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64th CONGRESS/1st SESSION

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**Congressional Hearings
64th Congress
1st Session**

**Merchant Marine and Fisheries
House of Representatives**

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STEAMBOAT-INSPECTION SERVICE

HEARINGS

BEFORE THE

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

HOUSE OF REPRESENTATIVES

SIXTY-FOURTH CONGRESS

FIRST SESSION

ON

H. R. 449

STATEMENT OF

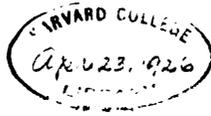
SUPERVISING INSP. GEN. GEORGE UHLER

JANUARY 13, 1916



WASHINGTON
GOVERNMENT PRINTING OFFICE

1916



United States Commerce Commission

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES.

HOUSE OF REPRESENTATIVES.

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STEAMBOAT-INSPECTION SERVICE.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Thursday, January 13, 1916.

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

The CHAIRMAN. Suppose we take up bill H. R. 449, which provides for the appointment of 11 supervising inspectors in the Steamboat-Inspection Service in lieu of 10. As General Uhler's time is always precious, we will be glad to hear from him first as to the necessity for this legislation.

Mr. HARDY. What is the difference between H. R. 449 and H. R. 4786?

The CHAIRMAN. One is for the employment of certain assistant inspectors.

A BILL To provide for the appointment of eleven supervising inspectors, Steamboat-Inspection Service, in lieu of ten.

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 four, Revised Statutes of the United States, be, and the same is hereby, amended so as to read as follows:

"Sec. 4404. There shall be eleven supervising inspectors, who shall be appointed by the President, by and with the advice and consent of the Senate. Each of them shall be selected for his knowledge, skill, and practical experience in the uses of steam for navigation, and shall be a competent judge of the character and qualities of steam vessels and of all parts of the machinery employed in steaming. Each supervising inspector shall be entitled to a salary of \$3,000 a year, and his actual and reasonable traveling expenses incurred in the performance of his duties, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of Commerce."

Sec. 2. That section forty-four hundred and five, Revised Statutes of the United States, be, and the same is hereby, amended by striking out the following words:

"The supervising inspector of the district embracing the Pacific coast shall not be under obligation to attend the meetings of the board oftener than once in two years; but when he does not attend such meeting he shall make his communications thereto, in the way of a report, in such manner as the board shall prescribe."

Mr. BURKE. And there is another that designates the collection districts.

The CHAIRMAN. We will take that up immediately following the other. General Uhler, will you proceed?

Mr. UHLER. Yes, sir.

The CHAIRMAN. Of course, I assume every member of the committee is acquainted with General Uhler, who is in charge of the Steamboat-Inspection Service.

STATEMENT OF MR. GEORGE UHLER, SUPERVISING INSPECTOR GENERAL, STEAMBOAT-INSPECTION SERVICE, UNITED STATES DEPARTMENT OF COMMERCE.

Mr. UHLER. The law, as originally enacted, provided for eight steamboat inspectors. I am speaking now of the law of 1852, which was the first real, clean, acknowledged steamboat-inspection law. It was afterwards changed to 9, subsequently to 10, and in 1871 the law provided for the first time for a Supervising Inspector General.

In the early stages of the organization, the supervising inspector from St. Louis did the work on the Pacific coast, which entailed a great deal of traveling, a good deal of discomfort, and a great deal of expense; so that in later years there was a designation of nine supervising inspectors, making a supervising inspector for the Pacific coast. At that time there were two of our offices on the Pacific coast, at San Francisco and Portland, and later there was one at Seattle.

The first district includes all the rivers on the coast under the jurisdiction of the Government, west of the Rocky Mountains, extending from the Mexican border to the Arctic Ocean.

The CHAIRMAN. What district is that?

Mr. UHLER. That is the first. And that is the district which we now propose to split, and make into two. We have taken in, as a matter of course, the territory of Alaska, and have established in Alaska two inspection offices, one at Juneau and one at St. Michael; the Juneau office attending to the work of the southeastern district and the St. Michael office attending to all of the work in the Bering Sea, Norton Sound, and the Yukon River, with its tributaries, over to the Yukon Benks, and over to the Saskatchewan.

We have offices now at Los Angeles, San Francisco, Portland, Seattle, and at Juneau and St. Michael in Alaska; and we also established, a few years ago, an office in Honolulu to take care of the business in the Hawaiian Islands.

It has been concluded, and very properly so, I think, that it is absolutely impossible for one man to supervise correctly and thoroughly the work that is in this district. Of course, the season in Alaska is short. The inspectors go into St. Michael in April, or in the early part of May, and come out from St. Michael again in the latter part of September or the early part of October, and their services are utilized to take the place of those who, at that time, take their annual vacations. For instance, if the Seattle board take their leave, we simply put the St. Michael board in to take their place. The same way with San Francisco or Portland or Los Angeles.

There has been a very considerable addition to the work of the Steamboat-Inspection Service, and it necessarily follows that the work of the supervising inspector has been increased in the same ratio that the work of the local assistant inspectors has been. We have various reports; reports coming from the local inspectors to Washington, which have to pass through the office of the supervising inspector, so he can know what is going on in his district. We have a daily report of the work of our service, so that we know, just as soon as the mail can get us the card, what every man in the service has been doing on a certain day. I just picked up, promiscuously, a card here from New York, which shows the work of every man in that office on a certain day; it shows where they were, on what

they were engaged, what vessels they inspected, or whether it was a dry dock, or whatever it was.

The Secretary himself has suggested the necessity of an extra supervising inspector on the Pacific coast. But while we have recognized and realized the necessity, we have been a little leary about asking for help and particularly for presidential appointments. The district is large, and it is too large for one man to properly cover. That is acknowledged, I guess, by anyone who knows anything at all about it.

The CHAIRMAN. Indicate, briefly, the extent of that district, just how much territory it covers.

Mr. UHLER. From the Mexican border to the Arctic Ocean, Judge, and everything west of the Rocky Mountains.

The CHAIRMAN. And including the Hawaiian Islands?

Mr. UHLER. Including the Hawaiian Islands, as I have stated.

Now, the proposition is, that the first district should remain as it is and to create the other district, taking in the waters of the present first district from Cape Mendocino north, or as near northerly as it is possible that a line can be drawn, leaving in that old district San Francisco, Los Angeles, and the Hawaiian Islands, and all of the contiguous territory of the Sacramento River and the San Joaquin River, and it is proposed to carry on the new district with its headquarters at Seattle; possibly, and to take in all of the waters of Alaska and of the Pacific coast north of that line, and also into the interior, and the Snake River, where these men now go. I think it was pretty well considered at the last session of Congress, and before this committee, and in fact the bill passed the House, but was lost, if I remember correctly, on the floor of the Senate. I think Senator Smoot interjected some objection—I do not just remember the history of the legislation now—but it was actually lost on the floor of the Senate. The conditions now are exactly the same except they are growing.

And there is one point that I would like to bring to the minds of the committee, and that is the fact that a supervising inspector does not sit in his office and receive reports all of the time. Under the law, appeals may be made from the decisions of any local board to the supervising inspector, and it necessitates, in some cases, new trials and extensive new investigations. He is supposed to see after the work of the inspectors of his district, and, in order to do that, he must go aboard the steamboats to see that they do their work properly, and so forth. The committee, I think, thoroughly appreciates the fact, because they reported out the bill and it passed the House and went to the Senate Committee and was passed out by the Senate Committee, and, as I say, was lost on the floor of the Senate through a technicality—but there was something said, I noticed, at the last hearing—I was not present, but Mr. Hoover, the deputy, was here—as to why we could not break up some of the other districts, of the western river districts, and send one of those men to the Pacific coast. We have done that in one instance; we made two districts out of the second district. That takes in the eastern coast, New York, Philadelphia, and in fact every part of the coast from Long Island Sound to Cape Charles. We took the supervising inspector from Dubuque, which was the old fifth district, and shifted him over to Boston and they split up the fifth district and put the Dubuque and Duluth offices

under the eighth district, on the Lakes. I do not think it is possible to shift in this way any part of the supervising inspectors from the western rivers. As they now extend, the lake districts are both large, the eighth and ninth. The eighth takes in everything from the head of the Lakes, from Duluth, down to and including Detroit, while the ninth district includes everything from Toledo over to Cleveland, Buffalo, Oswego, and down to Burlington, on Lake Champlain. The territory itself is large, and with the vast number of reinspections and the vastly increased work of the service in the last five or six years, it makes it practically impossible to draw from any of those districts and provide for a supervising inspector on the Pacific coast.

Mr. HARDY. Briefly, will you just simply outline the districts? You have 10 supervising inspectors?

Mr. UHLER. Yes, sir.

Mr. HARDY. The first is this whole Pacific coast?

Mr. UHLER. The whole Pacific coast is the first.

Mr. HARDY. And the Arctic Ocean. Now give us the divisions of the other nine.

Mr. UHLER. Of the other nine?

Mr. HARDY. Yes, just as briefly as you can, so we can get the territorial divisions clearly, beginning with the Atlantic coast, or beginning like you have it there, whatever it is.

Mr. UHLER. The old first district embraces all the waters and rivers of the United States west of the Rocky Mountains and includes the Hawaiian Islands. That takes in everything over which we have jurisdiction west of the Rocky Mountains.

Mr. BURKE. Are the Philippines in any of those districts?

Mr. UHLER. No, sir; the Philippines are not under our jurisdiction at all, Judge Burke. They are under the insular government, as a part of its own system and under its own divisions, and we have nothing to do with them at all. The Government itself exercises no jurisdiction; that is left entirely to the local insular government.

Mr. HARDY. You have no report from them here, to Washington?

Mr. UHLER. No, sir; we get none at all.

Mr. HARDY. There is a complete separation; there is no connection at all?

Mr. UHLER. None whatever, sir.

Mr. RODENBERG. How many inspectors have you in that first district now?

Mr. UHLER. Supervising inspectors?

Mr. RODENBERG. Yes.

Mr. UHLER. One, who supervises that whole district.

Mr. BURKE. How many local inspectors have you?

Mr. UHLER. We have two at Los Angeles; we have two local inspectors in San Francisco and six assistant inspectors; we have at Seattle two local inspectors and six assistants; at Portland we have two local inspectors and two assistants; at Juneau we have two local inspectors; at St. Michael we have two local inspectors; at Honolulu we have two.

Every office must be governed, as you must understand, sir, by a board of local inspectors, which is made up of the inspector of boilers and the inspector of hulls, who constitute a board of local inspectors. Now, all of those boards of local inspectors are under the direct supervision of the supervising inspector of the district, of which there are 10.

Mr. BYRNES. The business of this supervising inspector is simply to go around and see that these local boards are properly attending to their business; is that it?

Mr. UHLER. Yes; and to see that the reports and that the licenses are issued correctly.

Mr. BYRNES. He examines their offices?

Mr. UHLER. He examines their offices and examines their work, whether it be in their office or whether it be the work coming through them.

Mr. BYRNES. How often is he supposed to go to each one of these local offices?

Mr. UHLER. He should go at least every year. At one time they did go twice a year, and sometimes three or four times. There was no restriction on them, and they used to go as the necessity required.

Mr. BYRNES. Are the local boards required to make daily reports to him, or monthly reports?

Mr. UHLER. Daily reports.

Mr. BYRNES. That is the card which you have here?

Mr. UHLER. That is the card.

Mr. HARDY. They make those daily reports to the supervising inspector?

Mr. UHLER. To the service here through the supervising inspector, which he checks.

Mr. HARDY. They make them to him and he sends them here?

Mr. UHLER. He examines them and checks them and sends them along.

Mr. BURKE. Can you readily refer us to the section which prescribes the qualifications for a local inspector?

Mr. UHLER. Yes, sir. For the qualifications of a local inspector, generally, that is 4414, but the detailed qualifications of a local inspector are set forth by the civil-service rules.

Mr. BURKE. Are they set out in this pamphlet?

Mr. UHLER. They are; yes, sir. The civil service have a pamphlet, which is No. 4405, Judge Burke, which carries in it the requirements for local and assistant inspectors.

Mr. HARDY. General, will you go ahead now and give us those districts where you have your supervising inspectors?

Mr. UHLER. Yes, sir. The second district embraces all of the waters of Long Island Sound west of the Connecticut River and the tributaries thereto. That would be the Connecticut River and the different rivers along the northern shore of Long Island, that portion of Long Island lying west of Riverhead, and the waters of the Atlantic coast rivers and their tributaries from Long Island to Cape Charles, which takes in all of the Jersey coast and the Delaware River, the tributaries of the Delaware River, and the tributaries of the coast around Cape Charles.

The third district begins at Cape Charles and embraces the waters of the Atlantic coast rivers and tributaries between Cape Charles and Cape Sable. That takes in all of the waters of the coast, the Chesapeake Bay and its tributaries, all of the North Carolina waters, all of the inland waters of South Carolina, Georgia, and the eastern coast of Florida, around into Cape Sable. Then we have offices in Baltimore, Norfolk, Charleston, and Jacksonville, which are in the

third district. That district, from Norfolk to Miami and around to Cape Sable, I guess, will approximate four or five thousand miles.

The fourth is a river district with headquarters at St. Louis, and embraces the Mississippi—

Mr. HARDY. That third district takes in four or five thousand miles of coast line, but the air line anywhere across it is not four or five thousand miles?

Mr. UHLER. No; I am taking note of the lines of the tributaries. The coast line itself, Judge Hardy, would take, I should say, about 1,000 miles.

Mr. HARDY. But the local inspector or the supervising inspector would not have anything like that distance to go to get to any of his points?

Mr. UHLER. No; not at one time. I am speaking now of the line— for instance, if he was going to visit the Baltimore office, it is a matter of at least 200 miles; if he has to go to visit Charleston, it is a matter of 550 miles; from Charleston to Savannah is another 110 miles.

Mr. HARDY. Where is he located?

Mr. UHLER. He is located at Norfolk. Up to the appointment of the present incumbent, always, with one exception, they were located at Baltimore. In fact, the supervising inspector lived and had his home in Baltimore. And the supervising inspectors, under the old régime, were allowed to make their headquarters at any part of the district where there was a board of local inspectors. For instance, the supervising inspector of the third district could make his headquarters at Baltimore, Norfolk, Charleston, or Jacksonville, just as he elected, but, notwithstanding that privilege, the office was generally located where it was available for most of the business. Consequently, it has always been located either at Norfolk or Baltimore.

Mr. RODENBERG. You fix the headquarters here now, do you?

Mr. UHLER. Not necessarily; no. We fix the districts, but we do not fix the headquarters. For years and years the headquarters of the sixth district were at Cincinnati, but upon the appointment of the new supervising inspector, whose home was and always had been in Pittsburgh, he was allowed to go to Pittsburgh. And in the sixth district I may say that the supervising inspector at one time had his headquarters at Evansville and at another time at Memphis. Capt. Thompson's home used to be at Memphis. And at another time the headquarters were at Louisville, and now they have gone back to Memphis.

Mr. HARDY. In order to get what I had in mind in getting these different districts designated, my memory is that when this came up before there was some question as to whether or not the supervising inspectors in the river inspections, St. Louis and along there, who had very little work to do, and while it is unquestionably the case that the man on the Pacific coast has more work than one man can do, you could not utilize some of those men who had very little to attend to in the service on the Pacific coast.

What are those districts up and down the center of the country?

Mr. UHLER. That is the fourth. I was just coming to the fourth district. Now the fourth district has its headquarters at St. Louis, and as I said a while ago we did take one of the inspectors from the western district, the fifth, and put him over on the Atlantic coast.

That was the district at Dubuque. The fourth district has its headquarters at St. Louis, and the headquarters for the eighth are at Duluth. That increased the field of both of those districts and made a new district on the Atlantic coast, using the old supervising inspector of the fifth district and bringing him right over to Baltimore on the Atlantic coast. The fourth district embraces the Mississippi River, its tributaries from above Greenfield, Mo., to the head of navigation on the Missouri River, to the head of navigation on the Illinois River.

The CHAIRMAN. You said Greenfield, Mo.?

Mr. UHLER. Yes, sir; Greenfield, Mo. That is just in there above the Arkansas River. Now, that is a large district, and while the supervising inspector only has two ports, yet there is a vast amount of territory to be covered in the local inspections of the rivers, a vast amount of territory, and those inspectors leave their offices sometimes as long as 10 days or 2 weeks, when there must be somebody to attend to the general business and somebody with authority to do it, and under the law, during the absence of the local board or a disorganization of a local board, or where from sickness or any other cause, a board is not intact, the supervising inspector takes up that work, and himself constitutes the board of local inspectors. So that while that man only has two boards, he has an immense territory and the distances are very, very long. They go away up to the headwaters of the Missouri River.

Mr. HARDY. But, comparatively, he has mighty little navigation, does he not?

Mr. UHLER. They do not have as many steamboats as they had before. I have given that a great deal of consideration, Judge Hardy, and I have often considered whether or not we could not do away with another district, in addition to the old fifth district, on the western rivers; but it has been my conclusion, and I have gone into it very thoroughly, that we had better not.

Mr. GREENE. That was the conclusion of the committee last year, was it not—unanimously?

Mr. UHLER. Yes; and I think you expressed yourself, Judge, if I may refer to that hearing, as being quite well satisfied with the explanation.

Mr. BYRNES. What was the explanation, General; why did you reach such a conclusion?

Mr. UHLER. I think Judge Hardy, in his conclusion, said as far as he was concerned, he was quite well satisfied with the explanation of the districts.

Mr. HARDY. It was about the explanation you are giving now.

Mr. UHLER. Yes; just the same thing, sir; exactly. And I take it that the hearing to-day is more for the benefit of the new members, perhaps, than it is for the gentlemen who are the old members of the committee and who reported the bill out.

Mr. HARDY. Yes. I was just refreshing my own mind.

Mr. UHLER. The old tenth district originally took in those waters west of the Mississippi River, south of the Minnesota line, north of the Missouri line, and west and up into the waters of northwestern Missouri, until it reached the Divide, where the inspectors for the Pacific coast came over and met. That we abolished and made there the district which I now quote. The fifth district embraces the waters of the Atlantic coast, rivers, and tributaries, from the

eastern boundary of the United States to and including the Connecticut River, and that portion of Long Island east of and including Riverhead. So that we just drew a line right down across Long Island Sound, out and across Long Island, so that the New London inspectors over here, 5 miles east of the Connecticut River, could take care of all of the districts over in the east end of Long Island, while the west end of Long Island was left in the second district. They are both of them large districts, and there is a great deal of work in each of them.

The sixth district is the Ohio River and its tributaries up to and including Carrolton, Ky., and the Mississippi River and tributaries from Greenville, Miss., up to and including Greenfield, Mo. That means all the Ohio River west of Carrolton, Ky., and the mouth of the Kentucky River. It takes in the boards of Evansville, Louisville, Nashville, and Memphis, which is a large territory.

And I do not very well see how we could split the other district, the seventh, which is the district of the Ohio River and its tributaries above Carrolton, Ky., and up to the headwaters of the Monongahela and Allegheny, without placing too much strain on the seventh itself.

Mr. HARDY. Have the sixth and seventh districts any inspection of the lakes?

Mr. UHLER. None whatever, sir; none whatever.

Mr. HARDY. Theirs is all confined to the rivers?

Mr. UHLER. Absolutely. And they are men, Judge Hardy, particularly experienced in the river practice and the river steamboats; that is, the local inspectors. The seventh district, as I say, embraces the headwaters of the Ohio River and its tributaries above Carrolton, Ky.

Mr. BURKE. Above what place in Kentucky?

Mr. UHLER. Carrolton, Ky., at the mouth of the Kentucky River. It goes clear up the Ohio River and takes in the boards of Point Pleasant, where we have a board of local inspectors, Cincinnati, where we have a board, and Pittsburgh. In that district are located the larger majority, I believe, of the steel mills of the country. Pittsburgh is quite a large port. They have a great deal of inspection there. The towboats of the Ohio River are generally inspected at Pittsburgh. There are not a great many passenger boats any more on that river, but there are a great many boilers built there, and I should say that probably seven-tenths of all the steel that goes into the boiler is inspected at Pittsburgh.

Now, the eighth district is perhaps the largest district that we have. It takes in all of the waters of the Great Lakes, as I said, from Duluth, at the head of Lake Superior, down to and including Detroit. That takes in Duluth, at which place we have a board of inspectors; Marquette, on Lake Superior, at which there is a board; Milwaukee, on Lake Michigan; Chicago, on Lake Michigan; Grand Haven, on the eastern shore of Lake Michigan; Port Huron, where we have a board, over on Lake Huron, and Detroit—which makes, I think, seven or eight boards in that district.

Mr. LOUD. Why is it necessary to have two boards so close together as Port Huron and Detroit?

Mr. UHLER. Well, it is necessary for the work of the service there. There is a great deal of local work at Detroit, understand, sir, quite

sufficient to engage their attention all of the time, and of their assistant inspectors; while at Port Huron they attend to all of the work that does not conflict with the other district. They go all the way up to the Straits of Mackinac.

Mr. LOUD. They have the lake work, while Detroit takes the river work?

Mr. UHLER. Practically so. The Detroit work is largely local on the steamboats there and the passenger boats. And you must understand that in that district, and also at Detroit, there are three or four big shipyards—there are three, I think—two in Detroit and one at Wyandotte, which take a great deal of their time and their attention.

The ninth district begins at Duluth, at which we have a board of local inspectors, and comes down Lake Erie to Cleveland, where we have a board; takes in the port of Erie, where there is no board located—and, by the way, it is halfway between Buffalo and Cleveland, 90 miles—and at Buffalo; a board at Oswego on Lake Ontario, and comes around and takes in the waters of Lake Champlain, where we have a board located at Burlington. So that with the supervision that is exacted at these times and the immense amount of additional work that has been entailed in the last four or five, or six or seven, years, it is hardly practicable, and I do not think it would be advisable, Judge Hardy and Mr. Chairman, to take and split any more of those districts.

The CHAIRMAN. And the work in the districts on the Atlantic seaboard and the lakes is very heavy now, is it not, and the complaint is made that the inspection is not as rigid as it should be?

Mr. UHLER. When we come to the question of assistant inspectors, Judge Alexander, there is a letter here which I received yesterday from the Buffalo inspectors that will be of a great deal of interest, I am sure, to the members of this committee, showing just what the conditions are and the conditions that we have to meet and the amount of work that we have to do with a very, very small force. And we have to work very, very hard. And when you come to consider that we operate the steamboat-inspection service of this whole country on an expenditure of about half a million dollars, it is getting down pretty fine, and we find ourselves quite often right at our fingers' ends to know what to do in order to expedite inspections and make thorough inspections. We do not make anything else any more. It does not make any difference what the conditions are or what the time is or how many men there are to do it, when we inspect a boat and give a certificate, you can be assured that it has been inspected, while some other fellow perhaps has had to wait.

Mr. BURKE. I would like to ask two or three questions right in connection with what you are saying now. I call your attention to the sentence commencing in line 8 of the bill:

Each of them shall be selected for his knowledge, skill, and practical experience in the uses of steam for navigation, and shall be a competent judge of the character and qualities of steam vessels and of all parts of the machinery employed in steaming.

That is the exact language of the present law?

Mr. UHLER. Yes, sir.

Mr. BURKE. The question is whether there is any other provision of law relating to the qualifications of those inspectors?

Mr. UHLER. The supervising inspectors?

Mr. BURKE. Yes, sir.

Mr. UHLER. None whatever, sir. They are purely presidential appointments, and those qualifications are determined by the appointing power.

Mr. BURKE. Are there any rules and regulations for the steamboat service prescribing additional qualifications for these supervising inspectors?

Mr. UHLER. None whatever, sir.

Mr. BURKE. What do you understand is the meaning of the words "judge of the character and qualities of steam vessels," included in that phrase?

Mr. UHLER. My understanding of that, Judge Burke, is that in the first place a supervising inspector should either have been a master or engineer of a steamer on the waters of his district, or the waters with which he is familiar, and on which he has had experience; that is, he must have been connected with steamboats in one way or another either as a pilot or commander or as a shipbuilder, or some of the kindred employments which would give him those qualifications.

Mr. BURKE. Do you understand that those terms, "judge of the character and qualities of steam vessels," include a knowledge and experience in the construction of vessels, and things of that nature?

Mr. UHLER. Not necessarily, sir. Not necessarily, but—

Mr. BURKE. Do you not think that such qualifications should be prescribed?

