/items/show/1720. Accessed July 2023.

<sup>17</sup> “*Reliable Transfer Co., Inc., and Cross-Appellant v. United States of America, and Cross-Appellee*, 522 F.2d 1381 – CourtListener.com”

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this accident would not have happened."<sup>18</sup> Yet, Judd wrote that were he not bound by the established rule of splitting damages equally the proportion should be 75/25.

"The fault of the vessel was more egregious than the fault of the Coast Guard... Equipped with look-out, chart, searchlight, radiotelephone, and radar, [the Captain] made use of nothing except his own guesswork judgment... The fact that a northwest gale blowing at 45 knots with eight to ten foot seas made it difficult to see emphasizes the need for caution, rather than excusing a turn into the unknown. . . " <sup>19</sup>

The case then went to the second circuit of the Eastern District who, on May 23, 1974, ruled the same way: we don't think a 50/50 assignment of damages is the right answer, but we are bound by the Supreme Court's holding in the Schooner Catharine case from 1854. They repeated the words of Appeals Court Judge Hinks who ruled in a similar case 18 years earlier:

"[T]he rule of equal division of property damage is so well established in this country that it would create intolerable confusion were a court of intermediate jurisdiction such as ours to deviate from it. We shall therefore continue to apply the rule until there shall be authoritative sanction for departure therefrom." <sup>20</sup>

On March 19, 1975, the Supreme Court heard oral arguments as to who was responsible for the grounding of the *Mary A. Whalen* and by how much.

In a unanimous decision, written by Mr. Justice Stewart, and released May 19, 1975, the Court overturned their longstanding precedent of equal division of damages. This meant more than just Reliable Transfer was on the hook for more than half, all ships subject to American Admiralty law would henceforth be judged by how much they were to blame.

The Court was "mindful of the criticism of the equal division of damages rule" wrote Stewart and quoted Judge Learned Hand's condemnation of it in his *National Bulk Carriers v. United States* dissenting opinion. He noted that the appellate court felt constrained to adhere to the established rule and "to leave doctrinal development to the Supreme Court or to await appropriate action by Congress." The Court chose to act: "It is no longer apparent, if it ever was, that this Solomonic division of damages serves to achieve even rough justice," declared Stewart. "Potential problems of proof in some cases hardly require adherence to an archaic and unfair rule in all cases. Every other major maritime nation has evidently been able to apply a rule of comparative negligence without serious problems."

Stewart also condemned the harshness of The Pennsylvania 1873 decision which magnified "the potential unfairness" of the equal division rule. Thus, the Court ruled that: "when two or more

<sup>18</sup> "*United States V. Reliable Transfer Co.*" Supreme Court transcript. Accessed July 4, 2023.

[https://www.supremecourt.gov/pdfs/transcripts/1974/74-363\\_03-19-1975.pdf](https://www.supremecourt.gov/pdfs/transcripts/1974/74-363_03-19-1975.pdf)

<sup>19</sup> *United States v. Reliable Transfer Co., Inc.*, 421 U.S. 397 (1975)

<https://supreme.justia.com/cases/federal/us/421/397/#tab-opinion-1951325>

<sup>20</sup> *Reliable Transfer Co., Inc., and Cross-Appellant v. United States of America, and Cross-Appellee*, 497 F.2d 1036 (2d Cir. 1974). CourtListener. Accessed July 4, 2023. <https://www.courtlistener.com/opinion/319767/reliable-transfer-co-inc-and-cross-appellant-v-united-states-of>

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parties have contributed by their fault to cause property damage in a maritime collision or stranding, liability for such damage is to be allocated among the parties proportionately to the comparative degree of their fault”.<sup>21</sup>

Professor and Admiralty lawyer Lawrence Brennan notes that the lower court Judges (although probably not the owners of the *Whalen*) were aware that the Supreme Court was looking for a case to address the issue of fault in maritime cases. Thus, in *United States v. Reliable Transfer Co.*, a textbook case now taught to all maritime lawyers, the Supreme Court overturned its own 1854 precedent. Justice Stewart explained why the creation of a new rule of damages in maritime collision cases was a task for the court, saying that the “Judiciary has traditionally taken the lead in formulating flexible and fair remedies in the law maritime, and Congress has largely left to this Court the responsibility for fashioning the controlling rules of admiralty law.” From this point forward, liability would be based on the how much each party was to blame.<sup>22</sup>

The case was sent back to the lower courts for resolution. Reliable Transfer was awarded 25% of the \$108,541.66 in damages it claimed the *Mary A. Whalen* sustained: \$27,135.41<sup>23</sup>

The case of Reliable Transfer, that “little saga of the sea” - as the Court of Appeals called it - effectively scuttled the unfairness of *Catharine’s* “divided damages” that had prevailed for 121 years, writes Jim Austin in his article, *Historic Collisions and the Law*, in **Professional Mariner**, 2009<sup>24</sup>

According to Brennan, the Reliable Transfer case is one of the most cited Admiralty law opinions dealing with fault and allocation. This decision is significant not only to smaller firms like the owners of the *Whalen* who measured damages in the thousands of dollars but also applies to major, infamous disasters such as the Exxon Valdez oil spill and the oil rig Deepwater Horizon oil spill and explosion. In the latter case, the court, citing *U.S. v Reliable*, found BP's conduct was "reckless" and assigned it 67% of the fault, in 2014.

