

**COMMITTEE ON MERCHANT
MARINE AND FISHERIES.
HEARINGS ON H. R. 225, 10458,
13463. COMPLEMENT OF CREWS
OF VESSELS**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649442638

Committee on Merchant Marine and Fisheries. Hearings on H. R. 225, 10458, 13463.
Complement of Crews of Vessels by Various

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

VARIOUS

**COMMITTEE ON MERCHANT
MARINE AND FISHERIES.
HEARINGS ON H. R. 225, 10458,
13463. COMPLEMENT OF CREWS
OF VESSELS**

2
COMMITTEE ON MERCHANT MARINE AND FISHERIES
U.S. HOUSE OF REPRESENTATIVES

11/12/21
U.S.
1908

HEARINGS

5
117

ON

H. R. 225, 10458, 13463

COMPLEMENT OF
CREWS OF VESSELS



WASHINGTON
GOVERNMENT PRINTING OFFICE
1908

8-35206

VK221
.U5
1908

31

8-2497555

COMPLEMENT OF CREWS OF VESSELS.

COMMITTEE ON MERCHANT MARINE AND FISHERIES,
HOUSE OF REPRESENTATIVES,
Thursday, January 23, 1908.

The committee met at 11 o'clock a. m. for a hearing on H. R. 225, 10453, and 13463, Hon. William S. Greene (chairman) presiding.

STATEMENT OF LUTHER B. DOW.

The CHAIRMAN, Mr. Dow, state your occupation and whom you represent.

Mr. Dow. I am general counsel of the American Association of Masters, Mates, and Pilots. I appear at this time representing the grand body.

I wish to say in the first place that as general counsel of this association for many years, and particularly this last year, we have had a great many complaints against masters and owners for running their vessels contrary to the certificate of inspection, because the rules and regulations distinctly say that the supervising board of inspectors or the local board of inspectors must designate on the certificate of inspection the number and class of licensed officers and crew that a vessel may carry, also the number of hours she may run with a single crew. We are more than satisfied with that, but we have had three different distinct cases, one of the tugboat *Erie*, one of the steamboat *Little Silver*, and one of the *George H. Allen, Jr.* In the *Little Silver* case complaint was made because she did not have a licensed mate with a proper certificate. In the case of the tugboat *Erie* the complaint was made because she ran eighteen hours out of twenty-four, when her certificate said not over thirteen, with a single crew. In the case of the *Allen*, she proceeded down Long Island Sound, where her certificate reads that she must have two pilots licensed to cover the entire route; but she goes down there with one whose license only covered half the route; her papers are taken away from her in Bridgeport, and she leaves Bridgeport with one pilot whose license only goes half the route. They bring these cases up; they are sent to the collectors of the port, and we are informed we can not do anything because the local inspectors had no authority to fill out the certificate of inspection.

The association that I represent wants this: That a statute be passed so that the local inspectors may have the same power that is now given to the board of supervising inspectors; that is, that the local inspectors must place therein and thereon the certificate of inspection, the number and class of licensed officers and crew that these vessels must have, and the number of hours that a single crew may work. It seems very hard, and we have had the experience of a number of disasters, of which it is no use for me to speak about or

to take up your time in speaking about, that we are fully assured were caused by an insufficient crew. That is all we want, that these vessels must have a sufficient crew. Somebody must be designated with authority to place that on the certificate. A vessel to-day can navigate with a man, one licensed man, where the certificate says two, and his license does not have to cover the entire route. So far as the inspection certificates are concerned they leave this point to the collector of the port, and it goes up to the law department and there we are blocked. That is all I wish to speak about. Now the association that I represent wishes to have provided on these vessels that navigate these dangerous waters a proper crew to navigate them. To-day nobody has got any authority outside of the board of supervising inspectors to do so. For many years the local inspectors thought they had that power, and they do to-day fill the certificates, but the Attorney-General has rendered a decision, and it is backed up from the solicitor of the department, that the board of supervising inspectors have no right to place in the regulation authority to have any local inspector to fill out that certificate.

I hope, gentlemen, you will do something to lodge the authority on somebody, and the local inspectors are the only proper persons to do that, and if you do not do that to help us out you will leave us in the same position, that a steam vessel can navigate in anyway she has a mind to. I do not think it is necessary for me to say any more and I thank you for the time.

Mr. EDWARD C. PLUMBER. Is this bill limited to steam vessels?

Mr. DOW. Yes, sir.

The CHAIRMAN. Who is next to be heard?

STATEMENT OF JOHN C. SILVER, OF BOSTON.

The CHAIRMAN. Whom do you represent?