Mr. UHLER. I would offer no objection to such qualifications. And I would go further than that if it were left to me; but when you go to making qualifications for presidential appointments, Judge Burke, and I speak with absolute fairness and frankness, and believe I am making a generous expression—when you prescribe too rigid qualifications for presidential appointments you generally have to meet the criticism that you are making the qualifications so hard that you have to take certain ones. Now I believe that is perfectly right; I believe it should be, and I would go further than that—I would say that no man should be a supervising inspector of a district who had not served five years as a local inspector.

Mr. BURKE. Right there, General; is there any official record showing the experience that the existing supervising inspectors have had before their appointment?

Mr. UHLER. Oh, yes. Our records are complete and we have a complete record of their qualifications.

Mr. BURKE. Is that in printed form, available for distribution?

Mr. UHLER. It is not in printed form available for distribution; it is in the appointment division of the Department of Commerce. The qualifications and experience and lives of these men are all covered in connection with their applications, or with their appointments.

Mr. BURKE. General, is it not true that at the time and shortly after the *Eastland* disaster, the public inferred from that disaster and the work of the inspectors that some of them were not qualified?

Mr. UHLER. Yes; there was a great deal of inference in that direction, Judge.

Mr. BURKE. Was not some of it facts?

Mr. UHLER. I think not, sir; I think not. The very fact that nobody who had had anything to do with that vessel—

Mr. BURKE. Would you advise the strengthening of the qualifications, in this sentence, of a supervising inspector?

Mr. UHLER. If it were consistent; yes.

Mr. BURKE. Do you think you could frame up something that would strengthen that?

Mr. UHLER. Yes.

Mr. BURKE. For instance, the idea just suggested by you, that he should be a person of so many years' experience as a master, etc., of a vessel on the waters of his district; should he not know something about the architecture of steam vessels, as well as the use of machinery and steam power? Should he not know something about the balancing of the boat and its capacity?

Mr. UHLER. Oh, yes.

Mr. HARDY. Are not all those things involved in "the character and qualities"?

Mr. UHLER. I think they are in a general way, all of them. At the present time there are nine supervising inspectors, and with but one exception, perhaps, and that is the supervising inspector at Pittsburgh, they have all been an actual master or chief engineer of a steam vessel, either on the lakes or on the rivers or on the coast.

The supervising inspector at San Francisco, the present incumbent, Mr. Bulger, is a man who served his time as a machinist at Cramps. He was engaged as an engineer after that on the steamers of the American Line around on the Atlantic, and afterwards went to the coast to work for his father, who was chief engineer of the Mail Line out there, and he had been chief engineer on steamers on the Pacific Coast up until the time he was appointed local inspector.

The supervising inspector of the second district, in New York, Capt. Seeley, is a shipmaster of long experience, both in sail and in steam. He left the sea to accept an appointment as an assistant inspector at New York, and was afterwards promoted and made local inspector at Boston. From Boston he was transferred back to New York, and when a change was made at New York, and Capt. Harris left the service, Capt. Seeley was made supervising inspector.

The supervising inspector of the third district is a man whose whole life, practically, has been given to the operation and the superintending of building the vessels.

The supervising inspector of the fourth district, Mr. McDonald, is a man who served his time as an engineer on the Great Lakes, in many of the larger steamers on the Lakes, and went from there as a local inspector to Nashville, Tenn., from whence we moved him to St. Louis. At the time of the death of the local inspector at St. Louis we moved him over there, and he had been local inspector at St. Louis for a period of three or four years when he was made supervising inspector.

The supervising inspector of the fifth district is a shipmaster of long time and who served time, as a boy, on the tugboats up to the command of the *Yale* and *Harvard*, and those ships running between New York and Boston, and also as captain of some of the largest seagoing tugs that we had.

In the sixth district is Capt. Green, whose whole life has been given to the superintending of the building and the command of vessels on the western rivers. He was local inspector at Nashville

up until the time the change was made at Louisville, when he was appointed in place of Capt. Dawson.

In the seventh district is Capt. Dougherty, a man who has been in the service since 1892, I think. He was originally appointed as assistant inspector. He had been engaged in the building of boilers at one time, with the firm of Dougherty & Morrison, building a great many boilers in western river steamers, and was as well versed, I believe, in the construction of steamers and their navigation, without having been a captain, as anyone, probably, in the country.

In the eighth district is Capt. Westcott, a man who served his time in a shipyard under his father, and who sailed vessels on the Lakes for years and years. He was appointed supervising inspector on the death of Mr. Cook, which occurred many, many years ago. He is entirely familiar, I think, not only with the construction, but with the operation of vessels there.

Capt. Nelson, the supervising inspector of the ninth district, is an old Atlantic sailor, who came to the Lakes when quite young and had command of schooners when he first went there; then went into schooners of different types, and was finally made local inspector of hulls at Cleveland.

Mr. LOUD. His name again, please.

Mr. UHLER. His name is Nelson.

Mr. RODENBERG. He was the supervising inspector who had charge of the hulls?

Mr. UHLER. No; that is Westcott. Nelson, from Detroit—I consider Capt. Nelson, without any disparagement on the others, as good a man, probably, as could be found for the place. He is absolutely informed on the service, its necessities, its requirements, its restrictions.

Mr. HARDY. Let me see if I recall one thing. It seems to me——

The CHAIRMAN. Suppose he finishes this first.

Mr. HARDY. Yes.

Mr. UHLER. In the tenth district it is presided over by a man by the name of Cotter, whose early experience was on the sea as a sailor, and a man who afterwards located in the city of Galveston and was licensed as an engineer. He served as an engineer on various vessels in that district until he was appointed local inspector of hulls. He was removed from that position on account of his political affiliations, I think, in 1884, if I remember right, and then entered the commercial business, and for a long while was with the Galveston Wharf Co., superintending their construction and maintenance of their property, until in 1898 he was appointed by Mr. McKinley as supervising inspector in place of Capt. O'Brien, who died in New Orleans.

The inferences that were drawn at Chicago——

The CHAIRMAN. Now your experience, General Uhler, as chief of the service?

Mr. UHLER. My experience?

The CHAIRMAN. Yes.

Mr. UHLER. I started in as a boy, at 14 years of age, and with the exception of one year of my life I never did anything else but go to sea. I was a sailor, a deckhand, a fireman, an oiler, a water tender. When I was 21 years of age I was licensed as an engineer. When I was 28 years of age I was chief engineer of the biggest cargo boat on the western ocean.

I left the sea in 1893 and accepted appointment as president of our Brotherhood of Marine Engineers, where I was reelected for 11 successive terms without opposition. In 1893 I was called to Washington to take the place of General Dumont, who had been chief of this service for 26 years.

The CHAIRMAN. In 1893, did you say?

Mr. UHLER. 1903, I should have said. I left the sea in 1893. In 1903 I came to Washington. I knew no more about it than any of the gentlemen around this board; I did not know what I was brought to Washington for. Secretary Shaw told me I had been recommended to him to take General Dumont's place. I told him that a Government office had no attraction for me whatever; I was quite well satisfied, but that I felt it was an honor and distinction that no man ought to deny or refuse. And I told him that I would come and do the best that I could. I told that to the President the same afternoon. My nomination was made the next day and my confirmation the next; and I have been here since. The 1st of April next will be 13 years.

When I first came to the service I realized the necessity of more stringent inspection. I recognized the necessity for a change in the methods of the payment of inspectors, and right here I want to say that one of the first things I had to do, when I came into the service, was to recommend the dismissal of a board of local inspectors at Grand Haven, because they had inspected one boat which made a difference to them of \$300 in their salaries. They had 149 boats, and in order to get 150 boats they went up in the meadows and dug up a little launch that had lain there sunk for two or three years and had the owner call upon them for inspection, and they inspected her, and it made up 150 boats for which their salary was \$1,500 a year instead of \$1,200. I investigated that and found out the necessity for some change and the absolute necessity for their dismissal in the first place, and finally succeeded in doing away with piecework.

The inspectors salaries at that time was based upon the number of boats they inspected, a most distasteful method, and begat evil and just such proceedings as I have recited here. I finally succeeded in having the piecework done away with, and then the men were paid flat salaries, the lowest of which was \$1,500—\$1,500, \$1,800, \$2,000, \$2,250, and in New York the salary remained as it always had been, \$2,500.

The inspection service to-day compared to what it was when I first came here—

The CHAIRMAN. I would suggest that we go into that more in detail when we take up the next bill.

Mr. UHLER. All right.

Mr. HARDY. Just one question which I want to suggest along that line; it seems to me that in concluding the discussion of this bill before, before we recommended its passage, we were given to understand that a division of the country was made from time to time by the board of inspectors, and that you could take away or assign these river inspectors to other duties if you saw proper.

Mr. UHLER. Yes; we have done that.

Mr. HARDY. And after all it was a question of whether you needed 10 or 11 inspectors for the whole work. Was that not the case? You can assign these men where you please, can you not?

Mr. UHLER. Yes; and it was concluded that we did need 11 inspectors. We can do this; the law calls now for 10 supervising inspectors, and we can use those 10 supervising inspectors—

Mr. HARDY. Wherever you please?

Mr. UHLER. Wherever we please—in any way the board of supervising inspectors may see fit; and we can adjust the territory of those 10

Mr. HARDY. There never was any question in my mind that you needed two on the Pacific coast. The only question was whether you needed all those on the middle rivers. But, as I understand, you can assign those river men wherever you please.

Mr. UHLER. Yes; we can. We can use them wherever we like; but if it had not been, Judge Hardy, that in the fifth district, at Dubuque, we had a man who was familiar with ocean navigation, I never would have dared recommending dropping the fifth district. Mr. Sloan, who had been in that district for a great many years, was an ex-naval engineer and a man of high attainments—a man of education and ability, and all that; but I would not think of recommending a man whose experience had been on the rivers entirely to act as supervising inspector of a coast district. The work is entirely different, and the requirements are entirely different.

Mr. KINCHELOE. Who prescribes the qualifications for the local inspectors?

Mr. UHLER. The Civil Service Commission.

Mr. KINCHELOE. Are the local inspectors the character of inspectors that inspected the *Eastland*?

Mr. UHLER. How is that, sir?

Mr. KINCHELOE. Were the local inspectors the ones who inspected the *Eastland* before its fate?

Mr. UHLER. Yes.

Mr. RODENBERG. In practical operation the Civil Service Commission, of course, conducts the examinations, but the questions are, as a rule, really suggested by your department from time to time, are they not?

Mr. UHLER. From time to time, if we find any necessity for a change or for any additional examinations.

Mr. RODENBERG. That is what I want; so that you would get the character of men you thought best fitted.

Mr. UHLER. We would require the local men to be practical men; and, for instance, the local inspector of hulls must have been a captain for five years, or must have been mate on a vessel of 3,500 or 4,000 tons for five years, or he must have had practical experience on a vessel for five years. The same way with the inspector of boilers; he must have been engineer of a vessel; that applies to his experience. Now, then, his technical knowledge is determined by examination and I want to say it is a pretty stiff one, too.

Mr. RODENBERG. He would not be eligible to examination unless he had had practical experience?

Mr. UHLER. Absolutely not, sir, because that is one of the first qualifications; that admits him to examination. If he can not put in his application for examination that he has had this required experience, he is not admitted to examination at all; he can not enter.

Mr. BURKE. For what length of time is a supervising inspector appointed—for a term or during good behavior?

Mr. UHLER. During good behavior; not for a term.

Mr. BURKE. Just one question more: Who is the supervising inspector in charge of the district comprising Lakes Michigan and Huron?

Mr. UHLER. Capt. Wescott, at Detroit.

Mr. BURKE. General, that *Eastland* disaster was supposed to be due to a defective arrangement of the ballast, was it not?

Mr. UHLER. Yes, sir.

Mr. PRICE. And the vessel toppled over?

Mr. UHLER. I do not know whether it has ever been determined or not, yet. I have my opinion, and there have been several opinions expressed.

Mr. PRICE. The question I wanted to ask is this: Does the local inspection include that feature?

Mr. UHLER. It does not include that feature, sir; any more than it includes other features that would probably be just as necessary.

The CHAIRMAN. There are other bills coming up in which that *Eastland* disaster, as far as disclosed by the investigation, will be considered. I would suggest that we do not bring it in here.

Mr. UHLER. I will be very glad to express myself on it, sir; when the chairman is ready.

Mr. ROWE. How much will this add to the cost of the service, this extra supervising inspector?

Mr. UHLER. It will add a salary of \$3,000 a year, and traveling expenses of probably a thousand more.

Mr. ROWE. Will the traveling expenses in the first district be anything like as great when you form the other district, the eleventh district?

Mr. UHLER. The traveling expenses probably will be greater, sir, for the very simple fact that the supervising inspector will quite likely make more than one trip into Alaska. Alaska travel is pretty stiff; subsistence is very, very high, and transportation rates. There is one thing that we demand in the Steamboat-Inspection Service, and that is that no inspector in the employ of that service shall accept for himself or for any of his people, or demand or ask or request, for anybody free transportation of any character. They are not even allowed to accept a meal, not even allowed to accept a cigar from the captain of a vessel. We found that drastic order was necessary in order to do away with the criticisms that would come to us because perhaps some of our inspectors held the courtesy of the company in the way of passes, and so forth.

Mr. ROWE. Just one more question: Can not you say how much this extra inspecting district is going to cost?

Mr. UHLER. I should say about \$4,000, sir.

Mr. BURKE. Will there be any additional local boards by reason of the creation of this district?

Mr. UHLER. None whatever. The local boards are created by statute, you know, Judge Burke.

Mr. GOODWIN. Do the inspectors retire at a given age?

Mr. UHLER. No, sir; they do not. Unfortunately, we have had one or two of our old men resign within the last four or five months.

Mr. BURKE. Do you not think there ought to be a provision for their retirement when they reach a given age?

Mr. UHLER. I am very deeply impressed with that thought, Judge Burke, and I think everybody in the employment of the Government

ought to be retired when their usefulness is over or when they have gotten to that stage where other men are better fitted, but it is a question of civil-service reform and civil-service retirement, and I think everybody ought to be made to contribute to that retirement.

Mr. RODENBERG. Have you any very old men in the inspection service, as local inspectors?

Mr. UHLER. Not now, sir. We did have some men, they are not old men, but they are old as men go, but they have retained their mentality and physical capacity. We asked two or three to resign a while ago, and they readily acquiesced. One gentleman said he would like to round out his 40 years of service in the Steamboat-Inspection Service, and we allowed him to do it. That was Mr. Savage, of Boston, who retired a couple of years ago.

Mr. RODENBURG. At what age?

Mr. UHLER. Mr. Savage was 76. And Mr. Wilson, of Oswego, has resigned. I think he is now 70. And we have lost three of our best men by death, two by automobile accidents, as curious as it may seem, one at Seattle and one at San Francisco, and the sudden death of one of our very best men, Mr. Howard, in Philadelphia. Mr. Howard was 69 years of age, and was as active as any man I ever saw in my life at a port. Of course, that is an exception.

The CHAIRMAN. Is there anything else relating to this particular bill?

Mr. HADLEY. There is a question I would like to ask, which is suggested by the fact that I notice there is another bill pending that has a third section. It is a duplicate of this bill, except there is a third section providing for the creation of the district and the establishing of the headquarters.

Mr. UHLER. That is at Seattle?

Mr. HADLEY. Yes. This bill is on the theory, apparently, that there is ample authority and jurisdiction at this time without further legislation. Is it your understanding that there is need of such legislation?

Mr. UHLER. No; but the letter of the Secretary addressed to the chairman of the committee, I think states that the headquarters will be at Seattle, which was before Mr. Humphrey's bill came in.

The CHAIRMAN. This bill was framed by the department and handed to me for introduction. The other bill was framed by Mr. Humphrey of Washington, and, of course, he provides that this inspector shall be located at Seattle.

Mr. KINCHELOE. To which bill do you have reference?

The CHAIRMAN. There is another bill on that subject here.

Mr. HADLEY. I asked the question, because of the department's letter, which we have all received, I presume. I am strongly in favor of this bill, but I just wanted to know whether it required any further legislation to carry into effect this legislation.

The CHAIRMAN. Oh, no; none at all.

Mr. HARDY. That was the question I was asking him, whether the department had a right to assign.

Mr. HADLEY. That is only so far as the establishment of the district, but not the establishment of the headquarters?

Mr. HARDY. No.

Mr. HADLEY. I see.

Mr. UHLER. There is no doubt, sir, but that the headquarters of the supervising inspector would be established at the place where he

could render the service the best, whether that would be at Seattle or not. But of course we know in that district it would be at Seattle.

Mr. HARDY. It is within the discretion and the judgment of the department as to where they establish it?

Mr. UHLER. Absolutely.

Mr. PRICE. The law does not require the headquarters of any of the other districts to be located at a given point?

Mr. UHLER. No, it does not; but, as I said a while ago, for a number of years we allowed them to be established at any point within their district where there was a board of local inspectors established; but that has been pretty well covered by the jurisdiction of the department, and the recommendation of the Inspector General as to where they ought to be.

Mr. HADLEY. I inferred that; but I wanted to be clear about it, because I see the department's letter possibly implied the necessity for further legislation. But if the department has drawn the bill, there is no question about it, I suppose.

Mr. UHLER. If it is not taking up too much time, it might be well to say to the gentlemen who are not familiar with it, that under the law this board of supervising inspectors meets in the city of Washington on the third Wednesday of January in each year. Many rules and regulations to carry out to its fullest intent and purpose title 52, which is the steamboat-inspection law, are adopted. There are lots of details in the requirements of the rules and regulations of the steamboat-inspection service which are not covered in the law. The law simply requires them to be licensed vessels. We say they must have so many lights of a certain character, and even go so far as to require what they shall be, the same as for life-preservers and ring-buoys and all those things. Now, there was a time, I might say, when 10 days or two weeks at the most would cover the deliberations of that board, but we are now here sometimes for three months.

The CHAIRMAN. I would like to incorporate into the record a letter from the Secretary of Commerce, dated November 30, 1915, referring to the necessity for this increase in supervising inspectors, and in which he includes this map illustrating the area of the present districts and the necessities for an additional supervising inspector on the Pacific coast, and of course suggesting that in the event 11 supervising inspectors are authorized, one of them be located at Seattle, as that is the logical place.

Now, the bill was up for consideration and a report was made at the last session.

(The letter above referred to and the map are as follows:)

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, November 30, 1915.

MY DEAR CONGRESSMAN: May I ask your attention to the inclosed diagram prepared for my annual report to show the impossibility of performing the duties now imposed by law upon the supervising inspector of the first district of the Steamboat-Inspection Service?

Section 4406, Revised Statutes, says: "Each supervising inspector shall watch over all parts of the territory assigned to him, shall visit, confer with, and examine into the doing of the local boards of inspectors within his district, * * *"

Section 4408 provides: "The supervising inspectors shall see that the several boards of local inspectors within their respective districts execute their duties faithfully, promptly, and, as far as possible, uniformly in all places, * * *"

Other sections impose additional duties.

The map shows that the one supervising inspector located at San Francisco must perform the above-named duties in the territory extending from upper Yukon River and from Bering Strait to the Snake River within the State of Idaho, southward along the whole Pacific coast to the Mexican border, and then westward to and including the Hawaiian Islands. The district thus included is over 3,000 miles long and nearly 3,000 miles wide. It is impossible to carry out the duties imposed by law on the supervising inspector over such an area.

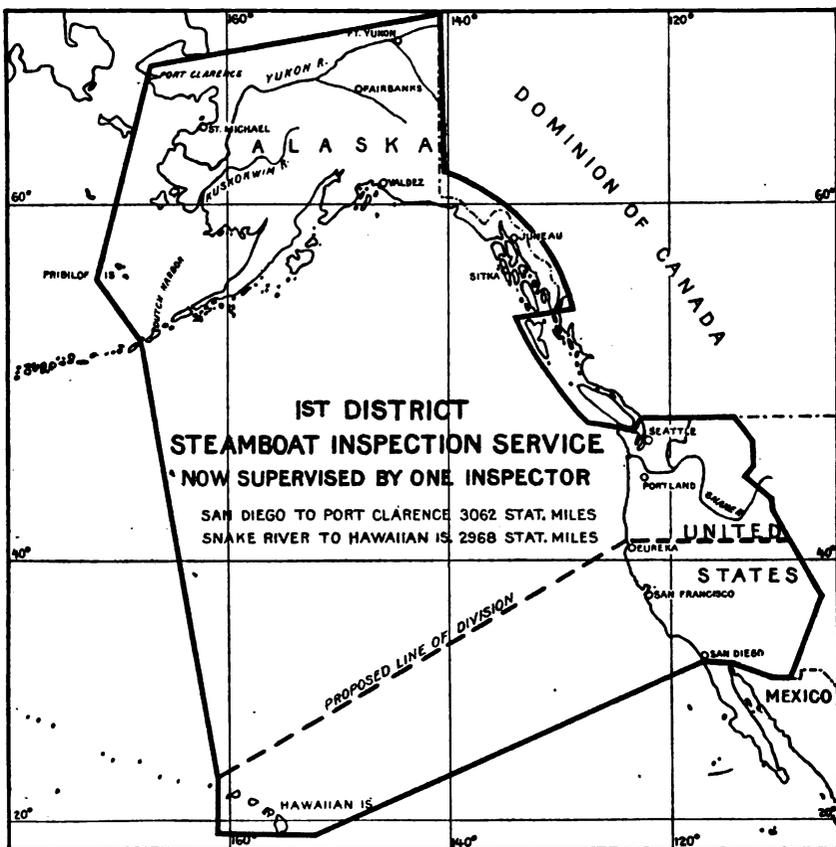
The department has asked, and now renews the request, that the district be divided as shown on the map, leaving a supervising inspector at San Francisco in charge of the entire coast of California and of the Hawaiian Islands, and providing a new supervising inspector located at Seattle, in charge of the coast and rivers of Oregon, Washington, and Alaska. Either of the proposed two districts will be large enough to tax the powers of a supervising inspector. The two combined are an impossible task, especially when insufficient funds are provided to pay travel bills.

On behalf of the security of life and property on our Pacific coast, your support of the proposed change is respectfully requested.

Yours, very truly,

WILLIAM C. REDFIELD, *Secretary.*

Hon. JOSHUA W. ALEXANDER,
House of Representatives, Washington, D. C.



(The committee thereupon went into executive session, at the conclusion of which an adjournment was taken to Thursday, January 20, 1916, at 10.30 o'clock a. m.)

X

APPOINTMENT OF ASSISTANT INSPECTORS,
STEAMBOAT-INSPECTION SERVICE

HEARINGS

BEFORE THE

COMMITTEE ON THE
MERCHANT MARINE AND FISHERIES

HOUSE OF REPRESENTATIVES

SIXTY-FOURTH CONGRESS

FIRST SESSION

ON

H. R. 4786

TO PROVIDE FOR THE APPOINTMENT OF CERTAIN ASSISTANT
INSPECTORS, STEAMBOAT-INSPECTION SERVICE, AT PORTS
WHERE THEY ARE ACTUALLY PERFORMING DUTY, BUT
TO WHICH THEY ARE AT PRESENT DETAILED

STATEMENT OF

SUPERVISING INSP. GEN. GEORGE UHLER



WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1916.



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APPOINTMENT OF ASSISTANT INSPECTORS, STEAMBOAT-INSPECTION SERVICE.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Thursday, January 20, 1916.

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

The CHAIRMAN. Without objection, we will take up for consideration H. R. 4786, a bill to provide for the appointment of certain assistant inspectors, Steamboat-Inspection Service, at ports where they are actually performing duty, but to which they are at present detailed. The bill is not long and I would like to have it incorporated in the record.

A BILL To provide for the appointment of certain assistant inspectors, Steamboat-Inspection Service, at ports where they are actually performing duty, but to which they are at present detailed.

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

"And in addition the Secretary of Commerce may appoint, in districts or ports where the exigencies of the service require, assistant inspectors, at a salary for the port of New York of \$2,000 a year each; for the port of New Orleans, Louisiana, the districts of Philadelphia, Pennsylvania, Baltimore, Maryland, the port of Boston, Massachusetts, and the district of San Francisco, California, at \$1,800 per year each; and for all other districts and ports at a salary not exceeding \$1,600 a year each; and he may appoint a clerk to any such board at a compensation not exceeding \$1,500 a year to each person so appointed. Every inspector provided for in this or the preceding sections of this title shall be paid his actual and reasonable traveling expenses incurred in the performance of his duties, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of Commerce."

