

**TO REGULATE THE OFFICERING
AND MANNING OF VESSELS.
HEARING, SIXTY-FOURTH
CONGRESS, FIRST SESSION ON H.
R. 8036. APRIL, 6, 1916**

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TO REGULATE THE OFFICERING AND
MANNING OF VESSELS

HEARINGS

BEFORE

THE COMMITTEE ON THE
MERCHANT MARINE AND FISHERIES $\frac{325}{606}$

H. O. Comp. HOUSE OF REPRESENTATIVES

SIXTY-FOURTH CONGRESS

FIRST SESSION

ON

H. R. 8036

APRIL 6, 1916



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OFFICERING AND MANNING OF VESSELS.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Thursday, April 6, 1916.

The committee met at 10.30 o'clock a. m., Hon. Joshua W. Alexander (chairman) presiding.

The CHAIRMAN. We have under consideration this morning H. R. 8036, a bill to regulate the officering and manning of vessels subject to the inspection laws of the United States, which reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-four hundred and sixty-three of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"**SEC. 4463.** That any vessel of the United States subject to the provisions of this title or to the inspection laws of the United States shall not be navigated unless she shall have in her service and on board such complement of licensed officers and crew, including certificated lifeboat men, separately stated, as may, in the judgment of the local inspectors who inspect the vessel, be necessary for her safe navigation. The local inspectors shall make in the certificate of inspection of the vessel an entry of such complement of officers and crew, including certificated lifeboat men, separately stated, which may be changed from time to time by indorsement on such certificate by local inspectors by reason of change of conditions or employment. Such entry or indorsement shall be subject to a right of appeal, under regulations to be made by the Secretary of Commerce, to the supervising inspector and from him to the supervising inspector general, who shall have the power to revise, set aside, or affirm the said determination of the local inspectors.

"If any such vessel is deprived of the services of any number of the crew, including certificated lifeboat men, separately stated, without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the vessel may proceed on her voyage if, in the judgment of the master, she is sufficiently manned for such voyage: *Provided,* That the master shall ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same grade or of a higher rating with those whose places they fill. If the master shall fail to explain in writing the cause of such deficiency in the crew, including certificated lifeboat men, separately stated, to the local inspectors within twelve hours of the time of the arrival of the vessel at her destination, he shall be liable to a penalty of \$50. If the vessel shall not be manned as provided in this act, the owner shall be liable to a penalty of \$100, or, in case of an insufficient number of licensed officers, to a penalty of \$500."

SEC. 2. That the board of local inspectors shall make an entry in the certificate of inspection of every ocean and coastwise seagoing merchant vessel of the United States propelled by machinery, and every merchant vessel navigating the Great Lakes propelled by machinery, and every vessel carrying passengers, the minimum number of licensed deck and engineer officers required for her safe navigation according to the following scale:

That no such vessel propelled by machinery shall be navigated unless she shall have on board and in her service one duly licensed master and one duly licensed chief engineer, and every vessel carrying passengers not being propelled by machinery shall have on board and in her service one duly licensed master.

That every such ocean and coastwise seagoing merchant vessel of one thousand gross tons and over, propelled by machinery, shall have in her service and on board three licensed mates, who shall stand in three watches while such vessel is being navigated, unless such vessel is engaged in a run for less than four hundred miles

from the port of departure to the port of final destination, then such vessel shall have two licensed mates; and every vessel of two hundred gross tons and less than one thousand gross tons, propelled by machinery, shall have two licensed mates.

That every such ocean and coastwise seagoing merchant vessel of one thousand gross tons and over, propelled by machinery, shall have in her service and on board not less than three licensed assistant engineers, who shall stand in three watches while such vessel is being navigated.

That every such vessel of two hundred gross tons and less than one thousand gross tons, propelled by machinery, shall have in her service and on board not less than two licensed assistant engineers, who with the chief engineer shall stand in three watches.