Mr. SILVER. I am president of the National Association of Masters and Pilots. I wish to make a statement here for this association, that we have looked over and considered the three bills that are before you, and we have agreed upon a bill, which is a new bill; we have agreed upon this after considering three or four different bills, and this one that we present covers the entire subject so far as that is concerned. This is the new bill that we propose to introduce. It would seem to me that we have selected from the three bills all the materials we think it is necessary to introduce in the new one.

H. R. 225. A bill amending section 4463 of the Revised Statutes of the United States, as amended; it was introduced in the House of Representatives by Mr. Goulden, and reads:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4463 of the Revised Statutes of the United States now in force be amended so as to read:

"Sec. 4463. No vessel subject to the provisions of this title Revised Statutes, 4399-4500, or to the inspection laws of the United States shall be operated or navigated unless she shall have in her service and on board a full complement of licensed officers and a full and well disciplined crew sufficient at all times to manage the vessel, including the proper number of watchmen: *Provided,* That, except in the case of steamers navigating rivers exclusively, at least seventy-five per centum of the deck crew, exclusive of licensed officers, shall be individually effective hands; that is, of a rating not less than able seamen; and no one shall be employed as an able seaman unless he shall be nineteen or more years of age and shall have served at least three years on deck at sea or on the Great Lakes: *And provided,* That such able seamen shall have sufficient

knowledge of the English language to understand any order given in English. But if any such vessel, on her voyage, is deprived of the services of any licensed officer, or of any of the crew, without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the deficiency may be temporarily supplied until others can be obtained; and the local inspectors shall fix and determine the number of licensed officers and crew to be carried by any vessel subject to this title by inserting the number of such officers and crew, so required, in the vessel's certificate of inspection at the time of issuing said certificate. But should the master or owner desiring to operate the vessel not more than twelve hours out of twenty-four in any one day, the local inspectors shall indorse on the certificate of inspection the number and class or kind of licensed officers and crew that are necessary for such reduced period of navigation: *Provided, however,* That the master, officers, owner, or agent of the said vessel may appeal from such determination by the local inspectors to the supervising inspector, and from him to the supervising inspector-general, and from him to the Secretary of Commerce and Labor, who shall have the power to revise, set aside, or affirm the said determination of the local inspectors."

We have learned, after several years of experience, that the Attorney-General has handed down a decision which distinctly says that no one has the right to issue or fill out the certificate of inspection except the supervising board of inspectors. Most of you gentlemen know that that board is in session only once annually. It would be impossible for them to fill out the certificates called for if that were the law and that was the requirement. The local boards have, ever since the organization of the service, filled out these certificates, which mentioned specially the complements of officers and crew necessary to equip and man a steam vessel, and different sizes of steam vessels, and the certificates of inspection distinctly state what the complement of the crew shall be. There is no standard adopted by the board, either through the supervising board or the local board, that adapts itself to all the different districts. It is a fact that district No. 2 construes the law much differently than district No. 1 or district No. 3, and therefore certificates of inspection might be filled out next year, after the expiration of this year, that would show an entire difference in the construction of the law or the rules.

The filling out of the certificates of inspection and the different requirements have become so vicious that the instructions to the local boards in one instance, which came directly under my observation, the local board said that "If this is a fact, that no one is permitted to fill out these certificates but the supervising inspectors at their annual session in Washington, which of course is impossible, and it has been so decided by the Attorney-General, what relief have we, and what can we do but to follow the usual custom? We have acted illegally ever since the inspection service was organized. That being the case, what can we do?" But they were instructed by their supervisor that they could only keep up the bluff until we obtained relief from Congress. This seems to me a most serious matter, that passengers and valuable freights and valuable ships are handled and managed by masters and pilots, who are alone responsible—they are penalized, often so far as to be tried for manslaughter in case of the loss of life. But, beginning with the first part of their official duty, there is nothing legally correct in that certificate of inspection which makes them a part of the complement of the crew of a vessel, to see that the ship and her people, under all conditions—to see that their passengers and cargo are delivered at a destined port.

Now we ask relief in this bill. We ask that the position of an officer may be standardized. We ask that the certificates may have some standard by which relief may be given and that it may be clearly

defined, and so that the licensed officer may be substantially relieved from being penalized for conditions over which he has no control, and we see no other way to safely deliver and manage steamboats under the law.

That is all I have to say, Mr. Chairman, upon the subject, but the bill we would like to have introduced in our own particular interest and in the interest of the traveling public, and in the interest of the boards who make the rules and govern us as licensed officers.

The CHAIRMAN. How long have you suffered under this difficulty?