I wish also to incorporate in the record a letter from the Secretary of Commerce, of date December 20, 1915, referring to the bill, inclosing a copy of a letter which explains the reasons for the bill. It says:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, December 20, 1915.

MY DEAR JUDGE ALEXANDER: I am in receipt of yours of the 17th instant, calling my attention to H. R. 4786, to provide for the appointment of certain assistant inspectors, Steamboat-Inspection Service, at points where they are actually performing duty, but to which they are at present detailed, and asking me to give the Committee on Merchant Marine and Fisheries the benefit of my opinion with reference thereto and as to the wisdom of enacting the same into law.

I herewith send you copy of a letter I have written Senator Fletcher in regard to this matter, which explains the reasons for the bill very clearly. I trust that it will be enacted into law.

Yours, very truly,

WILLIAM C. REDFIELD,
Secretary.

Hon. J. W. ALEXANDER,
House of Representatives, Washington, D. C.

Inclosed herewith you will find draft of a bill proposing to amend the eighth paragraph of section 4414, Revised Statutes, providing for the appointment of certain assistant inspectors, Steamboat-Inspection Service, at ports where they are actually performing duty, but to which they are at present detailed.

The present practice of the Steamboat-Inspection Service is to have a number of assistant inspectors at certain ports detailed to other ports for duty, and it is now desired in the proposed bill to have the assistant inspectors appointed at the ports where they are actually performing duty.

For instance, at the port of Buffalo, N. Y., four assistant inspectors were originally provided, but of these four two were constantly detailed to the district of Cleveland, Ohio, because of the pressure of work at that place. The custom referred to was followed because under section 4414, Revised Statutes, it is provided that the Secretary of Commerce may appoint at districts or ports where there are 225 steamers or upward to inspect annually, assistant inspectors, etc. In these districts where the assistant inspectors were asked for there had usually been 225 steamers and upward to be inspected, which, according to the working of section 4414 permitted the appointment of assistant inspectors at these particular ports, and then under another provision of section 4414 certain of these assistant inspectors were detailed by the Secretary of Commerce to other ports or districts as the needs of the Steamboat-Inspection Service, in his discretion, required.

After the passage of the act of March 3, 1905, which became effective July 1, 1905, and which made the salaries of local inspectors fixed instead of depending upon the number of steamers inspected, the Department believed that the number of steamers inspected should not be considered in the matter of the appointment of assistant inspectors, and hence, from that day up to the present time, the department has submitted its estimates asking for the same number of assistant inspectors at ports where assistant inspectors have always been appointed, some of whom had been detailed to other ports or districts. The fact that Congress appropriated money for the appointment of these assistant inspectors as requested may be considered as having repealed the provisions of section 4414, Revised Statutes, which related to the appointment of assistant inspectors at ports where there were 225 steamers or more inspected annually.

It will be seen from the proposed amendment that the salaries at the ports named are fixed at \$2,000, and \$1,800, respectively. The port of Chicago, Ill., is left out because in section 4414 as it at present reads, \$1,800 was provided for Chicago, and the department desires that the salaries of the assistant inspectors at Chicago be \$1,600 in order that the salaries of the assistant inspectors on the Great Lakes may be uniform. The present assistant inspectors serving at Chicago were appointed at Milwaukee, Wis., at \$1,600 per annum and detailed to Chicago. This was due to the fact that the number of steamers at Chicago fell below 225 when she lost her right by law to have assistant inspectors at \$1,800 per annum, and it was necessary to detail to Chicago assistant inspectors appointed at Milwaukee, Wis., at \$1,600 per annum.

Referring further to the proposed amendment to section 4414, Revised Statutes, you are informed that the real necessity for changing the statute and getting away from the number of steamers inspected is because of the fact that the number of steamers inspected is not a correct criterion of the work that a district does. In the old days when the work of inspectors was gauged by the number of steamers inspected there were practically no reinspections made. To-day the reinspections are just as important as the annual inspections and more numerous. Furthermore, the work of the inspectors in following up the details of the steamers' equipment, repairs to boilers, etc., has greatly increased, and in some districts where the number of steamers annually inspected is below 225, the actual work done may be far greater than in other districts where the number of steamers inspected is more than 225. Further, in some districts the number of steamers inspected has decreased while the tonnage of the same district has greatly increased, and therefore, in order to obtain that efficient result which is necessary in order to have a high standard of work, it is necessary to get entirely away from the number of steamers inspected. This has practically been done as above stated, but in order that there may be nothing misleading and that the statute may be entirely modernized, the suggested amendment has been proposed.

It is recommended that the inclosed bill be enacted into law.

I also submit for the record a letter from the Secretary of Commerce, transmitting a statement of conditions of the Steamboat-Inspection Service at the port of Buffalo, N. Y., and making recommendations in relation thereto. This letter was submitted January

12, 1916, and referred to this committee. The letter referred to is as follows:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, January 10, 1916.

MY DEAR MR. SPEAKER: In accordance with my letter to you of 18th December, in which I pointed out that the force of steamboat inspectors is not sufficient to properly safeguard life and property and that the clerical force of that service is insufficient to keep pace with the work which is pressed upon it, I now venture to quote below, for the information of the House of Representatives, a copy of statement from the local inspectors of steamboats at the port of Buffalo, N. Y., which speaks for itself:

"JANUARY 5, 1916.

"We respectfully submit the following statement of conditions existing in this district at present, and the indications of what we will have to contend with in the spring months:

"We have at this port the largest fleet ever assembled here, consisting of approximately 160 lake freight vessels, with a gross tonnage of 750,000 tons, and about 140 of these being loaded with 35,000,000 bushels of grain. This fleet has the harbor completely blocked, awaiting turn at elevators, and there are 80 steamers at anchor inside of the breakwater. As soon as these steamers are unloaded, they are to be taken to coal trestles and loaded with coal for winter storage and then anchored under the breakwater again, and this office will be called upon to examine the cargo holds and hulls previous to loading with coal.

"At present a large force of men is employed on these steamers, making repairs to hulls, boilers, and engines, and we can not give these repairs the attention they should have and which the bureau expects to be given and noted on the records. There are also four floating welding repair vessels working early and late, making repairs to boilers, and we are unable to give same necessary attention, and it is only in exceptional cases that we can make an opportunity to oversee the work. The means of getting to these steamers under the breakwater causes considerable delay to the inspectors.

"Indications point to a large number of candidates for examinations for licenses in the very near future. Having no facilities for conducting examinations in the office proper, we have for several years past arranged with the custodian of the building for the use of the civil-service examination room, and it is necessary to continue this practice. This requires the services of assistant inspectors to take charge of and look after the needs of the candidates.

"In view of the conditions as set forth above, we request the immediate detail to this office of one assistant inspector of hulls and one assistant inspector of boilers to assist with the present work in this district.

"As to the conditions to be met with later, at the present time we have applications on file for the inspection of 75 lake freight vessels, beginning March 8, at the rate of two vessels per day. The inspection of these steamers is preferred beginning about April 1, on account of weather conditions prevailing here earlier in the season, resulting in the freezing of pipes, etc., but the owners, anticipating the congestion which is inevitable during April and May, have filed applications for dates in March. We have not listed more than two steamers per day at this time on account of not knowing how much help may be detailed to this port. To fully comply with the laws and rules the inspection of an ordinary lake freight vessel will require the services of two inspectors for two days, according to the best estimate we can make from our knowledge of conditions and from past experience.

"We have gone over the records carefully, and in addition to the freight vessels heretofore referred to, which are all at the port of Buffalo, we have knowledge of 10 large freight steamers, 2 large passenger steamers, and about 15 fishing steamers at Erie, Pa., which are due for spring inspection.

"At Tonawanda, N. Y., there are approximately 20 vessels, principally freight and towing, which require inspection in the spring months, and the reciprocal inspections of about 12 foreign passenger steamers at Canadian ports also come in during the rush.

"In addition to what have already been mentioned as being at the port of Buffalo, there are about 50 steamers, lake and river excursion boats, tugs, etc., which are due for inspection in April and May. Of course, we can not definitely forecast how many of the grain fleet will require a complete annual inspection at this port, as many of them were inspected in other districts and we do not at this time know when the certificates expire, but from the best data we can obtain, we would say that there are

over 200 vessels of various classes, mostly lake freight carriers, in this local district, which will require inspection during the so-called spring months.

"It is our opinion that the interests of the service require the detailing to this port of 10 assistant inspectors, 5 each of hulls and of boilers, to handle the work as outlined above, 2 to be detailed at once, and the balance not later than Monday, March 13, 1916.

"In connection with the work of additional inspectors, the clerical work will increase correspondingly. We estimate that one clerk will have to devote most of his time to the matter of certificates for seamen and lifeboat men under the seamen's law. Another clerk will have to give his attention to the keeping of an accurate record of the work of the inspectors, for the data required by personal accounts, daily cards, etc., taking care of correspondence and miscellaneous duties connected with same. With our present clerical force, this leaves no provision for the making out of licenses, certificates of inspection, and the cards and forms used in connection therewith, nor the taking of testimony in investigations and trials, as practically every casualty has to be investigated and testimony taken under the present rules. To keep pace with the work which will have to be done in this district the coming spring will require the services of two additional clerks, one, who is a stenographer and able to take testimony, from March 13 to June 30 and the other from April 1 to June 1.

"This letter is only intended to cover the temporary needs of this office during the impending spring rush. As a matter of fact, permanent appointments of an ample corps of assistant inspectors and an additional clerk, to serve throughout the entire year, should be made, in order that the duties of the service may be discharged in the manner which the department desires.

"(Signed) JAMES M. TODD,
 "(Signed) WILLIAM P. NOLAN,
 "United States Local Inspectors."

The details required of assistant inspectors and of clerical force will be temporarily made to meet the serious emergency that exists at Buffalo, but it is not possible to make these details without injury to the work in other ports and without involving possibilities of overstrain and underinspection which create a menace to safety. This, however, can not be avoided so long as we are limited to the present force and funds. We can for the time being meet the emergency, but only by putting our officers under a strain that they ought not to bear and for which they receive no additional compensation. There is no existing reserve from which the service can draw to do this necessary work, and under existing conditions the service must suffer in a way the department does not approve and which Congress would, I am satisfied, speedily remedy if the full facts were brought home to it.

It is my duty to say that we can not continue to work in this manner. There is no place to which we can look for relief save to Congress alone. We earnestly beg that the relief the service requires shall be promptly granted. I can not too earnestly point out that the interests of the public safety require prompt action to provide us with the means to do the work which the law requires and which the people demand.

I beg to remain, yours, very truly,

WILLIAM C. REDFIELD,
Secretary.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,
 Washington, D. C.

Mr. HARDY. We took quite a lot of testimony on this bill, I think, and went over it very thoroughly.

The CHAIRMAN. There are several parts of Mr. Hoover's testimony, in his statement to the committee in the last Congress, referring to the bill of which this is a copy; and if there is no objection, I will incorporate in the hearings, in connection with General Uhler's testimony, the statement of Mr. Hoover as to the conditions existing at that time.

(The statement referred to will be found as an appendix hereto.)

Now, Gen. Uhler, will you please give the committee your views with reference to this bill, its importance, and why it should be enacted into law?

STATEMENT OF MR. GEORGE UHLER, SUPERVISING INSPECTOR GENERAL, STEAMBOAT-INSPECTION SERVICE, UNITED STATES DEPARTMENT OF COMMERCE.

Mr. UHLER. The law as it originally was enacted, Mr. Chairman, now section 4412, I think it is, provided for the appointment of assistant inspectors at ports where there were 225 or more steamers inspected. At that time the pay of the inspectors was based upon the number of vessels that they inspected. The pay of local inspectors began at \$1,200 and as the number of inspected vessels increased it went up until, in New York, they received \$2,500, which was the only port to receive that pay. Where there were more vessels to inspect, they provided that assistant inspectors might be appointed at ports where there were 225 or more vessels to inspect, and presumed that the board of local inspectors could take care of any number of vessels less than that. There were no restrictions as to the number of assistant inspectors who might be appointed. It was within the discretion of the Secretary and depended only upon the amount of his appropriation for the pay of the assistant inspector's salaries.

When I first came to the service, or a year or two afterwards, among other things that I suggested was the elimination of the salary of local inspectors based upon piecework, and that they should have a flat salary and not be dependent upon one, or two, or three, or four vessels to increase their salary, in some instances, \$300 a year. At the same time, I took up with the Secretary and made a very strong recommendation that the requirement of inspection of 225 vessels at a port for the appointment of assistant inspectors be eliminated, and for this reason: There were many ports at which we inspected 150 or 175 vessels where there was actually more work to be done, more real work of inspection to be done, than there was in ports where they had to inspect 300 vessels. Take, for instance, in Detroit, where they have to inspect the large passenger steamers there. One item of their inspection there is the handling and the testing of about twenty-five or thirty thousand life preservers. That is one feature of the inspection. Another feature of the inspection on the large boats is the testing of the lifeboats and the air tanks in those lifeboats. So that the details of the improved system of inspection had grown so that it was necessary to have assistant inspectors at ports where they were not provided for.

The department would not agree to cut out the requirement of 225 vessels, for reasons of its own. Among other reasons advanced at that time, if that feature was eliminated, was that the department would be swamped continually with importunities for the appointment of assistant inspectors. It was very generously considered, and considered for one or two or three years. At last it was determined to make the recommendation, and the committee approved it, and Congress enacted the law, that the Secretary might detail these assistant inspectors, who had already been appointed at ports where there were 225 vessels inspected, to other ports or places. That could only be done by the Secretary, and was always done on my recommendation.

There came a time when we fell below 225 vessels at the ports where assistant inspectors were appointed; and, in fact, the only port or ports where they were allowed to be appointed. I took the

matter up with the Secretary and we conferred over it at different times, and he thought that under the authority and the privileges of the law, he could still continue to appoint and detail; because it was the purpose of the law to allow him the privilege of detailing from these large ports. Our assistant inspectors, for instance, at Cleveland are appointed at Buffalo and detailed from Buffalo to Cleveland. The assistant inspectors at Grand Haven and at Detroit—

The CHAIRMAN. Just at that point: You say the assistant inspectors at Cleveland are detailed from Buffalo?

Mr. UHLER. Yes, sir.

The CHAIRMAN. Indicate in a general way the importance of the port of Cleveland in the matter of inspection and the inspection service.

Mr. UHLER. While they do not inspect 225 vessels at Cleveland, while they never have, it has been a large port and they have had large passenger boats to inspect, and in the spring and in the winter there has always been a large fleet of vessels congregating at Cleveland and Buffalo for inspection in the spring. So that it was absolutely impossible for the local inspectors to do the work there without the assistance of assistant inspectors. And while we had no authority or privilege to appoint assistant inspectors at Cleveland, the only way we could relieve the situation was to take advantage of the authority of the Secretary to appoint at Buffalo and to detail at Cleveland.

The CHAIRMAN. Now, where they are appointed at Buffalo and detailed to Cleveland, their salary is fixed by law at \$1,600 to \$1,800 a year; and when they are detailed to Cleveland, what provision is made for their expenses?

Mr. UHLER. The Government has to pay their expenses, their traveling expenses; that is, I may say, where there is a temporary detail.

The CHAIRMAN. Yes.

Mr. UHLER. But where they are appointed for permanent detail the salary is fixed by law, and they are allowed no other expenses. They are in the same condition as though they were appointed regularly at Cleveland. We make a provision for that; that is an administration proposition which we cover.

Mr. RODENBERG. The temporary detail includes subsistence, does it?

Mr. UHLER. It includes subsistence, yes, sir; it includes traveling expenses and subsistence, which is limited to \$5 a day.

The CHAIRMAN. But under the limitation of the law and in order to comply with the existing law the appointment is made at Buffalo of the assistant inspector and he is detailed to Cleveland, although to all intents and purposes he is located there.

Mr. UHLER. Oh, yes; and it is well understood in his detail, and in all cases where it is necessary to detail permanently those assistant inspectors, they are advised of that fact, and they so understand it and accept the appointment at Buffalo with the understanding that they are going to be detailed to Cleveland and that they are going to live there, just as absolutely as though they were appointed at Cleveland.

Mr. EDMONDS. The Government does not pay their living expenses in that case?

Mr. UHLER. Under those conditions the Government does not pay their living expenses.

These are the conditions under which we pay subsistence and their travel. In the harbor of Buffalo—there is a letter before the committee reciting the situation there.

The CHAIRMAN. It has been read.

Mr. UHLER. And immediately upon receipt of that letter I detailed two assistant inspectors from New York for a duty of 30 days. I detailed a clerk from Burlington, up on Lake Champlain, which is frozen up at this time of the year, to go to Buffalo and help out there; and I detailed a clerk from Evansville to go to Buffalo and help out with the clerical work. Now, under those conditions, the Government pays the subsistence and traveling while temporarily detailed to this port. But when those men come back to New York again, they resume the old condition of living on their salaries.

The condition in Buffalo has made it necessary that I arrange for a detail of four assistant inspectors to clean up that situation there, and we will have to detail those from New York and Philadelphia, or possibly send two from Norfolk, if they can be spared.

Mr. EDMONDS. General, does this bill remove the privilege of detail, in the proposed language?

Mr. UHLER. No; it does not remove the privilege of detail, because we must have that.

Mr. EDMONDS. The privilege of detail is in this paragraph of the statutes, and you have not got it in this bill at all; so that it would be removed if you do not have it in this bill, I presume.

Mr. UHLER. No; I think not.

The CHAIRMAN. It just amends one paragraph of the section.

Mr. EDMONDS. There is no paragraph marked in the navigation laws.

Mr. UHLER. You are quite right, sir. I remember now. This privilege here would take away the necessity for the detail.

Mr. EDMONDS. Don't you think you ought to have the privilege of detail?

Mr. UHLER. I think not. I think if it is necessary we can appoint assistant inspectors.

The CHAIRMAN. You will find on page 449 of the navigation laws this provision:

And the Secretary of Commerce may from time to time detail said assistant inspectors of one port or district for service in any other port or district, as the needs of the Steamboat-Inspection Service may, in his discretion, require, and the actual and reasonable traveling expenses or mileage of assistant inspectors so detailed shall, subject to such limitations as the said Secretary may in his discretion prescribe, be paid in the same manner as provided in this section for inspectors.

That provision of the law is not disturbed; it does not change that feature of the existing law at all.

Mr. UHLER. You see it only means that eighth paragraph, Mr. Chairman.

The CHAIRMAN. Yes.

Mr. UHLER. "That the eighth paragraph of section 4414, Revised Statutes of the United States, be, and the same is hereby, amended so as to read as follows." Then the ninth paragraph would be:

Assistant inspectors, appointed as provided by law, shall perform such duties of actual inspection as may be assigned to them under the direction, supervision, and control of the local inspectors.

The tenth paragraph is this:

And the Secretary of Commerce may from time to time detail said assistant inspectors of one port or district for service in any other port or district.

That has not been changed by the bill at all. It is only the eighth paragraph of the bill that has been amended. That is to get away from this necessity of having to inspect 225 boats in a port before you can get assistant inspectors. The bill, as it was first considered—or, at least, the recommendation as it was first considered—was to amend the whole of section 4414, but they finally concluded, in the last analysis, to amend only that section and to give to the Secretary the right to appoint inspectors anywhere that they might be deemed necessary for the service.

The CHAIRMAN. He is doing that under existing law in the indirect manner indicated?

Mr. UHLER. Exactly so.

The CHAIRMAN. If an additional local inspector is needed at Chicago he is appointed at Milwaukee, because more than 225 vessels are inspected at Milwaukee, and he is detailed to serve at Chicago?

Mr. UHLER. Yes; and the worst part of it is, Judge, that we have fallen down at Milwaukee, and we have not got the boats at Milwaukee to authorize this appointment. That is what we are trying to get away from.

The CHAIRMAN. You would have to go to Buffalo, then, would you not?

Mr. UHLER. Yes, sir; or to New York. We have to go somewhere where they are still inspecting 225 boats to get assistant inspectors and detail them to Chicago.

The CHAIRMAN. Because the tonnage of the vessels on the Great Lakes is increasing—

Mr. UHLER. And the number is decreasing.

The CHAIRMAN (continuing). Whereas the number of boats is not so great.

Mr. UHLER. Yes; and another thing: The inspection of passenger boats in these times, where they carry 5,000 passengers, and we inspect those boats annually and reinspect them four times during the season of navigation, at which time they go over all of their life-boats, their life preservers, and all of their equipment generally.

Mr. BURKE. General, will you permit a question? Is it the intention, if this bill becomes a law, to appoint a sufficient number of permanent assistant inspectors so as to avoid all detailing of inspectors?

Mr. UHLER. No; it is not, sir.

Mr. BURKE. What is going to be the dividing line between service that calls for the detailing of an inspector and service that calls for a permanent assistant?

Mr. UHLER. I think that the dividing line will have to be left with the administration of the department, and they will be appointed where the necessity exists.

Mr. EDMONDS. The number appointed will depend upon the amount of money Congress gives you?

Mr. UHLER. That is the whole thing. We are not going to get any more assistant inspectors than the appropriation is going to give salaries for. But what we want to do now—and the real purpose of this bill—is to regulate and to authorize consistently, meeting present conditions. We can not do it as the law now is. As I say, we

are still appointing at Milwaukee, and it has given me some concern, and I have had it up for two or three years. In some instances they have said, "Well, the Appropriations Committee's action will designate how many local assistant inspectors you have, wherever you get them." I do not like that at all. The law says that these men can only be appointed where we inspect 225 vessels. And now it has come to our attention, and we have realized it, that we are appointing assistant inspectors where we do not inspect 225 vessels, and yet we have got to have them, and we thought the best thing to do was to bring that to Congress and have it adjusted, and have it permanently adjusted.

Now, instead of appointing at Milwaukee, or appointing at Buffalo, or appointing at New York, if we need assistant inspectors at Cleveland, let us appoint them at Cleveland. There is not a particle of difference in the salary; there is no difference in the conditions; there is no difference in the conditions of the work. This change in the bill is simply to legalize a practice that I guess is not regular.

Mr. BURKE. One question more: Is there now or later to be under this bill, if it becomes a law, any qualification as to the residence of an assistant inspector?

Mr. UHLER. No; there never is, sir. He may be permanently appointed to Chicago, for instance, and he may be appointed from Duluth; he may be appointed from Buffalo, he may be appointed from Milwaukee, or he may be appointed from anywhere he takes the examination. Now, when we appoint this assistant inspector at Chicago—say, permanently appoint him there—that is his home, just exactly the same as it is now when we make them understand when we detail them for permanent service that this detail is permanent, that it is not transient at all. "You must make up your mind that this detail is just the same as though you had been appointed permanently at Cleveland."

Mr. BURKE. In the appointment of inspectors is it customary, or is it permissible, for instance, to appoint an inspector who has had experience only with river vessels and to act as an inspector of lake vessels or ocean vessels? Is that ever done?

Mr. UHLER. No; that is not done, Judge. But the opposite is done. We send men from the ocean to the rivers; we send men from the Lakes to the rivers; but we do not send a man from the rivers to the Lakes or to the ocean unless he has had experience that would authorize his examination under the civil-service rules. A man might have had experience on the ocean, or has had experience on the Lakes, and then gone to the rivers. Under those conditions, having had an experience that is contemplated by the civil-service rules, we can appoint that man to any place for which he takes the examination. But ordinarily it is not done.

Mr. HARDY. Let me try to get this clear. It seems to me the simple and sole and entire effect of this bill, as I understand it, is to take out of the present law the clause which authorizes the appointment of assistant inspectors in ports where 225 vessels are inspected annually.

Mr. UHLER. Quite right, sir.

Mr. HARDY. And to substitute for that the clause "where the exigencies of the service require."

Mr. UHLER. Exactly so.

Mr. HARDY. And the intention of this law is to give unrestricted authority to the officials to make appointment of assistant inspectors at every port where the exigencies of the service require it, instead of where there are 225 vessels.

Mr. UHLER. Yes, sir.

Mr. HARDY. That is the whole thing.

Mr. UHLER. And to legalize the practice.

Mr. HARDY. If you authorize it, that makes it legal now.

Mr. UHLER. Quite right, sir.

Mr. HARDY. That is the whole purpose of the law?