In his 1999 article, *Collision Law During the Last Quarter-Century of the Millennium*, Professor of Law, Nicholas J. Healy concludes: “the proportional fault rule in *United States v. Reliable Transfer Co.*, [is] perhaps the most significant decision in the area ever rendered by the United States Supreme Court.”<sup>25</sup>

<sup>21</sup> *United States v. Reliable Transfer Co., Inc.*, 421 U.S. 397 (1975)

<sup>22</sup> “Blame It on MARY, 1975 Supreme Court Ruling.” Red Hook WaterStories. PortSide NewYork, 2021.

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<sup>23</sup> “Reliable Transfer Co., Inc., and Cross-Appellant v. United States of America, and Cross-Appellee, 522 F.2d 1381. (2d Cir. 1975)” CourtListener. Accessed July 4, 2023. <https://www.courtlistener.com/opinion/330193/reliable-transfer-co-inc-and-cross-appellant-v-united-states-of>.

<sup>24</sup> Austin, Jim. "Historic Collisions And The Law. Part 3.

<sup>25</sup> Healy, Nicholas J. "Collision Law During the Last Quarter-Century of the Millennium." *Tulane Law Review* 73, no. 5&6 (1999). Accessed March 28, 2023. <https://www.tulanelawreview.org/pub/volume73/issues56/collision-law-during-the-last-quarter-century-of-the-millennium>.

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**Previous documentation on file (NPS):**

- preliminary determination of individual listing (36 CFR 67) has been requested
- previously listed in the National Register
- previously determined eligible by the National Register
- designated a National Historic Landmark
- recorded by Historic American Buildings Survey # \_\_\_\_\_
- recorded by Historic American Engineering Record # \_\_\_\_\_
- recorded by Historic American Landscape Survey # \_\_\_\_\_

**Primary location of additional data:**

- State Historic Preservation Office
- Other State agency



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Name of Property

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County and State

Federal agency

Local government

University

Other

Name of repository: \_\_\_\_\_

**Historic Resources Survey Number (if assigned):** \_\_\_\_\_

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## 10. Geographical Data

**Acreege of Property** \_\_\_\_\_

Use either the UTM system or latitude/longitude coordinates

### Latitude/Longitude Coordinates

Datum if other than WGS84: \_\_\_\_\_

(enter coordinates to 6 decimal places)

1. Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_

2. Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_

3. Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_

4. Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_

**Or**

### UTM References

Datum (indicated on USGS map):

NAD 1927 or  NAD 1983

1. Zone:

Easting:

Northing:

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- |          |           |           |
|----------|-----------|-----------|
| 2. Zone: | Easting:  | Northing: |
| 3. Zone: | Easting:  | Northing: |
| 4. Zone: | Easting : | Northing: |

**Verbal Boundary Description** (Describe the boundaries of the property.)

**Boundary Justification** (Explain why the boundaries were selected.)

---

**11. Form Prepared By**

name/title: \_\_\_\_\_  
organization: \_\_\_\_\_  
street & number: \_\_\_\_\_  
city or town: \_\_\_\_\_ state: \_\_\_\_\_ zip code: \_\_\_\_\_  
e-mail \_\_\_\_\_  
telephone: \_\_\_\_\_  
date: \_\_\_\_\_

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**Additional Documentation**

Submit the following items with the completed form:

- **Maps:** A **USGS map** or equivalent (7.5 or 15 minute series) indicating the property's location.

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- **Sketch map** for historic districts and properties having large acreage or numerous resources. Key all photographs to this map.
- **Additional items:** (Check with the SHPO, TPO, or FPO for any additional items.)

### Photographs

Submit clear and descriptive photographs. The size of each image must be 1600x1200 pixels (minimum), 3000x2000 preferred, at 300 ppi (pixels per inch) or larger. Key all photographs to the sketch map. Each photograph must be numbered and that number must correspond to the photograph number on the photo log. For simplicity, the name of the photographer, photo date, etc. may be listed once on the photograph log and doesn't need to be labeled on every photograph.

### Photo Log

Name of Property:

City or Vicinity:

County:

State:

Photographer:

Date Photographed:

Description of Photograph(s) and number, include description of view indicating direction of camera:

1 of \_\_\_\_.

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**Paperwork Reduction Act Statement:** This information is being collected for nominations to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C.460 et seq.). We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

**Estimated Burden Statement:** Public reporting burden for each response using this form is estimated to be between the Tier 1 and Tier 4 levels with the estimate of the time for each tier as follows:

- Tier 1 – 60-100 hours
- Tier 2 – 120 hours
- Tier 3 – 230 hours
- Tier 4 – 280 hours

The above estimates include time for reviewing instructions, gathering and maintaining data, and preparing and transmitting nominations. Send comments regarding these estimates or any other aspect of the requirement(s) to the Service Information Collection Clearance Officer, National Park Service, 1201 Oakridge Drive Fort Collins, CO 80525.