That every such vessel of one hundred gross tons and under two hundred gross tons, propelled by machinery, shall have on board and in her service one licensed mate and one licensed assistant engineer, but if such vessel is engaged in a trade in which the time required to make the passage from the port of departure to the port of destination exceeds twenty-four hours, then such vessel shall have two licensed mates and two licensed assistant engineers.

That nothing in this section shall be so construed as to prevent local inspectors from increasing the number of licensed officers on any vessel subject to the inspection laws of the United States if, in their judgment, such vessel is not sufficiently manned for her safe navigation: *Provided*, That this section shall not apply to fishing or whaling vessels, yachts, or motor boats as defined in the Act of June ninth, nineteen hundred and ten.

Sec. 3. That it shall be unlawful for the master, chief engineer, owner, agent, or other person having authority, to permit an officer of any vessel to take charge of the deck or engine-room watch of the vessel upon leaving or immediately after leaving port, unless such officer shall have had at least six hours off duty within the twelve hours immediately preceding the time of sailing, and no licensed officer on any ocean or coastwise vessel shall be required to do duty to exceed nine hours of any twenty-four while in port, including the date of arrival, or more than twelve hours of any twenty-four at sea, except in case of emergency when life or property is endangered. Any violation of this section shall subject the person or persons guilty thereof to a penalty of \$100.

Sec. 4. That the board of local inspectors shall make an entry in the certificate of inspection of every merchant vessel of the United States propelled by machinery and navigated exclusively on inland waters of the United States, and every such vessel carrying passengers, the number of licensed officers required for her safe navigation according to the following minimum scale:

That every such vessel shall have in her service a sufficient number of licensed officers so that no one of them shall be required to be on watch more than fifty-six hours in any one week, nor more than thirteen hours in any one day of twenty-four hours, from midnight to midnight.

That the owner of every such vessel shall supply the commanding officer and chief engineer with a log book or log books, in form approved by the Supervising Inspector General, in which it shall be the duty of the master and chief engineer to keep a record of all matters pertaining to the operation of such vessel. Any violation of this section shall subject the vessel, master, or chief engineer, in respect to which such violation occurs to a penalty of \$100 for each offense.

Sec. 5. That all laws or parts of laws in conflict with this act are hereby repealed.

STATEMENT OF MR. BRUCE GIBSON, PRESIDENT NATIONAL MARINE ENGINEERS' BENEFICIAL ASSOCIATION, 50 BROAD STREET, NEW YORK CITY.

Mr. GIBSON. Mr. Chairman and gentlemen of the committee, I would like to state that there are a few typographical errors in the printed bill, and we have an amendment we would like to submit to the committee also, and with your permission I will read those first.

On page 1, line 6, strike out the word "that." I am reading from the law as it is. Part of this bill does not change the law at all.

On page 1, line 10, after the word "crews," strike out the comma.

On page 2, line 4, after the word "crews," strike out the comma.

The CHAIRMAN. Never mind those punctuation marks. We will get them.

Mr. GIBSON. There is another on page 2, line 10; the words "super-vising inspector general" should have been capital letters, the way it is printed in the law.

On page 2, line 14, after the word "crew," strike out the comma; and on page 2, line 20, strike out the word "who" and insert in lieu thereof the word "whose."

The CHAIRMAN. We understand that. We will attend to the punctuation.

Mr. GIBSON. On page 3, line 9, after the word "machinery," strike out "and every merchant vessel navigating the Great Lakes propelled by machinery."

The CHAIRMAN. You say strike out those words?

Mr. GIBSON. Strike out the words "and every merchant vessel navigating the Great Lakes propelled by machinery."

On page 3, line 25, strike out the word "for" and insert in lieu thereof the word "of".

On page 5, line 23, after the words "United States," strike out the words "and every such vessel carrying passengers." That phrase is superfluous; it is repeating what comes before it.