Mr. UHLER. There is no other purpose in it.

Mr. HARDY. In doing that, you simply copy the law as it exists with that change.

Mr. UHLER. That is all. And understand that this bill that we have before us, No. 4786, amends only the eighth paragraph of that section.

Mr. HARDY. That is all it amends.

Mr. UHLER. It has nothing to do with the other paragraphs authorizing the transfer. When Mr. Edmonds spoke of that, I thought it was under consideration to appoint permanently without the privilege of detail. We can not do that.

Mr. EDMONDS. You would not want to do that?

Mr. UHLER. Of course not. We could not get along without it.

Mr. HARDY. Now, I want to go back to the question we raised before. It seems to me the title of the bill is awkward. It seems to me the title of the bill ought to conform with the body of it. "To provide for the appointment of assistant inspectors, steamboat-inspector service, at ports where the exigencies of the service require"—that ought to be the title of the bill. The clause limiting that title "at ports * * * to which they are permanently detailed" might be construed to mean that you had no right to appoint except where you already have somebody detailed. But if you include what you have in the body of the bill, then you have a title to correspond with the body of the bill.

Mr. UHLER. I think that is entirely, Judge, a matter of fancy with the committee. And I want to explain that in this way, that in drawing our recommendations for changes in the law, we will quite often submit a form of bill to the solicitor or Secretary, and the Secretary or solicitor will take exception to the caption of the bill, and say, "Well, I do not think that is just exactly the right clause for the purpose of the bill, and we will change it in this way."

Now, so far as I am concerned and so far as my bureau is concerned, and I think I can speak for the department as far as it is concerned, it does not make a particle of difference how you amend that enactment clause.

Mr. HARDY. Right under there you wind this amendment up by including what is already there, and then say, "and for all other districts and ports, at a salary," etc. This is intended as a bill to give authority to appoint when the exigencies of the service require.

Mr. UHLER. Yes.

Mr. HARDY. Then why say, "at places where they are at present detailed"?

Mr. UHLER. I would not say so. I say the phraseology is a matter of amendment in the committee's report.

Mr. HARDY. That is the way it ought to be, anyhow.

The CHAIRMAN. I suggest that you frame an amendment.

Mr. BURKE. Just one more question: In your opinion would increasing the salaries of the assistant inspectors have a tendency toward securing better qualified inspectors?

Mr. UHLER. That is a question that has frequently been put up to me, Judge. In the Steamboat-Inspection Service I do not believe that we could get any better inspectors than we have to-day if the salary were twice that much. I do believe this, that a larger salary would make it more attractive to some and invite more competition; there would be a larger eligible list, perhaps, and we would have a larger list to draw from. But so far as the capacity and capabilities of the men are concerned I think we get the best men to-day and have the best men that we can get, and we get nobody but who has had experience sufficient to assure us that they know what they are doing; and the civil service technical examination is a pretty stiff examination to determine their technical ability.

Mr. BURKE. Who frames those technical questions that are asked the candidates at the time of the civil-service examination?

Mr. UHLER. As they are changed from time to time, Judge, the suggested change is made by the man who marks for the Civil Service Commission. Generally we do not know who he is. Those changes are submitted to the bureau for their approval or for their rejection. Now, the bureau has taken upon itself, on different occasions, to ask them to change—never to lessen, but always to increase—the requirements. The Civil Service Commission would take up a recommendation of mine for a change in the requirements and probably submit it to their committee and to the man who marks these examinations.

I think at the present time, on the engineers' side, that he is a chief engineer in the Navy. And I think that the gentleman who marks the qualifications for the examination for inspector of hulls is a lieutenant commander in the Navy. I won't be certain about that, but I am sure it is. We know but little of the personnel or the methods of the Civil Service Commission and how they do things. But, as I remember it, that is just about the way they do it. There was a time when we marked the examinations in our bureau, but we headed that off.

Mr. KINCHELOE. Does the Government charge the owners of these steamships anything for these examinations?

Mr. UHLER. Not a penny, sir. There is no expense whatever connected with any of the work of the steamboat-inspection service; none whatever. The licenses are without charge; the inspections are without charge, and there is no fee of any kind or character charged by the Steamboat-Inspection Service, except in this instance. If an owner of a vessel tells us that his vessel is ready for inspection and we proceed to this point where his vessel is located and find she is not ready, which necessitates our making a second trip to that vessel, then we make the owners of the vessel pay for the second trip—make them pay for their mistake; that is all.

These various bureaus of the Government, for which we do inspection (and I want to say we do a great deal of it) pay our inspectors just the same as we would pay them. If we were sending an inspector, for instance, from Philadelphia either to Fort DuPont or down the river to inspect their boiler plant there, the inspectors would charge

them just exactly as they would charge their own bureau. I certify to that account and turn it over to the War Department for payment, and they reimburse us for the money with which to pay the local inspectors or assistant inspectors.

Mr. BURKE. One more question: How often is each vessel required to be inspected in each year?

Mr. UHLER. Annually, under the law, Judge. But all passenger boats are inspected four times a year under the department's regulations and requirements.

Mr. BURKE. Has the department or the Bureau of Navigation the authority to examine either passenger or freight steamboats at any time it desires?

Mr. UHLER. Yes, sir; at any time. We can go aboard and inspect a vessel at any time; we can stop her at any time if we are doubtful of her sufficiency.

The CHAIRMAN. What would you say as to this, to amend the title to read as follows: A bill amending the eighth paragraph of section 4414 so as to authorize the Secretary of Commerce to appoint assistant inspectors in districts or ports where the exigencies of the service require?

Mr. UHLER. I think it is quite right, sir.

The CHAIRMAN. I might say that is in place of the provision, "In ports where there are more than 225 vessels inspected."

Mr. HARDY. That is the change it effects.

The CHAIRMAN. Yes.

Mr. UHLER. I would simply say, "Providing a method of appointing assistant inspectors," and make it as short as possible; although I have no preference in the matter; it does not make a bit of difference to me.

Mr. EDMONDS. Do you understand this bill here would give you the privilege of appointing temporary inspectors?

Mr. UHLER. No, sir; we can not appoint temporary inspectors.

Mr. EDMONDS. You could not?

Mr. UHLER. No, sir.

Mr. EDMONDS. They would have to be appointed for all through the year?

Mr. UHLER. Yes.

Mr. EDMONDS. Do you inspect gasoline passenger boats?

Mr. UHLER. We inspect gasoline passenger boats of over 15 tons, that carry freight and passenger for hire.

Mr. EDMONDS. Up on Sheepshead Bay, at the head of the bay, I notice there are quite a number of small boats, probably under 15 tons, carrying passengers and very heavily loaded—gasoline boats carrying passengers over to the different beaches along Long Island shore there. You do not inspect those boats at all?

Mr. UHLER. No, sir; not if they are under 15 tons.

Mr. EDMONDS. You should, though, should you not?

Mr. UHLER. I think so, yes.

Mr. CURRY. That is a question I would rather not have gone into now, because I do not think so, and I would want to have something to say on that. But I think that is extraneous to this proposition under discussion.

Mr. BRUCKNER. What is the smallest vessel you inspect?

Mr. UHLER. If the vessel is a towboat and propelled by steam, if she is only big enough to put a boiler and engine in her, she would be inspected. Let me explain this to you: Before the enactment of what is known as the Motorboat Law, the steamboat inspection service inspected every boat, no matter what her class, size or service—inspected that vessel if she was propelled by steam. It made no difference how big she was, or the service in which she was engaged, she had to carry a licensed engineer and a licensed pilot.

Mr. BURKE. Was that for freight boats?

Mr. UHLER. It made no difference what service, Judge.

Mr. BURKE. That included pleasure boats also?

Mr. UHLER. It did, yes, sir; include pleasure boats. Now, then, the enactment of the motor-boat law gave a class to those small vessels of "motor boats." A motor boat was any vessel propelled by machinery less than 65 feet in length, excepting tugboats and towboats propelled by steam.

The CHAIRMAN. There is a bill pending here, now, to amend the motor-boat law.

Mr. UHLER. Excepting towboats and tugboats propelled by steam. Now, then, if it is a tugboat or a towboat propelled by steam, it makes no difference if she is no longer than this table, she would be inspected. Her boiler, engine, and hull must be inspected, and she must carry a licensed engineer.

Mr. CURRY. Suppose that were required for motor boats. That would put all of the boats owned by the farmers around the deltas of the rivers, and the sounds and bays, out of business, because they could not afford to employ a licensed engineer.

The CHAIRMAN. That question, however, is not involved here.

Mr. CURRY. No; that is why I do not want to go into the details of it.

Mr. EDMONDS. Might I ask the General another question, Mr. Chairman?

The CHAIRMAN. Yes; but I suggest that we confine our discussion to this bill.

Mr. EDMONDS. It is very near it. The newspapers have charged that our navigation laws are hampering our across-seas navigation and that we ought to change them. Now, there is nothing in this inspection that is any hardship as compared to the inspection of England, France, or any other country, is there?

Mr. UHLER. I think not. I think, though, that you will find that our inspection goes a little further into the details of the inspection than the inspection of other countries.

Mr. EDMONDS. But there is nothing they could complain about which would make a difference in the cost of running a vessel?

Mr. UHLER. Nothing whatever, so far as the inspection laws are concerned.

Mr. EDMONDS. You attend to the boiler inspections?

Mr. UHLER. Yes, sir.

Mr. EDMONDS. There is considerable complaint by men on the Atlantic and the Pacific coast that they have to be at a certain point at a certain time for this inspection under our law, whereas foreign ships do not under their law; in other words, that there is a leeway given a foreign ship, if not in a home port, to have its boiler inspected.

Mr. UHLER. We send a man a thousand miles to make an inspection. We will go to New York or anywhere else to inspect—anywhere in the United States that the vessel may be.

Mr. EDMONDS. Suppose the vessel does not happen to be in the United States. Suppose it happened to be in China, and it does not get back for two or three months later. What do you do?

Mr. UHLER. We do not do anything. We provide for that.

Mr. EDMONDS. You do?

Mr. UHLER. Yes.

Mr. EDMONDS. They say the other countries are a little more lenient in their boiler inspections and allow their ships to move a little more freely and that you tighten it up pretty well.

Mr. UHLER. We have an annual inspection. The law provides for an annual inspection. If a ship is in China, where we have no inspectors, we can not inspect it; but if he is in South America, where we can not inspect it, he comes home.

Mr. EDMONDS. And then you inspect when he gets home?

Mr. UHLER. We inspect when he gets home. And we have lately made this amendment to the law, that any vessels trading foreign whose certificate will expire while at sea will have to be inspected 30 days before they depart; or we give them that leeway coming home.

Mr. EDMONDS. I guess that is probably what they complain of.

Mr. UHLER. They can not complain of that, because we give them quite as much privilege in that way as the other countries do.

If I might digress just a little: I do not think that any country has any fault to find with the inspection laws of our country, except perhaps the application of the hydrostatic pressure test. They find some fault with that. Our law says that this hydrostatic pressure of 150 per cent (that is, a ratio of 150 pounds hydrostatic pressure to 100 pounds allowable pressure) must be applied by the inspector. Now, I contend, and I have always contended, that our annual application of a hydrostatic pressure in that ratio is not nearly so distressing as the application of double the hydrostatic pressure which the English law requires upon all new boilers, or upon any boiler undergoing repair. They subject those boilers to twice the allowable pressure of the hydrostatic. And I want to say, gentlemen, that I was engineer on first-class ocean steamships, and I was engaged in that work for years and years and years, and I never saw the first particle of distress that was ever created by the application of the hydrostatic-pressure test. And I had just as heavy boilers as there were in service at that time, and nearly as heavy boilers as there are in the service now.

Mr. CURRY. If the boiler was injured, it ought to be taken out of the ship and a new one put in, anyhow.

Mr. UHLER. Certainly, sir.

Mr. EDMONDS. You realize that the newspapers have been making these charges, and I want to find out, if they are true, how we can correct them.

Mr. UHLER. I think those criticisms are directed more to our navigation laws proper, to the questions of measurement, and the question of toll charges, and the difference in the measurement of our country and that of Great Britain, Germany, and so on.

Mr. EDMONDS. You could not suggest any change in the inspection law?

Mr. UHLER. I would not undertake to, sir, because it is entirely out of my line.

Mr. HARDY. The truth of the business is, is there any basis on which a charge can be made that our laws bear more heavily on a ship than the foreign laws do, except that they claim that our tonnage measurements subjects them to a higher amount of toll charges in foreign ports.

Mr. UHLER. Quite right; that is all there is to it, sir.

Mr. HARDY. Now, there has been a good deal of discussion (but it is not proper to go into it on this bill) as to whether the tonnage measurement to-day subjects us to a higher rate of charge. I think, Mr. Chamberlain says it does not, but Capt. Dollar says his particular boat costs \$400 more tonnage dues when he enters an English port than an English vessel entering an English port.

Mr. EDMONDS. What I was trying to find out is whether it was so— if there was anything in our navigation laws that ought to be remedied?

Mr. CURRY. How do you fix the tonnage of an American ship?

Mr. UHLER. It is done by the Bureau of Navigation.

Mr. CURRY. How do you fix it?

Mr. UHLER. By measurement.

Mr. CURRY. What measurement?

Mr. UHLER. Freight measurement laid down by the law.

Mr. CURRY. Freight measurement?

Mr. UHLER. Yes, sir.

Mr. CURRY. Do they not accept the measurement of the architect of the boat?

Mr. UHLER. Oh, I think not, sir. I would not like to say that they do not, Mr. Curry.

Mr. CURRY. Is there anything in the American law right now that would prohibit the use of the English or the German measurement?

Mr. UHLER. Yes; I think so, sir.

Mr. CURRY. Do you know it?

Mr. UHLER. I do not know it.

Mr. CURRY. I do not think there is. If there is, I would like to know it.

Mr. UHLER. I think there is, because I think in the consideration of deck space, I do not think we give the same consideration to the orlop space; that is, the deck aft.

Mr. CURRY. I know we do not, but is there any law for it?

Mr. UHLER. Oh, yes, sir. If the clerk will get the law, I think I can point it out to you.

Mr. CURRY. That is extraneous to this bill anyhow.

Mr. UHLER. You will find that in chapter 51, Revised Statutes, I think.

Mr. BURKE. Is there any reason why our measurement should not be the same, for instance, as that of Great Britain?

Mr. UHLER. I do not know why it should not be universal, and I do not know why Great Britain's law should not be the same as ours. It is simply a difference in ideas as to what should be considered as carrying space. Now, there are some parts of a ship we do not consider as carrying space.

Mr. BURKE. Has this question ever been taken up by a conference between maritime nations, such as having a uniform rule for the measurement of vessels?

- Mr. UHLER. Not of my knowledge, sir.

Mr. CURRY. The gross tonnage measurement of ships of all nations is identical, is it not?

Mr. UHLER. I think so.

Mr. CURRY. It is simply the net tonnage measurement that is governed by the custom of the country.

Mr. UHLER. Yes.

Mr. EDMONDS. There was a conference held in Vienna or Sofia, somewhere down in Turkey, anyhow, and there was an agreement made. It was an international conference, and the agreement was made conditioned to be accepted by the different nations. Some nations accepted it, and the others did not, and it so happened that we accepted it, and put it into effect. And one of the results is that for some of our steamers the tonnage is one-third greater. And if you will get Prof. Johnson's book on the Panama Canal tolls, you will find the whole thing in there. And that is one of the most valuable books on measurements I have ever seen, because he will take the same class of steamer and measure it under three different countries, and show you the differences.

Mr. BRUCKNER. The differences in the measurements?

Mr. EDMONDS. Yes.

Mr. HARDY. The trouble with the situation is simply this: We certify the tonnage of our vessel, measured under our measurement. When that vessel goes to England, they collect for the tonnage which we certify, without converting it to their measurement. When their vessel comes over here, it has a certificate of tonnage under their law which really amounts to a less tonnage than if measured under ours, and we convert it into our measurement. It is just simply a matter of mathematics. The result is that the two vessels pay on the same tonnage basis in our ports, but when one of our vessels goes to England they charge us for the additional tonnage, because we certify the additional tonnage. And the result is, Mr. Dollar says, that we pay a third more tonnage dues on the American vessel than they do on the English vessel.

Mr. EDMONDS. That is certainly true of certain vessels.

Mr. HARDY. He made that statement here, yet Mr. Chamberlain says they are the same.

Mr. UHLER. I think the law is rather explicit on it. I think the law lays down quite detailed rules for the measurement of ships in the ports.

The CHAIRMAN. I would suggest that some day we have Mr. Chamberlain over here and go over that question, but I hardly think it is pertinent now.

Mr. UHLER. I think you will find that the whole thing will resolve itself into a consideration of certain space, and only in certain instances.

The CHAIRMAN. Is there anything further from Gen. Uhler on this bill? Is there any one else who desires to be heard on the bill? If not, the hearing will close, and I will ask leave to incorporate in the hearings the statement of Mr. Hoover, chief clerk of the Steamboat-

Inspection Service, before this committee, on January 8, 1915, on H. R. 20281, which is a bill identical in form with this bill, and which was reported to the House.

(Thereupon, at 11.30 o'clock, a. m., the committee went into executive session.)

Mr. HARDY. That is what I was trying to get at. He has already partly explained, but I would like to have him give us directly the reasons for this bill.

Mr. HOOVER. The reasons are these: First, I should say that after July 1, 1905, boards of local inspectors were paid fixed salaries. Up to that time they had been paid according to the number of steamers inspected, and we believed that that placed a premium upon defective and inefficient inspection by limiting the man's salary to the number of steamers that he inspected. Hence their salaries were fixed. Now, at the time that was done—and that law was effective July 1, 1905—these words in section 4414 in regard to appointing the assistant inspectors at districts where there were 225 steamers or upward to be inspected annually were not also mentioned, but it was the understanding of the department from that time on that the number of steamers that were inspected in a district did not have any effect whatsoever upon the salaries. Therefore there remained from that time to the present day these assistant inspectors who were appointed at certain of these ports and detailed to certain other ports. Now, the effect is that to-day some of these ports where assistant inspectors have been appointed have fallen below the 225-steamer limit, where assistant inspectors are to be appointed, you understand, and appreciating that it is not a fair basis, simply the number of steamers that are inspected in the district, to base the number of men who shall be employed there, we want to get away from that and have this amendment made which should have been made back in 1905. It has been our understanding from that time on that we proceeded correctly in having these assistant inspectors at the place where they were appointed, even though that number of steamers had fallen below 225. I may say that in the last year we have gone over these statutes trying to bring them up to date wherever we found them defective, and in our efforts to do that we found this place here. We first discovered it—or we did not discover it, but thought of it carefully—when we were getting up the last estimates, and it occurred to me we ought to have that corrected and do directly that which we have been doing indirectly; that is to say, if there happen to be ports where the exigencies of the service require assistant inspectors of course we can actually appoint them, but we can not actually appoint them until you gentlemen appropriate so we will have money to pay them.

Mr. GREENE. You do not limit the number there. You say, "May appoint in districts or ports where the exigencies require additional inspectors," but you do not say how many.

Mr. HOOVER. No. That depends on the amount of money Congress will give us.

Mr. BRYAN. The Appropriations Committee, in order to increase the number, would have to have a hearing and appropriate more money because of the increase in inspectors?

Mr. HOOVER. Yes; and this would be our statutory authority if it is amended.

Mr. HARDY. Do you mean to give you authority to appoint more than one assistant at any one of these ports?

Mr. HOOVER. Yes; provided we could get the money for that. For instance, at Cleveland, this is the situation. At Buffalo, N. Y., there are four assistant inspectors. Each of them get \$1,600. Two of them are constantly detailed at Cleveland. At Cleveland is owned three-fourths of the tonnage on the Great Lakes. At Cleveland we have ships come in for repairs and the like to boilers and hulls, and many ships will be there. We could not commence to inspect the boats at Cleveland if we did not have these two men detailed at Buffalo. And, in addition to that, we have to bring inspectors in the spring from New York and Philadelphia out there, at great expense to us, because we have not a sufficient number on the Lakes. Why not, therefore, appoint at Cleveland and have them appointed as assistant inspectors those men who live there and own their homes there and who actually are appointed at Buffalo?

Mr. ALEXANDER. This bill would obviate that difficulty of having the appointments made at Buffalo. The present law authorizes the Steamboat-Inspection Service to appoint inspectors at ports where they are living?

Mr. HOOVER. Exactly.

Mr. ALEXANDER. If there is any increase it can be only that authorized by the Committee on Appropriations making provisions for it?

Mr. HOOVER. Exactly.

Mr. THACHER. I was not quite clear in my mind how many assistant inspectors were going to be appointed by that bill. Apparently you could appoint any number.

Mr. HOOVER. We can, provided you give us the money. This bill here does not contemplate, and we have not in mind now, the appointment of a single additional assistant inspector, but if it was necessary to appoint 10, and we could get Congress to appropriate for them, we could appoint them under this bill.

Mr. HARDY. As I understand, what your department wants is authority to appoint an assistant at any place where the good of the service warrants it?

Mr. HOOVER. Yes.

Mr. HARDY. And you wanted those in New York to have \$2,000 a year, those in New Orleans and the other named places \$1,800 a year, and the others unnamed to be at \$1,600 a year?

Mr. HOOVER. Exactly.

Mr. HARDY. I suppose, of course, the unnamed ones would be the least important places and places where living would not be so high.

Mr. HOOVER. That is only theoretical, though.

Mr. HARDY. However, I see you leave out of this bill, as it is proposed here, one city that was named in the former section, and that is Chicago.

Mr. HOOVER. I can explain that in this way: There had been in Chicago assistant inspectors receiving \$1,800 who were appointed at that place. When the number of steamers fell below 225, Chicago lost its assistant inspectors, and they could only be detailed there. They were appointed at Milwaukee where there were 225 steamers inspected, and detailed to Chicago. Those men got \$1,600, and the present inspectors at Chicago get \$1,600. If you should say the assistant inspector at Chicago should get \$1,800, you would have two men there getting \$1,800, and two who do the same work that these men at Cleveland and Buffalo do who get \$1,600.

Mr. HARDY. Then you suggest to leave that as it is?

Mr. HOOVER. Yes. Take for instance the matter of pay of assistant inspectors, to show how unbusinesslike we are now, in the spring we detail two Cleveland, Ohio, men, who are getting \$2,000 a year, to work side by side with two men getting \$1,600 a year. Those \$1,600 men are just as competent and do just as much work. I have not raised that question with regard to standardizing salaries except to show the condition as to the pay of assistant inspectors.

Mr. ALEXANDER. And if there is any increase in the force hereafter—that is, an increase of assistant inspectors hereafter at the points where they are needed—he will have authority to appoint them at that place, but the number must be presented to the Committee on Appropriations and authorized before they can be appointed?

Mr. HOOVER. That is correct. For instance, to-day, at the port of Toledo, Ohio, there are no assistant inspectors. Should necessity arise for them, we would come to the Appropriation Committee and say, "Two assistant inspectors at Toledo, Ohio." And if the question arose "Under what authority?" we could say, "Why, under the authority of section 4414; that is the authority under which we are asking for it." But we could not have them unless Congress gives us the money.

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**INCREASE IN NUMBER OF PASSENGERS CARRIED ON VESSELS AND
PROVIDING FOR APPEALS FROM LOCAL BOARDS.**

HEARINGS

BEFORE THE

**COMMITTEE ON THE
MERCHANT MARINE AND FISHERIES**

HOUSE OF REPRESENTATIVES

SIXTY-FOURTH CONGRESS

FIRST SESSION

ON

H. R. 4781, H. R. 4783, and H. R. 4785

**AMENDING SECTIONS 4464 AND 4465 OF THE
REVISED STATUTES OF THE
UNITED STATES**

JANUARY 27 AND FEBRUARY 3, 1916

No. 1.



**WASHINGTON
GOVERNMENT PRINTING OFFICE
1916**



Interstate Commerce Commission

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES.

HOUSE OF REPRESENTATIVES.

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INCREASE IN NUMBER OF PASSENGERS CARRIED ON VESSELS.

COMMITTEE ON MERCHANT MARINE AND FISHERIES,
HOUSE OF REPRESENTATIVES,
Thursday, January 27, 1916.

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

The CHAIRMAN. We have under consideration H. R. 4781, to amend section 4464, Revised Statutes of the United States, relating to number of passengers to be stated in certificates of inspection of passenger vessels, and section 4465, Revised Statutes of the United States, prescribing penalty for carrying excessive number of passengers on passenger vessels; also H. R. 4785, a bill to amend section 4464 of the Revised Statutes of the United States.