Mr. SILVER. Ever since I have been a licensed officer—twenty-one years. It has always been that way. It is generally so considered by the man who under the law was said to be responsible for the rules. Most of the supervising inspectors thought that all that could be done was to wait for relief from Congress. Now the supervising inspector-general is here with us. I have known the gentleman for many years, in fact I was a deck hand when he was a licensed officer in the engine room, and shipmate with him also. This is of great importance to the licensed officer, particularly the deck officer in the delivery of a vessel to the destined port, and we ask that the rules shall be so established that they will standardize our position under the rules supervised by him.

Mr. HUMPHREYS. What are the requirements of the law at present in regard to the number of officers or men that you shall have?

Mr. SILVER. They vary with the district. There is no standard by which the districts are governed.

Mr. COX. Do you think the length of time specified in the bill is proof conclusive that a person is an efficient seaman, when your bill speaks of three years of service and 19 years of age—would you take that to be conclusive that he is competent?

Mr. SILVER. No, sir; not without examination. The seamen are examined as a rule.

Mr. COX. Who examines them?

Mr. SILVER. The master of the ship.

Mr. COX. Is that an oral examination?

Mr. SILVER. Not necessarily. We do not think a seaman is required in the wheelhouse.

Mr. GOULDEN. Section 4463 of the bill says:

No vessel subject to the provisions of this title R. S. 4399-4500, or to the inspection laws of the United States, shall be operated or navigated unless she shall have in her service and on board a full complement of licensed officers and a full and well-disciplined crew sufficient at all times to manage the vessel.

Who could decide that matter?

Mr. SILVER. The local boards. The bill makes provision for that.

Mr. GOULDEN. The local inspectors shall fix that.

Mr. SILVER. They always have done that, and we only ask that they may be legalized in their position in so doing.

Mr. GOULDEN. The proviso that "at least 75 per cent of the deck crew, exclusive of licensed officers, shall be individually effective hands;" who is going to determine that?

Mr. SILVER. We expect the master of the vessel will determine that.

Mr. GOULDEN. By an oral examination?

Mr. COX. Yes; that is no departure from the already established custom. The master usually asks the questions necessary to develop the efficiency in the men he employs.

Mr. GOULDEN. You have no complaint, then, against the present law on that subject, if the master does it now?

Mr. SILVER. Not in that particular instance.

Mr. GOULDEN. Should it not be inserted in the bill who shall do this and who shall be responsible to the local inspectors, or that the local inspectors shall participate in it?

Mr. SILVER. That I have not given much consideration, because I thought it would be a departure from regular custom. You have the United States shipping commissioner in every port, and usually he is charged with those affairs.

Mr. JOHN M. SWEENEY. Does this bill, so far as the 75 per cent requirement extends, cover passenger and freight both?

Mr. SILVER. It covers both entirely.

Mr. ALEXANDER. There is a provision here for an appeal from the action of the local boards, and under the terms of the bill, what will be the status of the case pending the appeal?

Mr. SILVER. The bill makes that provision. The appeal would be from the local board to the supervising inspectors' board, and from the supervising inspectors' board to the supervising inspector-general, and from him to the Secretary of the Department of Commerce and Labor.

Mr. ALEXANDER. In the meantime would this order go into effect or be suspended?

Mr. SILVER. We have not made direct provision for that.

Mr. ALEXANDER. Then his action might be hung up indefinitely.

Mr. SILVER. The law governs that. The same conditions exist now that have existed for many years, but the law, I believe, covers the length of time under which the appeal would be pending, or a request be made for an appeal.

Mr. ALEXANDER. In some section of statute?

Mr. SILVER. Yes, sir.

Mr. ALEXANDER. And in the meantime the order would go into effect?

Mr. SILVER. I should think so.

Mr. DOW. If a licensed officer is suspended he has thirty days in which to take an appeal to the supervising inspectors, and if the suspension is for over six months he can appeal to the supervising inspector-general, but the appeal in no case acts as a stay. He stands suspended until he gets the next decision. That is provided for in the law.

STATEMENT OF ANDREW FURUSETH.

The CHAIRMAN. Whom do you represent?

Mr. FURUSETH. I represent the International Seamen's Union of America, as chairman of its legislative committee, and in this particular instance I also speak for the American Federation of Labor, who have indorsed this amended bill that has been submitted to you this morning.

Mr. LITTLEFIELD. Your organization is federated with the American Federation of Labor?

Mr. FURUSETH. All of it, as far as the seamen are concerned. The matter of this amended bill as submitted to you this morning deals with three particular questions: The granting of power to the