We have this to submit also, gentlemen: On page 4, after line 22, insert the following:

That every merchant vessel navigating the Great Lakes, propelled by machinery, shall have on board and in her service one duly licensed chief engineer; that every such merchant vessel of two thousand five hundred gross tons and over, propelled by machinery, shall have in her service and on board not less than three licensed assistant engineers; and every vessel of one thousand gross tons and less than two thousand five hundred gross tons, propelled by machinery, shall have two licensed assistant engineers, who, with the chief engineer, shall stand in three watches; that every such vessel carrying passengers of one thousand five hundred gross tons or over, propelled by machinery, shall have in her service and on board not less than three licensed assistant engineers; and every such vessel of seven hundred and fifty gross tons and less than one thousand five hundred gross tons, propelled by machinery, shall have two licensed assistant engineers, who, with the chief engineer, shall stand in three watches.

Now, I will submit this amendment to the committee. That would be the bill, as we suggest it.

Mr. Chairman and gentlemen of the committee, I will briefly state the purposes of the bill and why it was introduced at my request.

The licensed engineer officers are the only employees on steam vessels, with the exception of the stewards' department, who have not the protection of the law, as to a minimum number to be carried, it being left entirely to the discretion of the Steamboat-Inspection Service, and in a number of instances vessels engaged in a like trade, no two inspectors agree as to the complement of men to be carried.

The law specifically states a minimum number of deck officers that shall be carried, that the sailors shall, while at sea, be divided into at least two, and the firemen, oilers, and water tenders into at least three watches.

The engineer, who to-day is the sinews of the ship, the man upon whom rests the responsibility of getting his charge from port to port, who at all times must be prepared for an emergency that may arise, and in the event of a breakdown the one who is looked to to get the vessel into a port of safety, which may mean saving the lives of those on board.

On the modern steel steamship of this period, it is the engineer who is called on to make all repairs, whether it be in the engine room,

boiler room, on deck, or elsewhere, and with all of this responsibility the Government has been willing that he work excessive hours, in a hot, foul-smelling place, and when emergencies might arise that would necessitate his laboring to save the vessel or those on board his condition would perhaps unfit him for giving his best.

I feel safe in saying that at least 80 per cent of the steam vessels—I make this as a conservative estimate—now carry the number, or a larger number, of engineer officers that this bill calls for. It will overcome a contention that has long been made that the Steamboat-Inspection Service caters to the steamship companies, and, on the other hand, in some instances, the claim of the steamship companies that the service favors the men. All vessels sailing under like conditions will be required to carry the same complement of engineers; an equality for all, shipowner as well as licensed officer.

I would like to briefly quote from the record of the hearings before the Committee on the Merchant Marine and Fisheries on the seamen's bill February 24 through March, 1914, to substantiate the arguments I have made that the law should provide the minimum number of licensed engineer officers that should be on a vessel.

On page 45 of the hearings Mr. Hardy, a member of this committee, asked the question:

And those are extra men required by the Navigation Bureau without any specific requirement of law as it is now?

The CHAIRMAN. No.

Capt. DOLLAR. Well, I do not know how that is. We are forced to put them on. The inspection service compels us to put them on.

Mr. HARDY. By regulations of their own, is it not? We have very meager statutory laws, if any at all, that determine how many men you must put on a ship.

Capt. DOLLAR. I never saw any such law.

The CHAIRMAN. No.

Capt. DOLLAR. In fact, it would not be a bad idea if we did have a law that would stipulate the number of men that had to be put on a cargo boat, provided that that number should correspond with that of our competitors in the foreign trade.

Now, gentlemen, that is an argument that has been put forth many times. They are comparing our merchant marine with the foreign, and at the same time they have all taken advantage of the American flag, and Capt. Dollar is one of them. When the emergency order was issued in September of 1914, Capt. Dollar placed some vessels under the American flag, in order that those vessels might have the protection of the American flag, and later on he came out and made this statement that as soon as the war is over he is going to transfer those vessels back to the British flag. I do not think this is justice to the merchant marine of this Government, to allow any man to use the flag simply for his own protection, and not for the protection and good of the Government.