I call attention to the fact that H. R. 4781 amends section 4464, as does H. R. 4785, but H. R. 4781 also amends section 4465. And I suggest that both of these bills be considered together. I think 4785 should be substituted, by way of amendment, for the amendment to section 4464 in H. R. 4781.

Mr. EDMONDS. I think that way myself, and I suggest we take that up, and then, if we agree to that, we can put it in as an amendment to H. R. 4781.

Mr. UHLER. You will have to amend H. R. 4785, Mr. Chairman, if I may suggest, in the eighth line of the bill, by striking out the clause "other than ferryboats."

The CHAIRMAN. We will take up first H. R. 4785. Proceed, General.

STATEMENT OF MR. GEORGE UHLER, SUPERVISING INSPECTOR GENERAL OF THE STEAMBOAT-INSPECTION SERVICE.

Mr. UHLER. The law in its present form, Mr. Chairman, specifies the form of certificate of inspection granted to steamers, and there is no authority whatever to limit the number of passengers on any vessel except she is a steam vessel. It makes no difference how large the vessel may be or in what service she is engaged, whether ocean, river, lake, bay, or sound service, if she is other than a steam vessel there is no authority to limit the number of passengers, and the number of passengers is only limited by a rule of our board of supervising inspectors, for which there is really no authority because there is really no authority in the law for it, governing life-saving equipment. We say that a vessel of a certain size shall carry so many boats when carrying so many passengers, whether allowed on the certificate or not; that she must have so many life preservers and such lifeboat equipment.

This suggestion is not new, Mr. Chairman, nor this proposed regulation. You will find it in my reports, and in the reports of the

secretaries, I think, for several years, that this condition ought not to be allowed to prevail; that we should have the same authority to limit and restrict the number of passengers on a vessel that is propelled by machinery, if she is a gasoline vessel or whatever she may be, just in the same ratio as the restriction applies to steam vessels.

The CHAIRMAN. What other vessels do carry passengers, other than steam?

Mr. UHLER. Oh, gasoline vessels or vessels with internal-combustion engines, carrying four or five hundred passengers, and which, under the law, we have no authority to limit; and then we have ocean freight vessels, now propelled by internal-combustion engines, of two or three thousand tons capacity.

The CHAIRMAN. That is the Diesel type of engine?

Mr. UHLER. That is the Diesel type of engine, and, consequently, not steam; and there is no authority to restrict the number of passengers.

The CHAIRMAN. That type of vessel is increasing all the while, too?

Mr. UHLER. It is increasing all the while. And, outside of that, we have a type of vessel that are gasoline-propelled vessels, carrying anywhere from 50 to 500 or 600 passengers, over which we have no authority whatever, so far as the restriction of the number of passengers is concerned. We have to inspect them, and all that, but they are relieved from any restriction as to the number of passengers; and that is only determined by the number that can hang aboard of her, really; and, in the next place, by the number of boats that the steamboat-inspection service puts aboard of her.

Mr. BRUCKNER. Why do you exclude ferryboats?

Mr. UHLER. We do not, sir.

Mr. BRUCKNER. This act does.

Mr. UHLER. I know it does. And that is another question. I have asked for the inspection of ferryboats for years. That is one of the things that crept into this bill—

The CHAIRMAN. It is in existing law.

Mr. UHLER. It is in existing law, and when section 4464 was amended by this bill it carried with it the legislation that was suggested by the committee in Chicago and leaving the older law just as it was, excepting ferryboats. But I think you understand from the memoranda you have there that we want that taken out of this bill.

The CHAIRMAN. Taken out of H. R. 4785.

Mr. UHLER. We want that to come out of this bill.

The CHAIRMAN. In 4781 this provision is stricken out.

Mr. UHLER. I know; but in 4785, Mr. Chairman, it is not.

The CHAIRMAN. I know it is in that bill, but it is out of bill 4781.

Mr. UHLER. Exactly; and this bill 4781 carries the amendments suggested by the inquiry in Chicago; but this bill H. R. 4785 does not carry them.

Mr. BRUCKNER. We are acting on 4785 now, are we not, General?

Mr. UHLER. While we are talking about 4785 that is what I want to bring out—that is what I spoke about a while ago—in the eighth line of H. R. 4785 the words “other than ferryboats” should come out, so as to give us the same jurisdiction over ferryboats that we have over any other class of steamer.

The capacity of a ferryboat at the present time is only determined by the number of people that can get aboard of her, that is all; and they can hang on to her, and hang on to the rails, and everything; and there is no restriction whatever as to the number of passengers that may be carried on ferryboats.

The CHAIRMAN. The existing law applies alone to steam vessels, and this bill is to change the existing law so as to make it apply to all vessels carrying passengers.

Mr. UHLER. Yes, sir.

The CHAIRMAN. It is proposed to strike out the words "other than ferryboats," which the existing law exempts from the Steamboat-Inspection Service.

Mr. UHLER. As to the restriction as to the number of passengers.

The CHAIRMAN. Yes; under the existing law. And then the following language is new language and does not appear in the existing law, beginning in line 10.

Mr. UHLER. That is quite right.

The CHAIRMAN. "That whenever the number of such persons is increased by any board of local inspectors such increase must be reported by such board of local inspectors to the supervising inspector of the district, together with the reasons therefor, and such increase shall not become effective until the same has been approved in writing by the said supervising inspector."

That is new matter.

Mr. UHLER. That is new matter, and that was the legislation that was suggested by the Chicago inquiry.

The CHAIRMAN. Right at that point, let me ask you what limitation there is under existing law of the number of people a local inspector may authorize a vessel to carry?

Mr. UHLER. None whatever, sir.

The CHAIRMAN. Should there not be?

Mr. UHLER. I think so.

The CHAIRMAN. If so, what rule should be enforced?

Mr. UHLER. I think this amendment here limits it quite fully and quite thoroughly.

The CHAIRMAN. There is no limit in the existing law of the number of people that can be carried on a vessel?

Mr. UHLER. The number of people that can be carried on a vessel to-day, Judge Alexander, is entirely within the discretion and responsibility of the local inspectors.

Mr. BURKE. Pardon me, but is that true under the seamen's law?

Mr. UHLER. Sir?

Mr. BURKE. Is that true under the seamen's law? Is there not a provision there that there shall be so many cubic feet of space for each passenger?

Mr. UHLER. Oh, no, sir.

Mr. BURKE. What is that provision?

Mr. UHLER. That is the crew space, the crew accommodation, that refers to, Judge Burke.

Under the present law, the local inspectors are given the authority and must bear the responsibility for the vessel's allotment of passengers; and yet if the local inspector issues a certificate of inspection to-day to a vessel, allowing her 2,500 passengers, he may to-morrow, if he likes, increase that allotment to 3,000 or 3,500, or what-

ever in his discretion and judgment he thinks she is worth. There is no appeal from that, there is no appeal to the supervising inspector nor to anybody above the inspectors. The department, time and time again, has refused to lay down the rule or take away from the local inspectors the responsibility that is laid upon them by section 4464. It has developed that vessels which have run along probably for several years with a certain number of passengers had their complement increased probably four or five hundred, which is done at the option and in the opinion and within the discretion of the local inspectors, and there is no appeal from that whatever and nobody has any authority to question their judgment in the matter.

The new matter in this bill provides that whenever the passenger allowance of a vessel is increased such increase must be reported by such board of local inspectors to the supervising inspector, together with the reasons therefor, and such increase will not become effective until the same has been approved in writing by said supervising inspector.

The CHAIRMAN. Who fixes the number of such passengers in the first instance?

Mr. UHLER. The local inspectors.

The CHAIRMAN. Suppose they fixed the number in excess of what the vessel may safely carry?

Mr. UHLER. Yes.

The CHAIRMAN. This bill only provides for an appeal if there is a further increase made by the local inspectors. There ought to be, if the local inspectors name the number of passengers a vessel may carry, some appeal from that to the board of supervising inspectors, as well as from any increase they may authorize. That is quite as important to determine in the first instance how many people a vessel may carry as to determine whether or not there should be an increase from the number designated by the local inspector.

Mr. UHLER. It is designed, Mr. Chairman, to meet this proposition; a vessel owner may not want to carry all the people to which she is entitled, by reason of her size and the space aboard of her, in the winter season, when he will carry only a half or a third of the people that his boat can carry with safety, and he wants to take off a thousand or fifteen hundred life preservers and put them away in his warehouse, so as to keep them out of the weather, and he wants to take off half of his lifeboats. Now, the number of people that can be carried under those conditions is determined by the amount of equipment he has on board. He must have a life preserver on board for each passenger and each member of his crew—for each person on board, we might say—and he must have lifeboats and life rafts to take care of a certain number or percentage of them; and he does not want to carry all of that equipment, but wants to put a part of this equipment ashore while carrying the fewer number of passengers. Now, in that case the number of passengers is determined by the amount of lifeboats and life-saving equipment he has on board. Then, when it comes to the spring, to the busy season, he wants to put the equipment back on board again and to get the allowance of passengers that he can safely carry. And in that instance, as a matter of course, the local inspectors increase his allowance.

Now, it has been thought and it has been concluded that no increase of passengers under any consideration that would invite any criticism or that would invite any doubt as to the correctness of the action should prevail without it should go to the supervising inspector of the district who himself looks over the matter and says "Why did you increase the number of passengers?" And that is the reason for the amendment, that there may be somebody above the local inspectors who know the reasons for the increase.

Mr. CURRY. General, do you think that the number of passengers in the first instance, a great many times, has been more than ought to have been allowed?

Mr. RODENBERG. And should there not be some check on the local inspector in establishing the original number in the first instance?

Mr. UHLER. I do not know how there can be any check on the inspector, Congressmen, for the simple reason that nobody is as well acquainted with the vessel herself and the waters that she has to navigate and the condition of her stability and all of the conditions surrounding her safety as the people who are acquainted with the water which she navigates and who are acquainted with her to such an extent that they inspect her three or four times a year. We may have a vessel with a certain deck space that will carry seventeen or eighteen hundred people. Right alongside of that vessel there may be a steamboat that has more deck space and yet is not fit for more than one half of the people they would load on the smaller vessel. So that it is entirely within the discretion of the local inspectors as to how many people should be allowed on the vessel, and it has always been so. It has been determined time and time again by the various solicitors of the Treasury Department—it has never come up since the organization of the Department of Commerce, but there is quite a line of decisions on that matter—that this responsibility is laid upon the local inspectors, and which they have no right to invade, and for which they should be made responsible.

Mr. CURRY. If they fix the number in the first instance, why not have them fix the increase?

Mr. UHLER. I do not know why they should not, except that it has been determined by one local board of inspectors, Mr. Curry, for instance, in Philadelphia, which fixes the number of passengers that it is safe to carry on the Delaware River. The same steamboat may come around here to Washington, and she may be only going to run from Washington, we may say, to Marshall Hall or Maryland Point—

Mr. BRUCKNER. Why should there not be a standard, so that the regulation will be uniform in the number according to the space or the tonnage, or whatever it may be?

Mr. UHLER. For the reason, sir, I have stated, that no two boats are alike in stability.

Mr. GREENE. Does not the life-saving equipment regulate the number?

Mr. UHLER. The life-saving equipment does not regulate the number, but the life-saving equipment is regulated by the number of passengers.

Mr. GREENE. And if they have not that equipment they can not take them?

Mr. UHLER. No.

Mr. BURKE. Why should the local inspectors at one city determine on giving a higher amount than in another city?

Mr. UHLER. They can not do it, sir, except in their judgment that the service is not as hazardous where they increase the number of passengers as the service was in the original instance. I tried to state that when a vessel is running from Philadelphia, we will say, down the bay 60 miles, and going into Bridgeton, or going to Bombay Hook, somewhere down the river, it is quite probable that at some time along there she will meet bad weather and meet a wind that raises quite a sea and makes it impossible for her to take care of, under those circumstances, the same number of people that she would be well able to take care of from here to Marshall Hall.

Mr. CURRY. What harm would there be in having the supervising inspector fix the number of passengers to be carried in the first instance, the same as for the number of increase?

Mr. RODENBERG. It looks to me to be inconsistent that you should make the local inspector supreme to determine the number, in the first instance, and then be compelled to submit the matter to the supervising inspector in the matter of the increase. It does not look to me to be consistent.

Mr. UHLER. That is not so much on account of the increase of their own allotment as it is an increase of an allotment coming from another port in another district. That is what that is intended to cover more than anything else.

Mr. BURKE. How often are the certificates of inspection granted to vessels carrying passengers?

Mr. UHLER. Annually. Now, at any time the owner of a vessel may ask for a change of the character of his vessel, he may say I do not want to carry any passengers at all. I want the character of my vessel changed from passenger to that of a freight vessel. And you make a notation on his certificate of inspection that the character of this vessel is changed from that of a passenger vessel to a freight vessel, so that does not allow him to carry any passengers at all. And he can do away with all the equipment on his boat except that which is necessary for his crew.

The CHAIRMAN. Right at that point. Here is a passenger vessel coming into the service. Why not, in the first instance, have the local inspector determine the maximum number that vessel may carry, consistent with safety, and let that be reviewed by the supervising inspector general and approved, and not permit that vessel, under any circumstances, to carry in excess of that number. Then, if she wants to carry a less number of people at any time, the local inspector can authorize that and she can take off part of her life-saving equipment.

Take the *Eastland*, herself; the inspectors originally authorized her to carry, I think, six or seven hundred people. That was her normal authorization. Later it was sprung to 2,500; and from all I can understand that was far beyond her capacity, having any regard to safety. Suppose when that vessel was put into service as a passenger vessel that the local inspectors, in the first instance, had fixed the maximum and that had been approved by the inspector general and there had been a joint responsibility and her

number of passengers could not have been increased, no difference what the local men said?

Mr. UHLER. The original number was restricted, Judge, because of the simple fact that she did not have the life-saving equipment to take care of any more passengers, and she did not want to carry any more—only wanted to carry five or six hundred.

The CHAIRMAN. But the life-saving equipment, when she was authorized to carry 2,500 people, was not increased, was it?

Mr. UHLER. Oh, certainly so; sir.

The CHAIRMAN. Is there any reason why, in the first instance, when a vessel is put into the passenger service that the maximum number of people she may carry should not be fixed and determined? Of course, if she carries a less number of people, it involves less risk, and that becomes less important. There is no law now providing what the maximum shall be; and under the provisions of this bill, if a new vessel is coming into the service and the local inspectors should name the number in excess of the number she might safely carry, except where they propose to increase that number, there would be no appeal to the supervising inspector.

Mr. UHLER. Not under the present law; no, sir.

The CHAIRMAN. Nor under this bill, either?

Mr. UHLER. I would not object to it a particle.

Mr. CURRY. Do you not think it ought to be there for the safety of the service?

Mr. UHLER. I think it should be, Mr. Curry.

Mr. CURRY. That is all there is to it.

Mr. UHLER. But let me explain that. Here is a boat which comes out. She comes out in the fall of the year, and we will say she goes into service where she is only going to carry three or four or five hundred passengers, and I only want a certificate for 300 passengers, because that is all the life-saving equipment I can furnish.

The CHAIRMAN. Right at that point, is there any reason why the local inspectors should not state the maximum number of passengers she might carry? Then, as I say, if she comes out late in the fall and only intends to carry a few passengers, the local inspectors, in their certificates, can authorize her to carry a less number which would authorize her to reduce the life-saving equipment pro tanto.

Mr. UHLER. We do that now. We say this vessel from the 15th of September until the 15th of May may carry so many passengers because there is so much lifeboat equipment aboard of that vessel to care for them; that is, she must carry only so many passengers, because that is all of the lifeboat equipment that you have. But from the 15th of May until the 15th of September she could not carry so many passengers because the life-saving equipment aboard of her, which provides for everybody in the winter, will be insufficient to provide for this number of passengers in the summer.

The CHAIRMAN. But suppose she comes out in the very middle of the excursion season, June or July, and the inspectors say she may carry 3,000 people. That is the maximum. Under the provisions of this bill, unless that is increased to 3,500 or some other number in excess, there is no appeal, and it may be in excess of the number of people she can carry safely.

Mr. UHLER. That is all right, sir. I have no objection, and probably no one else will have any objection to there being an appeal from the local inspector to the supervising inspector; that is, for a check. Then the difference of opinion simply would be between the local inspector and the supervising inspector.

Mr. BURKE. Just one question there. Under this bill the only person who can appeal is the person interested in the vessel; and if the original number, the maximum number, of passengers which the vessel is allowed to carry is excessive, it stays excessive, because there is no appeal. And why should not there be a provision incorporated in here that the original inspection must be reviewed?

Mr. UHLER. There would be no objection on my part, Judge Burke; not a particle. There would be no objection on my part at all to providing for as many checks for safety as it is possible to provide.

Mr. BURKE. That is what we want.

Mr. UHLER. There would be no objection, whatever.

Mr. BURKE. That is what the public demands.

Mr. LOUD. Could not that be very easily adjusted in line 11 by having it read "That whenever the number of such persons is to be established or increased," and then following down on the next line, "Such establishment or increase must be reported," etc.

The CHAIRMAN. I think that could be done in that way.

Mr. GREENE. Mr. Chairman, I would like to ask the general a question.

The CHAIRMAN. Yes.

Mr. GREENE. In line 8 you suggested to strike out "other than ferryboats?"

Mr. UHLER. Yes, sir.

Mr. GREENE. Would not that necessitate, then, having an officer there to count the number of passengers?

Mr. UHLER. Well, not in all cases. It might necessitate having an officer there to count the number of passengers in the excessive business hours. But if they were to keep a check upon the passengers that go off and on of every boat in the country, Mr. Greene—

Mr. GREENE. I say, if you do that?

Mr. UHLER. We do not do it now. We may have, with the very boats where they carry large numbers—

Mr. GREENE. I have not used a ferryboat between New York and Brooklyn for more than 50 years, but I can recollect very well when the people used to pack on them—just as many as could get on.

Mr. UHLER. And they do yet.

Mr. BRUCKNER. Yes; they do now.

Mr. GREENE. Now, here is the point I am striking at: You would have to have some provision to regulate the number that go aboard, either by a counting machine or somebody there.

Mr. UHLER. Not any more than they have to-day for other boats, Mr. Greene, for this reason: It is impossible, with our force, and with the force of the customs service, to count the passengers that go aboard of every vessel.

Mr. GREENE. I understand that.

Mr. UHLER. That would be entirely out of the question—that is, with the present force—unless you station a Government officer at the gangway of every vessel that is taking on passengers. What we do is

this: Where we have knowledge that vessels are carrying large numbers of passengers—an excursion where we know there is going to be a special excursion, or something of that sort—a customs officer, a navigation officer, or a steamboat inspector is placed at that gangway. They have an arrangement between themselves—the customs inspectors, the navigation inspectors, and the Steamboat-Inspection Service. For instance, in Baltimore there would be a conference of the collector of customs, the navigation bureau, and steamboat-inspection office, and we will say, "We will attend to this line of boats to-day," and the collector of customs will say, "I will attend to this line of boats," and the navigation officer says, "We will attend to these." Now, those are the boats that carry the most passengers.

Mr. GREENE. I understand that; but I am speaking now of the ferryboats, and very particularly of the ferryboats of New York and Brooklyn, which I know go overcrowded to a great extent; and unless you have some method of determining the number of passengers you can not stop them from going aboard.

Mr. UHLER. I think there should be some responsibility on the owners of the boat in that case.

The CHAIRMAN. Where the steamboat inspectors have determined the maximum number that may be carried on a ferryboat, and the owners of the ferryboat permit an excess number to be carried, and a disaster ensues, does that not fix their liability as to negligence and also void their insurance? Are not their policies of insurance conditioned upon their obeying the existing law and all the rules and regulations of the Steamboat-Inspection Service? That is my understanding.

Mr. UHLER. I think the same conditions should apply to all boats. Ferryboats are simply boats of a little different character, perhaps, plying across the river.

The CHAIRMAN. I say for that reason the duty would devolve upon them, in the first instance, to avoid that contingency.

Mr. UHLER. I think that they ought to understand they take that responsibility. I think they should have some of the responsibility of this thing.

The CHAIRMAN. But what I want you to understand is this: Is it not true that if they do not, and if there is a collision and loss of life or property, that they may void their insurance?

Mr. UHLER. Oh, I should say so. If they do not meet the requirements of the law, or if there is any part of the law and regulations which they do not obey, they should not be absolved; and that vitiates the insurance without doubt.

Mr. BRUCKNER. General, have you ever known a ferryboat to refuse passengers?

Mr. UHLER. Never.

Mr. BRUCKNER. And neither have I.

Mr. UHLER. I have seen this: I have seen them shut the gate, and all that sort of thing.

Mr. BRUCKNER. But they let them on just the same.

Mr. ROWE. No, sir; I think not. I think the fact of the matter is that they do restrict them.

Mr. BRUCKNER. In New York?

Mr. ROWE. Yes.

Mr. BRUCKNER. Have you ever seen them refuse to accept them?

Mr. ROWE. Yes; they are not carrying any passengers there over their allowance that is really enough to amount to anything.

Mr. BRUCKNER. Have you seen that on the Hamilton Ferry or the Municipal Ferry or the Grand Haven Ferry?

Mr. ROWE. Yes; and they restrict them to their allotment on the North River Ferry also.

Mr. BRUCKNER. I cross there about six times a day, and I have never seen them.

Mr. UHLER. The Lackawanna carry as many as they ever did, the West Shore carry as many as they ever did (the only decrease has been on the Pennsylvania road, on account of the tunnel), and the Central Railroad of New Jersey carry as many as they ever did. And at times they are pretty well crowded. Now, they sometimes raise the question—they say, "We can not count these passengers." "Well, you will have to."

Mr. HARDY. If you made a law with strict penalties attached to it limiting the number of passengers that these vessels should carry, with a penalty subjecting them to a revocation of their license if they violate the law and with also such other penalties as you see proper, it would then be simply a question at any time of proving that the vessel owner had been guilty of a violation of that law in order to revoke his license and to subject him to all of the penalties—and you could make them as heavy as you please.

Mr. UHLER. Yes, sir.

Mr. HARDY. You do not need to have somebody around every hour of the day in order to see that he does not violate the law, but subject him to the penalties if he does.

Mr. UHLER. And I think this, that there should be a provision that after it was proven that those people had willfully violated any of the laws and a penalty had been incurred and the penalty has been imposed, then there should be no power in any authority in the world either to mitigate or to remit that penalty.

Mr. HARDY. You have a provision right here now where if these vessels operate in violation of the law that their licenses shall be revoked?

Mr. UHLER. Yes, sir.

Mr. HARDY. There are certain conditions of that kind now in the law, and you can make them stronger if you want to; but there is no provision in any law limiting the number of passengers that may be carried.

Mr. UHLER. None whatever on ferryboats.

Mr. HARDY. So they do not violate the law and pack them on like sardines?

Mr. UHLER. Now, there was some trouble with that years ago when ferryboats were not used so extensively in railroad connections as they have been within, I will say, the last 25 years, and the ferryboat was of such construction that it was deemed reasonable that she could carry with safety everybody that could get aboard of her and could cling to her. That was the old style double-end ferryboat that we used to use and which was operated. And I want to say, Mr. Chairman, that one of the strongest fights that I had when I came into this service was to revoke the ferry certificates that had been issued to vessels of the river type, allowing them to carry as many passengers as could get aboard of them, simply because they were

operated on a ferry route. The secretary of the State of New Jersey maintained that whenever they were granted the privilege of operating as a ferry it did not make any difference what the construction of the boat was, that she was a ferryboat. I am glad to say that I won out in my contention and I had those vessels put into the class where they properly belonged—that was in the class of river steamboats, where the passengers were restricted. They were not ferryboats as the law contemplated. The ferryboat contemplated by the law was the de facto ferryboat—big beam, big gangways to permit of teams going on board, no upper deck, and all the passengers were carried on the one deck, either in the saloons or on the outside. But it has gotten to such a pitch now that it is not at all remarkable to see them carrying 2,500, 2,800, or 3,000 people on a ferryboat. I would not like to put those figures down for the actual figures, but I think that in some cases it would come pretty close to it. And they are sights to behold—people hanging onto the rails, sitting up on the rails in some instances, and with her decks just as full as they could possibly crowd. We have had no serious ferryboat calamities.