On page 481 of the same hearings I would like to quote Gen. Uhler, Supervising Inspector General of the Steamboat-Inspection Service, who testified:

The CHAIRMAN. Prior to that time they had been exercising that power, but the courts held they had not power vested in the board of supervising inspectors, as they were not at these different boats, and it was improper for them to exercise a power, as I recall the debate at the time. Now, is it not possible for us, for Congress, to prescribe the minimum crew that each vessel shall have without leaving the power still lodged in the local inspectors?

Mr. UHLER. I should say so, Mr. Chairman, because you have the same thing in the same section now.

The CHAIRMAN. Don't you think it is desirable to do so?

Mr. UHLER. I should say yes.

The CHAIRMAN. From the testimony here it shows, and it has not been questioned, that this large passenger steamer, the *Christopher Columbus*, has a certificate of a certain number of men as her crew that is less than the responsible owners of the vessel use. They use four or five or six times as many than is required by the certificate, so that the certificate in fact is worthless. If that is true, it does not mean anything, as far as providing the equipment of that ship is concerned. Now, so far as the pressure brought on the inspector is concerned, I suppose on the one side the shipowners bring their pressure to bear and on the other side the associations of engineers, officers, mates, and pilots, and the seamen's union bring such pressure to bear. They have been before our committees at different times, and both these influences are brought to bear upon the local inspectors. With what effect, of course, I would not undertake to say; but I will say this, that it is always best not to vest such a large power and such important power in any one man if Congress can define the law and prescribe what shall be a sufficient crew for a vessel of a certain type. Now, do you think it is practicable for us to do that?

Mr. UHLER. Congress has also done that, Mr. Chairman, in section 4463, where they prescribe a minimum number of mates to be carried on the ocean vessels.

That was the reply of the Supervising Inspector General of the Steamboat-Inspection Service.

That is the purpose of the bill, and I would like to waive my rights at the present time and make my other remarks later on and allow some of the other gentlemen to take the floor now, in order that I may have the privilege of closing the hearing before the committee.

STATEMENT OF MR. A. G. STILES, 35 BEAVER STREET, NEW YORK CITY, COUNSEL FOR THE MASTERS, MATES, AND PILOTS' ASSOCIATION.

Mr. STILES. Mr. Chairman and gentlemen, I wish to address myself entirely to the provision in this act, in paragraph 4, I believe it is, which provides for a 56-hour week, 56 hours of labor per week, for the licensed officers of steam vessels.

In speaking for this provision, it is merely necessary to state the hours and conditions under which these men work. Take for instance, in the city of New York, where I am most familiar, most of the vessels operated by the railway companies—tugs, steam lighters, and other vessels of that class—are operated with a double crew, 12 hours per day each. There is one crew working from, say, 6 o'clock in the morning until 6 o'clock in the evening, and another working from 6 o'clock in the evening until 6 o'clock in the morning. Sometimes they change the hours—from 4 to 4, or 5 to 5,

This necessitates that these men get up at 4 o'clock in the morning, or a quarter after 4, in order to get their breakfast and travel to the locality where the crews are shifted. They work there 12 hours, and then they spend perhaps an hour getting home, and by the time they wash up and go to bed, it is practically all they have time for. Taking, perhaps, 12 hours work and, say, 3 hours returning to and from their work and getting their breakfast and supper, they put in 15 or more hours per day, and the rest of the time is practically all taken up in sleep. This condition exists in some cases for 7 days in the week; 365 days per year.

In order to qualify for the positions these men hold they must begin at an early age and serve as deck hands. They work, perhaps, as deck hands—I am speaking now of the deck department—for three years before they can qualify for a license. Then, perhaps, they get a pilot's license or a mate's license, and they have to serve