The CHAIRMAN. In that connection, we have this provision, section 4424 of the Revised Statutes of the United States:

Whenever any passenger is received on board any steam vessel not having an unexpired certificate of approval or an unexpired temporary certificate of approval placed and kept as required by this title, or whenever any passenger steam vessel receives or carries any gunpowder on board, not having a certificate authorizing the same, placed and kept as required, or shall carry any gunpowder at a place or in a manner not authorized by such certificate, such steam vessel shall be liable to a penalty of \$100 for each offense.

Mr. UHLER. That simply refers to the absence of the certificate. We say unless the vessel has a certificate, and for this purpose she must carry a certificate.

The CHAIRMAN. Have we any statutes now providing that if a vessel carries passengers in excess of the number authorized by the local inspectors that she shall be subject to a penalty?

Mr. UHLER. Oh, yes; of \$10 and forfeiture of the license. Section 4465 provides for that.

The CHAIRMAN. As I say, if we strike out "other than ferryboats" and the Steamboat-Inspection Service fixes the maximum number of passengers they could carry, it would be incumbent on them to observe the law or otherwise be subject to the penalty.

Mr. UHLER. Oh, certainly so; there would be no exemption.

The CHAIRMAN. So for that reason it would not be necessary to have an inspector at the gangplank. They might have a means of registering the number of people that go aboard, but in any event they would incur the penalty if they violated the law by carrying an excess number of passengers.

Mr. UHLER. Certainly so; that is, with the exception eliminated it would be possible. It is not possible now.

Mr. HARDY. Let me put right in there that this section which imposes the penalty for carrying passengers in excess of the certificate is subject to the same trouble as this section 4464. It only applies to steamers. That also applies to section 4465, which only imposes a penalty upon the owner of any steamer.

Mr. UHLER. That should be amended accordingly.

Mr. HARDY. That should be amended also; but this bill does not propose to do that, does it?

Mr. UHLER. No, sir; it does not propose to do that.

Mr. BURKE. H. R. 4781 is the one that amends that.

The CHAIRMAN. I want to say at that point that section 4464 as amended by H. R. 4785 should have added to it section 2 of H. R. 4781, which provides a penalty.

Mr. EDMUNDS. That is in 4781, Mr. Chairman.

The CHAIRMAN. I say the two ought to be incorporated and made into one bill, or one or the other ought to be amended by incorporating that provision.

Mr. UHLER. H. R. 4781 amends section 4465, Mr. Chairman, to meet the contention of Judge Hardy there.

Mr. CURRY. Mr. Chairman, I would like to ask the general two or three questions.

The CHAIRMAN. Very well.

Mr. CURRY. You have here "The board of local inspectors shall state in every certificate of inspection granted to vessels carrying passengers the number of passengers of each class that any such vessel has accommodations for and can carry with prudence and safety." Does that include boats carrying passengers not for hire?

Mr. UHLER. Yes.

Mr. CURRY. It includes all boats?

Mr. UHLER. Yes; everybody aboard of that boat in any other capacity than a member of the crew are considered passengers whether they are carried for hire or not.

Mr. CURRY. On yachts or other boats owned by farmers, gasoline boats, or anything else, you could fix the number?

Mr. UHLER. Yes.

Mr. CURRY. Now, then, if that is true, would this require such boats to carry a captain and licensed pilot, and also a licensed engineer?

Mr. UHLER. They do that already, sir.

Mr. CURRY. Oh, no; they do not. There are two or three hundred boats in my own district where the owners themselves are engineer and pilot both.

Mr. UHLER. Yes, sir—

Mr. CURRY. They are small gasoline launches, that carry one-third of the traffic in my district.

Mr. UHLER. But they are not inspected, Mr. Curry, and not under our jurisdiction at all.

Mr. CURRY. That is what I wanted to know, if they would come under your jurisdiction.

Mr. UHLER. This would not bring them in. It says, "shall state in every certificate of inspection." We do not issue certificates of inspection to gasoline boats.

Mr. CURRY. I know. And then you have got in here "gasoline boats," etc., with no limitation, and taking out "other than ferry-boats," and it does not say "for hire." And if by this it is proposed to grant your department that authority in an indirect manner, I want to know it now, and I want to have it understood, so that my people will understand, and those people in the different parts of the country, that your department is trying to compel them to carry engineers and pilots. And if they do, all this work will have to be done by team or else the big boats that go up and down the river.

Mr. UHLER. Mr. Curry, what the bill proposes to do is to restrict the number of passengers on vessels over which we have jurisdiction. It says they shall state in every certificate of inspection. We are not authorized to grant a certificate of inspection except to those vessels over which jurisdiction is given by the law. We have no jurisdiction to inspect a gasoline vessel of less than 15 tons at all.

Mr. CURRY. I would like your department to have authority to inspect every vessel that sails; but I would not like it to have the authority to compel those small vessels to have a licensed engineer and a licensed pilot, because they can not afford it.

Mr. UHLER. Well, that is a matter of opinion, of course. I think there is just as much jeopardy—I think there is just as much danger from a pleasure vessel as there is from any other style of vessel. Now, I have rather pronounced views on that subject. And for years and years and years we demanded that a steam vessel, where it was no longer than this table, whether she was used for pleasure or commercial enterprise, should carry a licensed engineer and a licensed pilot.

Mr. CURRY. These are gasoline launches that I am talking about.

Mr. UHLER. I know. But we required that those steam vessels should be inspected, and it made no difference what the service was or what the ownership was, she had to be inspected and had to carry a licensed engineer and licensed pilot.

Mr. RODENBERG. Do you only have one grade of license—a uniform license for all engineers?

Mr. UHLER. Oh, no; we have seven or eight different licenses for engineers.

When the motor-boat act was enacted they provided for some jurisdiction over these motor boats. We said that every vessel of less than 15 tons, carrying passengers for hire, would have to be under the care of a licensed operator. The very same law declared that no examination should be necessary to obtain this license, and a man just simply went in and said, "I want a license to operate a gasoline boat of less than 15 tons, because I am carrying passengers for hire," and we just simply had to hand it out. If a man never had been aboard of a gasoline boat or a barge or aboard anything in his life, we just simply had to pass him out this license. And that law has only this effect, that if that man is found to be reckless, or if he has charges of bad conduct sustained, or anything of that kind, we simply revoke his operator's license, and that is all.

On the other hand, any vessel above 15 tons, propelled by gas, gasoline, fluid, naphtha, or any internal-combustion engine, carrying freight or passengers for hire, has to be inspected under the provisions of this section 4426, and she must carry a licensed engineer and a licensed pilot. And it makes no difference, Mr. Chairman, that as a chief engineer of ocean steamers, I have held a license or commission for 42 years in that service, I would not be qualified to go aboard one of those oil vessels. I must get a license from the local inspectors to qualify me as an engineer of an internal-combustion engine. And I would not be allowed to act. Everything above 15 tons, Mr. Curry, which carries freight or passengers for hire, in the nature of an internal-combustion engine, is inspected and they must carry engineers and pilots. The pleasure vessel is absolved from any restriction whatever. It does not have to be in-

spected and it does not have engineers and pilots, and it does not have to meet the requirements in any way at all.

Mr. CURRY. I am not objecting to inspection at all; I am talking about the proposition of not permitting these men, on account of having to employ an engineer, to carry on business. It may be a farmer who carries his own stuff to market.

Mr. UHLER. He does not have to have it.

Mr. CURRY. There is not as much skill required in running a gasoline launch as there is in running an automobile, but I think that anything that carries for hire ought to be required to have this license.

Mr. UHLER. The man who carries his own freight, Mr. Curry, that has been decided by the department—

Mr. CURRY. But if he carries his neighbor's freight, and goes around and picks up freight and carries it for hire, there is no reason that I can see why he ought to be compelled to carry a licensed engineer on a gasoline launch.

Mr. UHLER. If he carries his own freight, it has been decided by the department that it is not carrying freight within the contemplation of the law.

Mr. CURRY. Then what is the objection if you put in there "for hire"—"the board of local inspectors shall state in every certificate of inspection granted to vessels carrying passengers for hire," if that is all you want?

Mr. UHLER. That then would give them the privilege, perhaps, of carrying a hundred people who were not carried for hire. And it has been decided that those people must be taken care of just the same as people who pay their way. The courts have decided that time and time again; there is a long line of decisions on that, that even a man traveling on a pass and who acknowledges with his signature to the pass that he will absolve the company from any action for damages, and all that sort of thing—it has been held by the courts that that man enjoying the courtesy of that company is entitled to the protection of that company and they are liable for damages if he sustains an action.

Mr. CURRY. But under my proposition if he carried 1 for hire and 99 free, he would still come under the provisions of this act if you put in those words "for hire."

Mr. UHLER. I should be afraid, Mr. Curry, to put in there the words "for hire." The ramifications of those words—I have had probably more to do with them than you have—are perhaps not realized by you. We introduced into our regulations once a proposition that a vessel carrying passengers for hire should carry so much lifeboat equipment. Two years afterwards we had to take it out. We had to take those words out of our regulations, and they do not appear to-day at all. And we had to take them out for the very purpose that there might be a hundred or two hundred people aboard of the boat not carried for hire.

Mr. BURKE. General, it is frequently the case where people are running small resorts on the shores of some lake or river, at any distance from the town or city or village, that they will sometimes run a passenger boat free for the public who are going to attend the festivities at a given point. And if the law was so changed as to make it not applicable to those boats that do not charge for pas-

sage, why there would be a case where they could run as carelessly as they wanted to and endanger the lives of the public. So I agree with you.

Mr. UHLER. And we have already decided in those cases, where they have put the proposition up to us that they are not carrying the passengers for hire, that it is a part of their bill, it is a part of the money they pay to the hotel for their keep, that they shall enjoy these courtesies, and shall enjoy this participation. There is a long line of decisions on that. And I do not like the words "for hire."

The CHAIRMAN. And a limitation like that would involve the amending of a good many sections of our statutes and would be a very serious matter.

Mr. UHLER. There is another thing, Mr. Chairman, in regard to those words "for hire," which I do not like for this reason: You have a boat and you have life-saving equipment for 15 or 20 people, and if there are any people aboard of her "not carried for hire," consequently you would not have to provide any equipment for her. And there is a situation there that is hard to meet.

Mr. CURRY. If you have the inspection, you can fix the number of passengers they can carry, whether it is for hire or not.

Mr. UHLER. If we have the inspection, that is all right enough. If you give us that, that would meet the situation of all vessels carrying passengers for hire. That is the matter which we are really talking about.

Mr. CURRY. Is not that what you are trying to do by this bill?

Mr. UHLER. No; only those vessels which come under our jurisdiction.

Mr. CURRY. Then that is all right; I have no objection to it.

Mr. VAN DYKE. General, I want to ask, for my information, if in determining the number of people who are allowed to go on board a passenger vessel, you take into consideration the number who are to be allowed as first-class passengers and second-class passengers?

Mr. UHLER. No; we do not. When there are first-class passengers and second-class passengers, that applies principally to the ocean steamships; where we indicate on our certificate of inspection that she has so many staterooms or so many berths for first-class passengers, and she is allowed to carry so many second-class passengers because she has so many berths in the steerage or can give sleeping accommodations on a cot or mattress, or something of that sort. The question of first and second class passengers is determined generally by the officers on the boats. The mate generally directs the first-class passengers to their quarters and the second-class passengers to their quarters. But on the ordinary river steamer there is no such thing as first and second class passengers.

Mr. VAN DYKE. I recognize that. But the thing I refer to is a case of common occurrence of boats plying between New York and Galveston, or something of that sort, if certain portions of the boat may be overcrowded on certain occasions.

Mr. UHLER. No, sir.

Mr. VAN DYKE. You have not any such case?

Mr. UHLER. I have never heard of any.

Mr. VAN DYKE. You do not think, then, that any restriction should be made on first and second class passengers?

Mr. UHLER. I think the local inspectors all make that restriction, that it will carry so many first-class and so many second-class passengers; and they never do that unless they have the facilities to take care of them.

Mr. VAN DYKE. They do that in case there is danger of a vessel being overcrowded?

Mr. UHLER. Oh, certainly so—so many passengers to go in the steerage and so many to go in the first class and so many in the second class, because there is only so much accommodations for them.

Mr. VAN DYKE. That is already done?

Mr. UHLER. Yes, sir; that is already done.

Mr. BURKE. Is there any rule or regulation which provides how many passengers may be allowed on the different decks?

Mr. UHLER. No.

Mr. BURKE. Is not that one of the reasons ascribed for the cap-sizing of the *Eastland*—

Mr. UHLER. No; I think not, sir.

Mr. BURKE (continuing). That they were all crowded on the upper deck?

Mr. UHLER. No. What they do is this: If the inspectors think that a certain number of passengers would be too many on the hurricane deck of a vessel, they will say to the captain that "of this number of passengers you must never allow more than 200 passengers on the upper deck; never at any time." In another instance they have gone so far as to incorporate in the certificate of inspection that they will be "allowed to carry so many passengers, no more than 100 of which shall be carried on the hurricane deck at any time." He can do that, and sometimes it is done.

Mr. HARDY. Will you let me interject a serious question here? This whole title 52—

The CHAIRMAN. I was going to suggest this, that this bill should be referred to a subcommittee to investigate those questions.

Mr. HARDY. I just want to refer to this one matter. This whole chapter 52 is in regard to inspections, and by its terms it is limited to inspections of steam vessels only. And won't it be necessary to revise and rather to go over that whole chapter if you want to take in vessels other than steam vessels?

Mr. UHLER. In 4426, if you will turn to it there, Judge, it provides for the inspection of vessels propelled by gas, gasoline, or other motors, if they are over 15 tons, carrying freight and passengers for hire.

Mr. HARDY. It is in conflict with section 4400, then, because that says that this chapter shall only apply to steam vessels, and then you get a section on it the other way.

Mr. UHLER. We get section 4426.

Mr. HARDY. I suspect there are a dozen sections following 4464 that you will have to amend if you make this amendment in order to make them conform to it.

Mr. UHLER. There has been a curious proposition regarding the amendment of the steamboat-inspection laws. For instance, in the original bill of 1852 article 72 of that original bill I think exempted tugboats, towing boats, or other like small vessels from the provisions

of this act. So that a tugboat or a towing boat or a yacht or a vessel using the canals entirely for navigation were exempt from the provisions of this bill. In 1862 they took that exemption and turned it right over and amended this bill, and instead of repealing that exemption they said all tugboats, towing boats, etc., shall be inspected under the provisions of this title. And then when gasoline vessels came into use so extensively section 4426 was amended to meet the necessity for the inspection of those gasoline vessels, and that is the condition in which it has remained. The laws have been amended and amended and amended from time to time, but seldom repealed.

The CHAIRMAN. Just one other question. Is it practicable to fix by law the square feet of space that may be occupied by each passenger on a vessel? In other words, is it possible to fix the maximum or the minimum?

Mr. UHLER. Absolutely no, sir. You can say that 12 square feet shall be necessary for each passenger. That may apply all right on one vessel and it may not apply for another vessel at all. We are carrying passengers to-day, Judge Alexander, on a superficial area of less than 6 square feet, and we are carrying them safely and carrying them comfortably. In other boats, where the arrangements are different, where they have large gangways for passengers or wagons or something like that, you could not say that that was enough. And the department, and I think Congress itself, has realized that it would be impossible to set any arbitrary standard as to what space is necessary for a passenger on a steamboat. You may do that in a railway coach, you may do it in a trolley car, or you may do it wherever the conditions are exactly the same and where they do not vary; but where they vary so much as they do on a steamboat I do not believe it is possible to set an arbitrary standard of so many square feet for each passenger. I believe if the public are not satisfied with the present condition that there should be some check or that somebody else should pass an opinion upon it and, if it is necessary, to let it go still higher so there will be three opinions instead of one. I have no objection to that whatever, if they have men enough to do it. That is the only condition.

Mr. BURKE. Is that due solely to the difference in the construction of the vessels, or is it also due to differences in the difficulty of navigation of the waters?

Mr. UHLER. There is something in that, Judge Burke. You take two vessels of exactly the same dimensions, of exactly the same power, and the same superstructure, even the height of the smokestack being the same, and the action of those two vessels with a thousand passengers will be entirely different. One will stand up well under that and maintain its stability, when the other fellow is inclined to be tender. Now, there is nobody who knows those conditions as well as the local inspectors who inspect these vessels four or five times a year and who know the men who navigate them, and get from them the antics and actions and caprices of those vessels. A good many of them are pretty nearly human; they will do things that another one of the same build has never been known to do; they won't handle the same; they do not steer the same. There never were two vessels yet built of the same size and dimensions and the same submersion and the same displacement whose speeds are the same.

The CHAIRMAN. That was true in the case of the *Lusitania* and the *Mauretania*.

Mr. UHLER. It is so in every case.

(Thereupon, at 11.55 o'clock a. m., the committee adjourned to continue further hearings on the bills on Thursday, February 3, 1916, at 10.30 o'clock a. m.)

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE MERCHANT MARINE AND FISHERIES,
Washington, D. C., Thursday, February 3, 1916.

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

The CHAIRMAN. Gentlemen, there is a question to which Gen. Uhler's attention was directed with reference to whether or not it was practicable to limit the space on vessels carrying passengers to a certain number of square feet per passenger, and he was addressing himself to that question when he was before the committee at the last hearing. Mr. Furuseth informs me he has to go to New York about 12 o'clock, and as I regard this a very important matter, and I am sure the committee does, I would be very glad to hear what Mr. Furuseth may have to say with reference to the bill. We want to place every possible safeguard we can about the vessels in order to insure greater safety of life.

Mr. GREENE. Which bill is that?

The CHAIRMAN. H. R. Nos. 4781 and 4785. Both bills amend section 4464, and H. R. 4781 amends sections 4464 and 4465.

Proceed, Mr. Furuseth.

**STATEMENT OF MR. ANDREW FURUSETH, REPRESENTING THE
SEAMEN'S UNION OF THE UNITED STATES.**

Mr. FURUSETH. Mr. Chairman, the change that these bills make in the present law, in substance, is to authorize an appeal from the local inspector to the supervising inspector. From my experience as a seaman, and in the opinion of the seamen generally, that is not a sufficient change to safeguard the men on board of the vessel and the passengers on board the vessel.

We believe that it is perfectly practicable, in fact it is indispensable in the interest of safety, that Congress should set a minimum space per passenger so that the inspector would have something to go by—some line that he can not step over. When it is known vessels that were built with an initial stability for 500 passengers are to have crowded on them 2,500 to 3,000 passengers, it is very plain that some restrictions ought to be made with reference to it. With the best possible motives in the world, the inspector can not help being driven below the safety point unless he has got something he can hold up to the ship owner or the ship manager and say to him, "I can not go any further than this. This is the law; this is the minimum."

The fire regulations of the city of Washington provide that there can be no more people in a hall or church or lecture room or theater with movable seats than one for every eight square feet. My infor-

mation from the city authorities here, where I got this information, is that this is practically a copy of the New York and Boston regulations. Where there are standard and fast seats they figure on exactly the same amount of space—8 square feet per person. Now, that is in a place on terra firma where there are exits and special aisles and special opportunities to get out; and there is a great deal of difference between that and a vessel, where, if she gets on fire or if she has a collision or something happens to her, so that she is about to sink, the people have to find some other way of saving themselves than by simply going out in the street.

The crowding of the people on these excursion steamers is such that it is absolutely impossible to have safety on them. You can not have enough men employed; you can not have enough life-saving means or appliances to save them because of the crushing, and the number of people crowded on them. The testimony here in the investigation of the *Eastland* is that they once measured her in Chicago and gave her the right to carry 3,000 passengers. The question is raised, "How did you arrive at that; how much did you allow per passenger?" And the answer is, "Seven, eight, or nine square feet."

Mr. Uhler, on last Thursday, said that he knew of 6 feet being sufficient for safety and comfort. So if the local inspector was to say 8 feet, an appeal from the local inspector to the higher official would reduce the space instead of increasing it. Six feet is about two and a half feet, or about that [indicating] each way. You occupy more space than that when you sit down in a chair. And such a space as that cannot be conducive to comfort and certainly not, gentlemen, to safety. It is out of the question. Now the question is, Can it be done? Well, it is done on other vessels; it is done in the halls on shore, it is simply a question of the amount of people they can take on board; or, in other words, the amount of fares they can collect. If there was not any law on shore, they would crowd the people in the halls more than they do now. They had to stop the crowding by adopting laws. And if you want to get, as I am sure you do, something that will give reasonable safety to the passengers on these vessels, you will have to adopt a minimum.

The minimum on a ocean-going passenger vessels is 16 square feet on the floor, for sleeping purposes only; 18 square feet on the upper deck; 21 feet on the lower deck, and, under certain conditions, 30 feet on the lower deck. Now, that is a long distance of course; or maybe a long distance. But going across the Lakes or going along the coast here, there is nothing to hinder any of the passenger vessels from converting themselves into excursion vessels in a few moments at certain times of the year, and crowding on any number of people that they can persuade the local inspector there is room enough to carry. He is not governed by space; he is not governed by anything except the life-saving appliances; and the inspecting department says, "You shall have so many life-saving appliances for so many people." The result is that the ship owner puts on the life-saving appliances and the inspector deems it is his duty to put on the people. That is the testimony that comes right out of the *Eastland* inquiry.

We knew, of course, of these things before; but we did not dare say anything because we had no absolute proof of them. It is a

question now of their own admission, and there ought to be, therefore, some definite, clear rule laid down that each passenger shall have so much in square feet space on one or the other of the decks of the vessel. Under that condition, with a reasonable space, vessels such as the *Eastland* would probably be able to carry 1,200 passengers. Well, with 1,200 passengers the *Eastland* would have been safe. There would have been no trouble about the *Eastland* with 1,200 passengers on board, particularly if they had taken the trouble to put a little pig iron in her bottom. It was calculated originally for 500 passengers and fast freight, to be taken on her lower decks. Converting her into a purely passenger and no freight, of course there ought to be some more stiffening put in her bottom—something you can depend on. But that is another question. She could have carried, under ordinary conditions, giving a reasonable space per passenger, 1,200, or something like that. And that is enough. With 1,200, or something like that, you could save the passengers in case of trouble; there would not be such a crush; there would be more comfort; and if they had to charge 10 cents more a fare, surely the people will rather pay that than to take the chance and have the discomfort that they now have. Crowding passengers into 6, 7, or 8 square feet per person (that much space) is just space enough for them to crowd in. There can not be safety under those conditions; and as to that being impracticable there is nothing impracticable about it, except from the ship owners' point of view. The ship owner will call it impracticable, because, under those conditions, he will not be able to carry as many people as he can crowd. He will call that impracticable, because it is not profitable, or for some other reason. But as a matter of real fact, there is nothing to hinder the inspection service from being instructed to measure the decks on these vessels and to permit no more passengers than one for so many square feet, on one or the other of her decks.

That, I suggest, if I may be permitted, is the kind of an amendment that ought to go into this bill, so as to prevent the inspector from using his discretion altogether. And on that line of safety let him use it, but not beyond that.

That is all I have to say, Mr. Chairman, unless there are some questions you care to ask.

Mr. CURRY. What would be the minimum space?

Mr. FURSETH. Well, I would hate to say what would be the minimum space. I think that would better come from somebody else. But if you want reasonable safety and comfort, I would not consider anything less than 15 feet as the minimum.

Mr. CURRY. Would that apply to all classes of vessels?

Mr. FURSETH. No; I would not apply it to ferry boats. A ferry boat, with sufficient stability so that she can be crowded as much as possible and put all the people over on one side of the boat to look at something, and she being perfectly safe under the circumstances—that is the kind of a boat that ought to be a ferry boat; because you can not always count the number of people that get onto a ferry boat. But outside of the ferry boat, yes, every vessel should be so constructed.

Mr. CURRY. Every vessel ought to have an initial stability to carry all that could be crowded aboard her?

Mr. FURUSETH. Accepted. That is the only safety you can have for a ferry boat.

Mr. BURKE. Do we understand you to say that other nations have such a rule for determining the number of passengers on a boat?

Mr. FURUSETH. I have not had the time to look up what they have in the domestic trade, or in their small vessels, or in their excursion trade. I have not had the time to look that up, but I know that they have in their passenger vessels, generally speaking—

Mr. BURKE. Their ocean-going vessels?

Mr. FURUSETH. Yes; vessels going across the Baltic.

Mr. EDMONDS. The *Eastland* had carried 3,000 people before this, had she not?

Mr. FURUSETH. She was permitted to carry 3,000 people, yes.

Mr. EDMONDS. And she had carried 3,000 people before?

Mr. FURUSETH. She had carried 3,000 people before.

Mr. EDMONDS. And the only trouble, on this occasion, was that they had taken the weights out of the bottom of the boat in order to make some repairs, and the water ballast of course was not stable.

Mr. FURUSETH. If you look at this thing here, you will find that the naval constructor will tell you that stability, as a general proposition, is not based upon water ballast. Water ballast is used for trimming purposes, and the stability of a vessel is otherwise determined. In the difference between her center of gravity and her meter center, when it is a question of safety, you do not deal with water ballast, as a general proposition. Of course, if you have the tanks absolutely full, they are just the same as any other weight; but if you have any space in the tanks the water serves as a pendulum and decreases the stability instead of increasing it. Now, there was one of the vessels belonging to the Cunard Co. which was found to be unstable. In 1912, about New Year's Day, she went across and was pretty nearly lost. I came across on her in 1913 and was told all about it. They had put 1,500 tons fast ballast in her after that experience.

Mr. EDMONDS. Of course the fast ballast is the best ballast; but the condition of the *Eastland* was that they had taken out this ballast, and whether there had been 1,200 people on her or 3,000 people on her, it would have been just the same thing.

Mr. FURUSETH. I do not think she would have capsized with 1,200 people.

Mr. EDMONDS. If they had all rushed to one side?

Mr. FURUSETH. Even if they had crowded to one rail—I do not think it would have been possible for them to do so—with her initial stability in her building for 500, without any ballast in her at all.

Mr. CURRY. Without any ballast?

Mr. FURUSETH. Without any ballast at all; she would not have capsized in the dock in smooth water, with 1,000 or 1,200 people.

Mr. EDMONDS. There is two or three times the weight with 1,200 people on her there would be with 500 if they were all on the upper deck and on one side?

Mr. FURUSETH. She has got two or three decks, I presume; I do not know what she looks like; but some would be on the lower, some on the higher, and some would be on the upper deck. It would just simply be impossible for all of them to be on one deck.

Mr. EDMONDS. And it would depend on whether they were all located on one side or not?

Mr. FURUETH. They could not all be on one deck; it would be an utter impossibility for them to be all on one deck; but they could be on three decks.

Mr. EDMONDS. If they had had 1,200 people on the *Eastland*, 1,200 people on two decks—

Mr. FURUETH. Certainly they could.

Mr. EDMONDS. And the 1,200 people might have been on one side and there would have been a disaster just the same?

Mr. FURUETH. There would not have been room for them. You could not crowd two herring into the space for one; you could not put this book and another book into the same space that this book occupies.

Mr. EDMONDS. Yes; but if you could put 3,000 people on three decks, certainly you could put 1,200 or 1,000 people on one deck.

Mr. FURUETH. Suppose they do?

Mr. EDMONDS. And if the 1,200 people went to one side of the boat it would have changed the stability of the boat?

Mr. FURUETH. Unquestionably it would have changed the stability, but they would not have capsized her. My information is it would not have been possible to capsize her.

Mr. EDMONDS. If she had the proper ballast in her.

Mr. FURUETH. I said the initial stability was 500 passengers according to the builder, and then she had a lot of upper works and rooms, etc., which would decrease her stability. Now, take that off, and put on 1,200 people—and understand, I am not criticizing the service; I am not criticizing the court; I am not criticizing the investigation; that is something of the past, and I do not care who is in fault; I do not care who is going to be punished; I do not want to see anybody punished, because I do not believe anybody is guilty in the sense of pure guilt—but I want to get some improvement, because I do not want to have another *Eastland* disaster.

Mr. EDMONDS. I am trying to find out whether there was something else at fault besides the fact of the overcrowding of the *Eastland* or not. That is what I am trying to find out. I do not want to blame the disaster on the overcrowding of the *Eastland* if there was something else at fault. In your statement you say the *Eastland* was upset on account of overcrowding?

Mr. FURUETH. Unquestionably; and I say that over and over again.

Mr. EDMONDS. Of course, I do not believe she would have gone over at all if there had not been anybody on her.

Mr. FURUETH. And if there had been only a thousand passengers on her she would not have gone over, either.

Mr. EDMONDS. And I do not believe she would have gone over anyway if she had had her water ballast tanks filled.

Mr. FURUETH. But that is another question. Probably not; I can not tell that. If the ballast had been all in, if the tanks had been all filled, no doubt she would have stood up, because she had stood up before. No doubt she would.

Mr. EDMONDS. In your statement you did not say that, and that is what I wanted to get you to say, because I do not want to blame it all on one thing if there was something else.

Mr. FURUSETH. I do not know. But you know with water ballast anything may happen to the tank and the water might get out of the tank; and even if they thought the ballast tanks were full, they might not have been full. But that is another question. But if there had not been such an unreasonable number of people aboard she would have been safe. Now, I am talking about that part of it; I am talking about that I think there ought to be a limit to the space so that the poor devil who has got to use his judgment will not have on the one side of him somebody who presses him until he does not know where he is, and on the other side of him somebody who presses him again. I can very well understand how they could get 3,000 people or 2,000 or any number of people on board these vessels. This man has a discretion; he can not be punished for an error in judgment. If he did not do what he ought to do, in following out what the law says he ought to do, why, of course, then he might be held guilty. But you can not punish a man for an error of judgment. But these people died, and a whole lot of other people have died on account of these errors of judgment. And if you give people a discretion, that invites them to go beyond the danger line. And is not the thing you ought to do here to draw the danger line and say, "Not beyond this; for the rest of it use your discretion."

The CHAIRMAN. Right at that point let me direct a few words to you: Take the ocean-going vessels, the law does prescribe the space per passenger on those vessels, does it not?

Mr. FURUSETH. Yes; that is, in the foreign trade, not in the domestic trade.

The CHAIRMAN. I say the ocean-going vessels.

Mr. FURUSETH. Yes.

Mr. BURKE. Is that true of our country?

The CHAIRMAN. That is true of our country, yes. Now take it on the Great Lakes, there are excursion steamers and there are the regular types of passenger steamers running from port to port merely. They are of a different construction and different degrees of stability, depending upon the design and construction of the ship. If we should provide a minimum, it ought to be a reasonable minimum; but you can not apply the same rule to a passenger vessel on the Great Lakes on a night run, because there they must provide staterooms and more space for their passengers that you would on a vessel on a day run, because on the night run they must provide a place for the people to eat and sleep and they must provide deck space, of course, for them to take exercise. All those factors must be taken into consideration in designing a ship or steamer for that class of run. Hence, a different rule would have to be applied to that class of ships than is applied to an excursion vessel where the people are on board an hour or two hours, or three or four hours, possibly six hours. I do not know of any run on the Great Lakes where the people are on an excursion boat where they would be on the vessel more than two or three hours.

Now, it would not be necessary to provide sleeping space for them, and for the best of reasons a vessel of that class might carry safely and with comfort more people than a vessel on a night run. Hence, it would be necessary to provide a different deck space per passenger for vessels of that class. And now the difficulty is to find a rule

that can be applied to different vessels on different runs. And then again vessels are of different designs. You take a vessel designed like the *Eastland* was—long, narrow, and deep—would the same rule as to deck space apply to that vessel that would apply to a vessel of broad beam and in her design of greater stability? And if we were to prescribe a general minimum of space for the passengers and crew, would not the inspectors make that the rule, and they would apply it to all vessels and relieve themselves from that responsibility which grows out of their discretion; and would it not tend to aggravate rather than diminish the risk? That is the danger about it.

It is desirable that the number on each vessel should be limited to the number that may be safely carried; but when you go to apply a rule to hundreds of different vessels on the Great Lakes, and prescribe a minimum, why there might be very great difficulties, although it would be desirable if it is practicable.

Are not those difficulties in the way?

MR. FURUETH. My information, if I may say, is that with the passenger vessels on the Lakes which are running as excursion vessels between certain dates, there are practically no regular passenger vessels at that period; they are simply converting them all into excursion vessels. They call them excursion vessels, and they run as excursion vessels and under excursion permits. But when that excursion season is over they run as passenger vessels with a greatly reduced number of people. That is my information. I do not know whether that is absolutely correct or not, but that is my information.

THE CHAIRMAN. Take, for instance, vessels between Buffalo and Cleveland, and Cleveland and Duluth, and Chicago and Grand Haven, they run just like a passenger train on regular schedules—

MR. FURUETH. Yes.

MR. ROWE. Winter and summer?

MR. FURUETH. In winter and summer.

MR. EDMONDS. Those steamers that run as regular passenger steamers, although they will carry more passengers in the summer time—there is no question about that—in my opinion they should be classed regularly as coastwise steamers are; but there are steamers on the Lakes, of the same type as the *Eastland*—like this boat that goes to Put-in-Bay that carries 5,000 people—that are regular excursion steamers, and there are steamers with high upper works and built wide. You remember the man who was before us last year, told us his boat was 60 feet wide and only drew 7 feet of water and ran for most of the trip in less than 10 or 12 feet of water. Now, that boat is a regular excursion steamer, and would be classed as a regular excursion steamer; but you cannot class the Anchor Line boats or the Great Northern boats or anything of that kind except as coastwise vessels because that is what they are. They are not excursion steamers, but very frequently they take on people for a two or three hours' run to a resort and bring them back again. They are a different type of steamers altogether.

MR. FURUETH. If you will pardon me, Mr. Chairman, there is no difficulty about making a definite space, because there is no difficulty about the number of decks. The old law of England used to provide that there should be not more than two passenger decks; but England has struck that out. We never had any such limitation, and so you have vessels built with five or six decks upon which they carry

passengers. If the vessels have the initial stability for it, there is no reason why they should not have that many decks. That is another question. But the number of people that can be safely carried, in that case the stability, the equipment, the possibility of removing the people, and all of those different things go into the question of the stability and the safety.

The CHAIRMAN. At that point, if I understand you, I think you are right. Take the *Eastland*, for instance. She had three decks and she was licensed to carry 3,000 people—not on this occasion, but she had been in the past. Presumably the decks were the same area, or substantially so, and she might carry a thousand on each deck. Now, she was not stable or seaworthy unless she could carry 1,000 people on her upper deck, which would affect her stability, of course, more than if they were on the lower deck. And if she had only had a thousand people on board and they had all gone on the upper deck, if they could not be safely carried there she was not a seaworthy and a stable ship to my notion; because you can not control the people and say if there are only a thousand on board they must go on the lower deck; or, if there are two thousand, they must go on the lower deck and the middle deck, and if there are three thousand, that the extra thousand may go on the upper deck. In other words, you can not load them onto a ship like you load freight, because it is not possible to do it, it is not practicable. And for that reason, if they are licensed to carry a certain number of people they can carry the whole number or a less number and they may be on one or two or three decks, and it ought not to seriously affect the stability of the ship. And if the number is on the upper deck, they could not all get on one side, of course.

All those questions, I say, are questions that have to be considered, and how to go to work and control them by some ironclad rule of law is a question that ought to be considered.

Mr. HARDY. Is not that a very strong reason why there should be some limitation? If you have a three-deck vessel with a limit of 3,000, which is taking the whole space of the vessel, it may be 6 feet per passenger; and if you get them on there, the might all run to one deck, or get on the top deck, and there is no way of preventing them.

Mr. BURKE. Whether there are only a thousand there or the full capacity of three thousand, why could you not distribute them over the different decks?

The CHAIRMAN. I say it is possible to do that, but should the life of the passenger depend on the efficiency of the crew or their ability to control them in that way? In other words, if there should be any oversight and they all go on the upper deck, ought they to pay the penalty with their lives?

Mr. HARDY. And, another thing: You say why can not they control it. Just because one or two or three men can not control a thousand very easily; and when they crowd them on a vessel that way there is going to be a sloshing around.

Mr. BURKE. I have seen them controlled in other places by one man.

Mr. HARDY. I have been on a few vessels, and I have always seen the passengers nosing around and going where they pleased, and if anything occurred on one side they went there, and where the scenery was better on the upper deck they all went up there. Now, it seems to me, from the fact that on the big passenger vessels

you might have them all on the upper deck, adding more to the instability of the vessel, that we ought to have a less number of passengers aboard to the square surface feet, and there ought to be something to stop the crowding of them. I do not know anything about the practicable way to get at it, but there ought to be some way.

Mr. BURKE. Is it not your memory from reading the papers that that was one of the reasons claimed why the *Eastland* capsized—

Mr. HARDY. No; I did not read the papers.

Mr. BURKE (continuing). That it was not only that they crowded all on the top deck, but to one side of the top deck?

Mr. HARDY. I did not read the papers. I know they had it all hushed up.

Mr. FURUSETH. If you will pardon my breaking in, they went to one side on all of the decks and the vessel went over.

Mr. BURKE. Because it was not sufficiently ballasted below.

Mr. HARDY. Was there any evidence that anybody had tried to keep them from all going on one deck?

Mr. FURUSETH. Not that I have been able to find out.

Mr. HARDY. I have never found out.

Mr. FURUSETH. I have not read all the hearings.

The CHAIRMAN. There is a case of where the inspectors and the manager of the vessel, or some of the parties interested, have been on trial at Grand Haven recently, I believe; is not that true?

Mr. BURKE. You take the way they have of managing things at a circus; they have a turnstile to regulate the entrance, and they can close them off at any time.

But you are more or less absolutely certain to have a wandering of the multitude from one place to another; and in addition to your other precautions there should be included, in my judgment, a regulation as to where the vessels are allowed to run. For instance, if they all crowd on the upper decks and leave the lower decks empty it stands to reason she could not stand that.

Mr. FURUSETH. If the vessel can not stand that she has no business being a passenger vessel.

Mr. CURRY. Do you not think that the number of passengers any ship may carry with safety depends as much on the initial stability and what the character of the ballast is, and what the amount of ballast is, as it does on the space occupied by the individual?

Mr. FURUSETH. I should say equally, if not more.

Mr. CURRY. So that the purpose of having a uniform minimum passenger space would not protect the passengers without the initial stability of the vessel, and the ballast, and the character of the ballast were taken into consideration?

Mr. FURUSETH. That is all provided for now in section 417 of the Revised Statutes. The inspectors can take the vessel out to try her and make leaning experiments and they can find out her initial stability. And, as I understand it, it seems to me it is a part of their duty to find that out before she gets a license. And, in addition to those things, the much easier way of reaching it and the quicker way of reaching it, probably with the least interference through the shipowners themselves, would be from this one point of view of limiting the amount of space.

The CHAIRMAN. I think Mr. Curry has hit the nail on the head. Assuming that a certain number of square feet was prescribed as the minimum and the inspector should comply with that rule and permit so many people to go on board, that would not insure safety to the passengers unless the initial stability of the ship and her ballast and all were taken into consideration as an additional factor and a more important one.

Mr. FURUSETH. Of course, I do not mean that it should be the sole factor; but the initial stability of a vessel is known.

Mr. CURRY. You take the *Eastland* herself—

Mr. FURUSETH. It is perfectly well known; her papers can be found.

Mr. CURRY (continuing). Even with an adequate initial stability of the *Eastland*, only an initial stability of 500, if the *Eastland* had carried the water ballast which she should have carried, and possibly did carry when she was examined by the inspectors, the number of people who were on her could have been on her, possibly, without turning her over?

Mr. FURUSETH. It is very possible; and she had carried 3,000 across Lake Michigan, so she ought to be able to carry 2,500.

Mr. CURRY. But if they use water ballast, which is not a permanent ballast, it is possible to let the water ballast out of her hold and neglect to refill it; whereas if they had had pig iron in there they could not have taken it out without the captain or somebody else knowing about it. Now, the *Eastland* was an awful disaster, and we ought to do everything we can, it seems to me, to minimize and stop anything like that occurring again in the future. I know I want to.

Mr. FURUSETH. Of course, I do not mean that the discretion generally and that the authority now vested in the inspection service should be taken away to see that a vessel carries no more than so many passengers. My suggestion is to provide that in addition to the powers they now have, and in addition to the responsibilities that they now have, which is to see that the vessel is a stable vessel under section 4417 and under section 4464, which gives them a discretion to say how many she may carry with prudence and safety, considering all the rest of it.

Mr. HARDY. I understand that stability is an important element of safety. But suppose a vessel can not sink; is there then any reason for limiting the space in which passengers can be crowded? Or is stability the only thing to be considered?

Mr. FURUSETH. No; it is not the only thing by any means; there are two elements there.

Mr. HARDY. Take a vessel which we will say, can not possibly sink, and you could not capsize it, you could not put enough people on any side of it to capsize it; would there be any reason for limiting the space per passenger on that kind of a vessel?

Mr. FURUSETH. Yes.

Mr. HARDY. State those reasons for us.

Mr. BUCKNER. Why should there be?

Mr. FURUSETH. In order that they may move freely from place to place and would not have to be crowded in like so many cattle. If you put one person for every 6 feet they will be standing up like this [indicating] and there is no comfort in that kind of crowding,

and if there is any trouble or in case of a fire it is impossible to save the people.

Mr. HARDY. In case of fire or in case of sinking you could not save the people?

Mr. FURUETH. You would lose the people.

Mr. GREENE. If you had a panic on a vessel you would lose lives anyhow.

Mr. FURUETH. You might lose a few, but it is different to lose five or six from losing 1,500 or 1,600.

Mr. HARDY. Suppose you have provided a means for securing the stability of the vessel so that there is no question about it; what minimum limit, if any, would you consider it necessary to prescribe for passenger vessels?

Mr. FURUETH. My opinion is that if you would limit it to 15 feet that would be satisfactory; it may be that you can limit it to 12 or 14; I am not so certain about that, but when you come to limit it to 8 or 10 feet you are getting altogether too low because at 8 feet you have just the space that is permitted in a lecture hall or a theater, and that space is too limited for people on board a ship.

Mr. HARDY. What space would you consider necessary per passenger on a ship?

Mr. FURUETH. According to the testimony here, 6, 7, 8, or 9.

Mr. HARDY. I know, but what is calculated in the space of the vessel?

Mr. FURUETH. All the deck space of the vessel; the clear deck space of the vessel. By that I mean the space that is not covered by something that is immovable. You count rooms, of course, if they are passenger rooms.

Mr. HARDY. You count them in?

Mr. FURUETH. Yes.

Mr. BUCKNER. In your opinion how much room should be allowed per passenger on a vessel?

Mr. FURUETH. The least possible space allowed on a passenger vessel in the coastwise trade is 16 feet. The lowest space in the foreign trade is 16 feet, that is for sleeping purposes.

Mr. BUCKNER. In your opinion is that enough?

Mr. FURUETH. No: I do not think it is, but that is the law at the present time. In the domestic trade there are no regulations except such as are made by the inspection department, and they base the space on the life-saving appliances on the one hand and the space on the other, and there is no limit to the increase in the number of life-saving appliances on the one hand and the decrease of space on the other, and so you are going in the wrong direction until finally you get the vessel crowded so that there is no safety. Even the passenger vessels engaged in the coastwise trade I think should come under the same provisions as to space that is required of the vessel going across the ocean; but whether you should put less than a minimum space of 14 or 16 feet on an excursion steamer I am not prepared to say positively. It is my opinion, however, that if you put it below 12 feet you are inviting disaster.

The CHAIRMAN. I think we all have the same object in view, but the question resolves itself into this in my mind: A survey should be made of every vessel; every known test of stability should be applied to it, and then the minimum space should be made applicable to that

vessel. But if you make a general rule you are liable to relieve the Steamboat Inspection Service of a very great responsibility resting upon them now. They might shield themselves behind a law passed by Congress, and say, "Congress passed the rule and we applied it, and therefore the responsibility is on Congress and not on us." I do not think we as a committee are in a position to make a general rule applicable to every class of vessels and be sure that it is a proper rule in the interest of human life. I see so many difficulties in the way that I doubt if we can do it.

Mr. HARDY. I would like to ask this question: Is there any rule as to what kind of ballast should enter in to the question of the stability of a vessel? Here is a vessel depending for its stability upon the filling of a water compartment which may be absolutely emptied at any time. Now, the inspection officers passing on her passenger capacity may have in mind the supposition that her water tanks were full. It looks to me that the vessel's stability ought not to be dependent upon anything like that which is so easily changed; but ought to be dependent upon something that is absolutely permanent.

Mr. FURUETH. Water ballast, as it is called, is used only for "trimming" purposes, so as to get the vessel to get the proper depth she sits in the water; to get the screw covered by water, and to get the vessel to take a grip on the water, so that she can move along. It is put in for trimming purposes only and not for stability at all.

The CHAIRMAN. Do you think that a vessel without water ballast is as stable as a vessel with it?

Mr. FURUETH. I certainly do, Mr. Chairman.

The CHAIRMAN. In the old-time vessels they put rocks in the bottom for trimming purposes and for ballast so that she would stand upright?

Mr. FURUETH. Yes.

The CHAIRMAN. And to keep her from turning over?

Mr. FURUETH. Yes.

The CHAIRMAN. Instead of putting rocks in the bottoms, now they use water?

Mr. FURUETH. No; not for initial stability. They have the water for trimming purposes.

The CHAIRMAN. What do they put in now for ballast?

Mr. FURUETH. In a sailing vessel they put in nothing at all. In a steamer they have the machinery, the engine and boilers, to give her the necessary weight to give her initial stability. There are vessels, of course, where they probably have used water ballast to determine the initial stability, but personally I do not believe there are any such vessels.

Mr. EDMONDS. Is there anything put in sailing vessels—what is the lead keel for in sailing vessels?

Mr. FURUETH. There is no lead in the keel. What they are doing is this: They are so unstable that when you unload them you can not take the cargo out of them; you have to take out half a cargo and as you take it out you have to put ballast in, and also when you load you put on half the cargo first and then let the ballast out and put on the balance of the cargo.

Mr. EDMONDS. Is there no ballast to hold the vessel right when she is empty?

Mr. FURUSETH. They can not stand up empty; they tumble right over. But that has nothing to do with the case.

The CHAIRMAN. I desire to call attention to section 4417 of the Revised Statutes, which reads in part as follows:

The local inspectors shall, once in every year, at least, carefully inspect the hull of each steam vessel within their respective districts, and shall satisfy themselves that every such vessel so submitted to their inspection is of a structure suitable for the service in which she is to be employed, has suitable accommodations for passengers and the crew, and is in a condition to warrant the belief that she may be used in navigation as a steamer, with safety to life, and that all the requirements of the law in regard to fires, boats, pumps, hose, life preservers, floats, anchors, cables, and other things are faithfully complied with; and if they deem it expedient they may direct the vessel to be put in motion, and may adopt any other suitable means to test her sufficiency and that of her equipment.

STATEMENT OF MR. GEORGE UHLER, SUPERVISING INSPECTOR GENERAL, STEAMBOAT-INSPECTION SERVICE.

The CHAIRMAN. I would like to have you give the committee your opinion on the question asked Mr. Furuseth with reference to the different classes of vessels used in the different trades, and of different construction, having different stabilities, on account of the design and construction—their initial stability being of a different quality—whether or not you think it is practicable or would be wise for the committee to undertake, in a statute, to prescribe the minimum number of square feet per passenger on different classes of vessels.

Mr. UHLER. First, Mr. Chairman, I want to address myself to the provisions of section 4417, upon which some stress has been laid, as to the responsibilities and the duties of local inspectors. Section 4417 declares that the local inspectors shall examine these vessels and satisfy themselves that the vessel is of a construction suitable for the service in which she is to be engaged and having suitable accommodations for the passengers and the crew. That gives to the local inspectors the authority to put that vessel in motion or to do anything else that will satisfy them, if they are in doubt, in any particular.

I want to say, Mr. Chairman, that after an experience of more than 45 years, this is the very first occasion that has ever come to my notice where a vessel lost her stability and capsized—the very first occasion. I have no knowledge of any other case ever occurring. The conditions that brought about this disaster are absolutely unknown. They are in doubt to-day. Some contend that the vessel lay on the bottom. A survey of the United States engineers shows that there was plenty of water to float her. It is a fact, and I believe that the defense have the evidence now before the court in Grand Rapids, Mich., to show that there was a bunch of cement upon which this vessel laid. They have also the evidence, I believe, of a pile that came up through the bottom, upon which the ship rested. They have sawed off the top of that pile and I believe that they have the marks from the paint off of the bottom of the vessel on that pile.

The CHAIRMAN. Is that case on trial now?

Mr. UHLER. It is now in the hands of the court.

The CHAIRMAN. It has been completed—the trial is over?

Mr. THURMAN. There was a motion made to transfer those defendants to Chicago, but on the argument of that motion the court went into the facts. The trial is now over and the court has under advisement the question of whether these defendants shall be removed to Chicago or not. But the court did go into the facts at the hearing.

Mr. UHLER. The facts about the *Eastland* are so many and they are so various that it would take hours to go into them; but this has been determined, that the *Eastland* was built upon the order of her owners to run from Chicago to Grand Haven, for the purpose, they say, of carrying freight and some passengers. I believe it is the evidence of the builder that he had arranged to carry five hundred passengers and all the crew that she might carry. In order to make that vessel serviceable between Grand Haven and Chicago, it is necessary that she should have live ballast; that is, ballast that could be dispensed with when they needed to and that could be utilized when it was necessary. She could not go into the harbor of Grand Haven drawing the full amount of water with which she navigated the lake and navigated the Chicago River; and it was necessary to have some form of ballast which might be utilized for the convenience of the vessel in going into Grand Haven.

On the 14th of July, I think it was, 1904, this vessel took quite a list coming out of Grand Haven, and she had her full complement of passengers aboard. It so happened that our local inspector at Chicago, since deceased, Capt. Mansfield, was aboard her.

The CHAIRMAN. How many people did she have on her?

Mr. UHLER. She had at that time, I think, sir, about 2,900, if I remember right. They immediately filled her ballast tanks and before she got out of the river or before she got into the open lake, she had straightened up and came across the lake upright. The question was asked Capt. Dougherty, who had been in command of that vessel for years past, in this evidence the gentleman referred to awhile ago: "Capt. Dougherty, knowing the conditions that have been brought out here recently, would you take that vessel out on the lake again, with 3,000 passengers?" "Yes; to-morrow, and with no fear whatever."

The question of determining minimum passenger space, Mr. Chairman, is one that can be fixed if this committee wants to do it. But the committee, I believe, is desirous of having information as to whether or not it is a practicable proposition. I will tell you how practicable it is, and will say that there are no two vessels built exactly alike, of the same length, same beam, same depth of hold, and the same deck space, which will act the same with the same number of passengers. There will be a difference in their speed; there will be a difference in their steering quality; there will be a difference entirely in the conditions under which she is navigated. The law may say that it is necessary to have a minimum passenger space of 15 square feet. It means nothing except the taking away from the local inspectors of the responsibility and the discretion which they now have. A little while ago our traveling inspector called attention of the bureau to the fact that there were some boats certificated

out of Duluth carrying passengers on Lake Superior whose passenger allotment brought their deck space down to about 5.6 square feet. The bureau really had no authority to tell them that that was too little or that that was too much. I called their attention to it, and they came back and said that the passenger allotment of that vessel had been given on their best judgment and realizing their responsibility, and that they assumed the responsibility for it and said that she was safe with that allotment. I simply wrote them back and told them that it was their concern; that I had called their attention to it, and if anything happened to one of those vessels they must always remember that they would be called to account if it was because the deck space of that vessel was too small. They came back and acknowledged the responsibility and said they were willing to stand by it.

The CHAIRMAN. What kind of a run is that?

Mr. UHLER. An excursion boat, sir.

The CHAIRMAN. From Duluth to what point?

Mr. UHLER. From Duluth, I think, to Ashland on the south shore, or probably up on the north shore to Port Huron or Port Arthur.

The CHAIRMAN. A run of what length?

Mr. UHLER. Four or five hours; not more than that.

Mr. HARDY. I understand you to say that the bureau—that is, yourself as chief of the bureau—did not have any authority over those local inspectors to require them to command more space than 5.5 feet to a passenger?

Mr. UHLER. None whatever, Judge Hardy. It is a responsibility that is laid upon them by section 4464, and they must abide by it. And the department has time and again refused to make any ruling or to set any space which might be a safe proposition for the allotment of passengers, because they have felt that it was a responsibility that is laid upon them by the law which they can neither evade nor can the department alter. Under the law they must do it.

Mr. CURRY. The minimum space fixed per passenger in the overseas trade is fixed for the comfort and the health of the passengers?

Mr. UHLER. The sanitary conditions and everything taken into account.

Mr. CURRY. Not for the safety of the passengers?

Mr. UHLER. Not at all, sir. They could carry twice as many and carry them with safety.

Mr. CURRY. So far as anything might happen, they could carry, as far as the stability is concerned, many times the number?

Mr. UHLER. Yes, sir.

Mr. CURRY. And the space is limited simply on account of conserving the health and comfort of the passengers?

Mr. UHLER. Of the comfort of the passengers on a long run. Going back to section 4417, the question has been asked whether at all times the local inspectors have exercised the discretion that is already given them by section 4417. I say yes because they have satisfied themselves, and their judgment in every case has been proven to be correct. I do not mean to say that there are any body of men or there are any corps of men, technical or scientific, that will not at some time or another make a mistake. But it never had been made in this direction before by the Steamboat Inspection Service. There never had been an accident from the overcrowding of a vessel

beyond her limit. I won't say anything about the danger of the proposition. I do not fear so much the stability of a vessel, gentlemen; my greatest fear and my greatest dread is that of fire. I do not care anything about the wind; I do not care anything about the sea, because, I think, they are conditions that exist that are extraordinary or extravagant and they can be met and have been met time and time again. Fire is the one dread of my mind and of my heart; and it would make no difference if you had 250 or 2,500 aboard of a vessel, fire would have the same results.

I am somewhat surprised to note the statement here in the comparison this morning that the passenger allotment depends largely and almost exclusively upon the amount of life-saving equipment that you can get aboard a vessel. Gentlemen, that is not so. The life-saving equipment is apportioned to the number of passengers that the vessel is allowed to carry. The passenger allotment is not based upon all of the boats that you can get on her. The deck space, particularly of vessels carrying a large number of passengers, is carefully measured. The inspectors know the service of the vessel; they know the dangers of the waters that she is liable to encounter and the suddenness of squalls, perhaps, in different parts of the country. And they are safeguarded with a knowledge of all of the elements of navigation, because before they are inspectors they must necessarily have been masters of vessels themselves, or, in the case of the inspector of hulls, chief mate, and, in the case of inspector of boilers, must have had five years' actual experience as chief engineer of those vessels. The influence of steamboat owners has nothing whatever to do with it, and I can not, for the life of me, imagine why that proposition is injected into the work of the local inspectors. They are positively and absolutely protected by civil service and there is no influence in the world that can move them except absolute dereliction of duty or unfitness for the position. There was a time, perhaps, before they were protected by civil service that influence might have had something to do.

Mr. HARDY. Do you think that the human being ever gets beyond the capacity for influences to affect him? I do not care who he is, is he not liable to be influenced by his environments of circumstances and conditions?

Mr. BURKE. Yes; and especially when the inspector may be the son-in-law of the vessel owner or close relative.

Mr. HARDY. There are hundreds of ways by which an inspector may be influenced to favor one particular vessel by giving him a capacity for passengers greater than he ought to have.

Mr. UHLER. Judge Hardy, I should hate to think it, and from what I know of this corps, I do not believe that there is one in it that could be influenced in that direction.

Mr. HARDY. That is a great tribute, but it must be a wonderful lot of men if there is any such condition.

Mr. UHLER. I am not speaking of the character of the men; there may be the man who may have his price.

Mr. HARDY. Unconsciously and without price, do we not lean the way our feelings lead us?

Mr. CURRY. I know the inspectors out on the Pacific coast, and I do not believe one of those men could be influenced.

Mr. UHLER. I do not want to acknowledge that, Judge Hardy; I can not acknowledge it.

Mr. HARDY. Let me ask you about this case where your local inspectors authorized vessels to carry passengers, allowing not more than $5\frac{1}{2}$ feet of space per passenger: Was that anything more or less than just to tell that vessel owner to put all the passengers he could crowd on her?

Mr. UHLER. Oh, my dear sir; no.

Mr. HARDY. Can you crowd them much closer than $5\frac{1}{2}$ feet?

Mr. UHLER. Judge, I do not know the build of that vessel. I can get it; but I do not know its length or her beam or any of those things.

Mr. HARDY. Whatever its build was, did not that simply give the owner the right to crowd every man, woman, and child on that he could; because, can you put a man in much if anything less than $5\frac{1}{2}$ feet of space?

Mr. UHLER. Under certain conditions; yes; I think so.

The CHAIRMAN. I think it is in effect saying to the vessel owner, "Put everybody on board you can get on there."

Mr. UHLER. No; I do not think so. But suppose he does; what has that to do with the question? Is it to be a question of their comfort, or is it to be the question of their safety?

Mr. HARDY. The question I am asking you is, "Was not that just simply authority to the owner of that vessel to crowd every man, woman, and child he could on her?"

Mr. UHLER. I think not, sir.

Mr. HARDY. Five and a half feet?

Mr. UHLER. Five and a half feet. They might have room for more people, taking $5\frac{1}{2}$ feet. They may have said $5\frac{1}{2}$ square feet of passenger space; there may be certain conditions where they have a mean deck where they carry freight, which is not considered for passengers at all.

Mr. HARDY. How many passengers could this vessel carry at that rate?

Mr. UHLER. I do not remember now, Judge, just what the number was.

Mr. HARDY. Don't you think if you put a thousand people on a floor space, if they did not have more than $5\frac{1}{2}$ square feet to each man, woman, and child, that they would be packed pretty nearly like sardines on the floor space?

Mr. UHLER. They would be packed pretty closely; yes, sir. But they may be carried on the upper deck; they may be carried on the middle deck, or they may be carried on the main deck.

Mr. HARDY. Is not that about the limit human beings can be crowded onto a floor space, less than $5\frac{1}{2}$ feet?

Mr. UHLER. And after it was full, Judge, you would have to use a club to keep them from going on board.

Mr. HARDY. Could you put them on there, with anything below that?

Mr. UHLER. Yes, you could put them on.

Mr. HARDY. One other question: Ought not the live ballast to enter into the determining of the stability of a vessel?

Mr. UHLER. I have no objection to live ballast in the world, Judge Hardy. I would just as leave have live ballast as to have dead ballast; but it must be manipulated properly.

Mr. HARDY. As an inspector, though, of the stability of that vessel, you would have to make an examination to see whether the live ballast was in or out?

Mr. UHLER. Oh, no, sir; not at all. We provide that they shall keep water in the boilers; we provide that they shall keep it at a certain level, but we can not have a man aboard of that vessel to see that the water in the boilers is at a certain level all the time, or whether he has any in there at all.

We simply say that under certain conditions that vessel is safe. Now if the captain, for instance, of this vessel put her in an unsafe condition; we say it is their fault, not ours. We have said it is safe under certain conditions. We have ocean steamers today, if you please, carrying five and six thousand tons of water ballast—and not for trimming purposes. Suppose that you were to say that a vessel under no condition must have live ballast; she will go to some port with a full cargo and she gets nothing back. What are you going to do? Are you going to take the ballast out of her, or are you going to put more ballast in her; or can you utilize your live ballast for that?

There is not a vessel goes up the Lakes in the winter time and in the fall of the year, that has not 5,000 or 6,000 tons of water in them. They could not operate the vessels if they did not have live ballast; because they have to get rid of that when they put their cargo in. Live ballast is a no worse bugaboo than lots of other conditions. Live ballast, properly manipulated, is all right; the tanks are subdivided and they have facilities for emptying them and for refilling.

Mr. HARDY. But as long as they enter into the element of calculating the safety of the vessel, the inspector can know nothing of the safety of the vessel until he has seen that the live ballast was there?

Mr. UHLER. I think not. I think we can calculate with six or seven hundred tons of water in that vessel that she will be a structure suitable for the service in which she is to engage.

Mr. HARDY. Does this calculation mean anything, except to tell the officer of the vessel to do something?

Mr. UHLER. Mr. Chairman, let me say this: If we are going to undertake to get down to the actual safety of the vessel, inclining tests are no good on the face of the earth. There is no test but an actual demonstration of the very worst and most extravagant condition that you can put that vessel in. It is the only thing; and it has got to be an actual demonstration. And here is the worst condition, we will say, that a vessel can be put in; a thousand passengers on the upper deck. Now, in order to determine that point, there is no empirical proposition or there is no mathematical calculation that can determine that except an actual demonstration of the weight of a thousand people on the most extravagant point of that vessel. And it is the only way that it can be determined. But we do not enter into actual demonstrations of the stability of a vessel. They are calculations and comparative calculations, pure and simple. Inclining tests are to determine the meter center height of a vessel under ordinary conditions; and when it comes down to an actual demonstration of what this vessel is safe under, it must be an actual demonstration and no other. I have been on vessels that have been over on their beam ends for five or six days at a time, and there was no danger in the world. The ship was first on one side and then on

the other. In the condition in which she was loaded she was tender, not necessarily dangerous. I have rode a hurricane for 30 or 40 hours, when the ship's rail would not only be under water, but her house would be under water; and when you would go forward from aft when times would come that you could be on the deck and you would walk forward on the deck, you would walk forward on the side of the house, and she was perfectly comfortable, only she was lying in an unusual position.

Mr. EDMONDS. I want to say this, that this summer I crossed the Pacific and was 30 days on one of the transports, and I watched the operation of the ballast. In fact, I talked with the officers every day in regard to the different points about the ship, and I agree with the inspector that a certain amount of live ballast, properly manipulated, is an advantage to the ship instead of a detriment.

Mr. HARDY. I was not raising that question of whether live ballast ought to be used or not.

Mr. UHLER. Now, there is another question, if I may have the time, about which I want to enlighten some of the gentlemen who have asked questions, and that is about initial stability. Initial stability, from what we have heard here this morning, must be determined absolutely without ballast. When I say "without ballast," I mean without false ballast. We have her engines and we have her boilers, and all of those weights are carefully calculated and their position in the ship, and they enter into the displacement and draft of the ship. Now, if we are to build a ship with an initial stability to accommodate 2,500 or 3,000 passengers, without taking into account any ballast at all, it will be a pretty hard proposition.

Gentlemen, I have no opposition and I have not had to any proposition on the face of the earth that will add to the safety, as well as the comfort, of every passenger under my charge. And I think that is my record. But if you say that we must have a minimum number of square feet of deck surface for each passenger allowed, it is an impracticable proposition that can not be enforced.

The CHAIRMAN. We agree we can not do it. Do you know of any experts upon whom we could call, who could advise us and help us frame such a bill?

Mr. UHLER. I know of nobody, sir. I do not mean to say, Mr. Chairman, that I know it all; that is only my opinion. There may be somebody who can come here and tell you, and perhaps his experience will justify his impression. But you can fix a minimum number of square feet—there is no trouble about that in the world—if you want to.

The CHAIRMAN. The inspector makes a survey of the ship and measures her to determine that; is not that practically the way he does it?

Mr. UHLER. Yes; but in all vessels, Mr. Chairman, the number of passengers is not determined absolutely upon the square feet of deck surface that that vessel has. There are other conditions that enter into it. He knows the vessel. There may be some vessels which have an allotment of 15 square feet; probably many vessels have that. But yet there are others that we say have six, seven, eight or nine, or whatever it is.

Here is a vessel that carried 3,000 people for years; carried them in the open lake and in gales of wind and in all kinds of weather, which

capsized at the dock with 2,500 people aboard of her. Now, there were 2,500 people aboard her and 2,500 people could not all get on one side of her; nor could they all get on one deck.

The CHAIRMAN. Weren't they all on board when she capsized?

Mr. UHLER. Yes, sir, they were all on board; she had her full complement and was ready to cast off from the dock. She had her complement of people—2,500. If I mistake not, her original capacity was 3,300; but for the comfort of the passengers, and for their comfort alone, it was reduced to 3,000. There came a time when they did not want to carry life-saving equipment for more than 2,000, and consequently they had to reduce to 2,000 people, because she did not have boats and rafts to take care of them. Then when they put the boats and rafts aboard her again, her complement was again raised to 2,500.

There seems to be some stress laid upon the fact that this vessel was reduced to 2,000 and then some other inspector raised it to 2,500. The simple reason for raising that was that it was only reduced because she did not want to carry life-saving equipment for more than 2,000 and when she put the additional equipment back her complement was raised accordingly.

The CHAIRMAN. That is lifeboats and life rafts?

Mr. UHLER. Yes. The man who inspected her as local inspector in Cleveland, while she was running between Clairbourn and Cedar Point, watched her every day of his life and saw her there, and he was asked the question as Chicago, at the investigation:

Capt. Nelson, as a shipmaster and inspector, and after having heard what you have heard here and after all the conditions as you have seen them, and the vessel on her side, would you take this vessel out on the lake with 3,000 people?

Yes; to-morrow, and take her anywhere.

The CHAIRMAN. We have gone over that question enough, I think, for the present.

Mr. BURKE. General, do you know of any of the foreign nations having a minimum rule for determining the count of the passengers?

Mr. UHLER. I think not, sir. I know of none. I think on the wider waters, what they call the turbulent inland waters, under the rules of the English Government, it is a matter which is determined entirely by a surveyor exactly the same as by our inspector.

Mr. BURKE. Mr. Chairman, calling attention to H. R. 4781, section 2, amending section 4465, "It shall not be lawful to take on board of any vessel a greater number of passengers than is stated in the certificate of inspection," and particularly to this part of it, "and for every violation of this provision the master or owner shall be liable, to any person suing for the same, to forfeit the amount of passage money and \$10 for each passenger beyond the number allowed;" that penalty is simply by way of forfeiture. Could it not be made a crime or misdemeanor instead of by forfeiture?

The CHAIRMAN. We will consider that ourselves. I think that is a matter for the committee to determine more than for the inspector.

Mr. HARDY. Just one more question: You made the statement just now that a minimum limit fixed by law would relieve the inspector

of his responsibility if he was within that limit. It seems to me that a minimum fixed by law might be persuasive; but do you mean to say that if a law prescribed that there should never be under any circumstances less than a certain amount of square feet space per passenger that the inspectors still would not look at the quality of each particular vessel and prescribe a greater amount of space whenever they thought it necessary?

Mr. UHLER. Judge Hardy, I know of no man in the service who if he thought it was necessary that she should have 25 feet would not fix it at that.

Mr. HARDY. In other words, would not a court passing on the action of that inspector, in case he had it to do, require him to exercise some judgment notwithstanding that is the minimum limit?

Mr. UHLER. There can be no doubt about that, sir.

The CHAIRMAN. If there are no further questions the hearings on this bill will close.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 3, 1916.

The committee, at 12 o'clock noon, proceeded to the consideration of H. R. 4783, Hon. Joshua W. Alexander (chairman) presiding.

The CHAIRMAN. We will take up now H. R. 4783, which is a bill to provide for appeals from decisions of boards of local inspectors of steam vessels, and for other purposes. The bill reads:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any person peculiarly interested in any decision or action of any board of local inspectors of steam vessels shall feel himself aggrieved by such decision or action he may appeal therefrom to the supervising inspector of the district; and a like appeal shall be allowed from any decision or action of a supervising inspector to the Supervising Inspector General, whose decision, when approved by the Secretary of Commerce, shall be final: Provided, however, That application for such re-examination of the case by a supervising inspector or by the Supervising Inspector General shall be made within thirty days after the decision or action appealed from shall have been rendered or taken: And provided further, That in all cases reviewed under the provisions of this act where the issue is the suspension or revocation of the license of a licensed officer such officer shall be allowed to be represented by counsel and to testify in his own behalf.

SEC. 2. That whenever there shall be a disagreement between the local inspectors in regard to any matter before them for decision they shall report the case to the supervising inspector of the district, who shall investigate and decide the same; and any supervising inspector may, upon his own motion, review any decision or action of any board of local inspectors within his district; and in like manner the Supervising Inspector General may review any decision or action of any supervising inspector or board of local inspectors; and the decision of the Supervising Inspector General in such case shall, when approved by the Secretary of Commerce, be final.

SEC. 3. That any decision or action reviewed by the Supervising Inspector General or by any supervising inspector, as provided in section one of this act, may be revoked, changed, or modified by such reviewing officer, who shall have power to administer oaths and to summon and compel the attendance of witnesses by a similar process as in the district courts of the United States; and the disbursing clerk, Department of Commerce, shall pay, on properly certified vouchers, such fees to any witness so summoned for his actual travel and attendance as shall be officially certified to by the officer reviewing the case, not exceeding the rate allowed for fees to witnesses for travel and attendance in the district courts of the United States.

SEC. 4. That the Secretary of Commerce shall make such regulations as may be necessary to secure a proper enforcement of the provisions of this act.

SEC. 5. That section forty-four hundred and fifty-two of the Revised Statutes, as amended by section six of the act of March third, nineteen hundred and five, is hereby repealed.

Gentlemen, Mr. Thurman, who is the Solicitor for the Department of Commerce, is here and we might have him make a statement in reference to this bill and the occasion for this legislation.

**STATEMENT OF ALBERT LEE THURMAN, ESQ., SOLICITOR
DEPARTMENT OF COMMERCE.**

Mr. THURMAN. Mr. Chairman, the reason for this bill being presented by the department grows out of the investigation of the Eastland disaster at Chicago last July. At that time it appeared that there were several provisions in the statutes placing final decisions on questions that might arise in the boards of local inspectors, and from which no appeal could be had to the local inspectors, or through them to the Supervising Inspector General. At that investigation, as you gentlemen may know, Secretary Redfield, before the investigation began, requested the assistance of several gentlemen in Chicago to sit with him as an advisory committee. At the conclusion of the hearing those gentlemen made a number of written recommendations which were incorporated into the testimony. One of those recommendations was that in all cases where the power of placing final decision was vested in the local inspectors it should be subject to appeal by the parties interested on both sides; and that is the primary purpose of this bill, to provide that in all cases there shall be an appeal from the decision of the local inspector to the supervising inspector, and from the supervising inspector to the Supervising Inspector General.

The CHAIRMAN. I suppose, of course, you have examined the navigation laws with care, and know that provision is not already made by law for such appeals in the cases to which you refer?

Mr. THURMAN. No, sir; there is not. For instance, Mr. Chairman, the question of fixing passengers; there is no appeal from that at the present time. This would allow an appeal, as I take it.

The CHAIRMAN. These bills, H. R. 4781 and H. R. 4785, seem to provide specifically for appeals in that class of cases.

Mr. THURMAN. Yes, sir.

The CHAIRMAN. This is intended to be a more comprehensive statute.

Mr. THURMAN. To cover all questions that may arise where the decisions of the local inspectors are final under the present statutes.

The CHAIRMAN. Here is one question on that point: Suppose the local inspectors make a certain decision, and it may be a very important one; it may affect the safety of the vessel, it may affect the life-saving equipment or her fire apparatus. If an appeal is allowed to the owner of the vessel that order of the local inspector may be suspended, and it would involve delay and hazard, and be very vexatious, for the tendency would be to always appeal in that class of cases. Is that properly safeguarded in this bill?

Mr. THURMAN. I do not see why it is not.

The CHAIRMAN. If there is an appeal the order of the local inspector would be suspended, would it not?

Mr. THURMAN. You mean the order of the local inspector?

The CHAIRMAN. Yes.

Mr. THURMAN. Yes; I think that is true.

The CHAIRMAN. Then should not this bill make some provision that the order or decision of the local inspector shall stand until reversed on appeal?

Mr. THURMAN. While that might be well, I can conceive of a case where it might ultimately work a hardship. Suppose some local inspector should insist upon some additional equipment and that should be taken up on appeal, and the equipment would have to be put on pending the appeal; if the supervising inspector reached the conclusion that the equipment should not be put on, there you have forced an additional expense upon the owner.

Mr. CURRY. There is an inspection made of a vessel when the ship first goes into service?

Mr. THURMAN. Yes.

Mr. CURRY. If the inspector later on should say that more equipment should be put on the ship, or that changes should be made, there would simply be an appeal from his subsequent judgment?

Mr. THURMAN. No. I do not think you have it just right. If the local inspector should require additional equipment then under this provision the owner would have the right to appeal to the supervising inspector.

Mr. CURRY. There is no reason why he should not, is there?

Mr. THURMAN. I think not. I think he should be allowed to do so.

Mr. CURRY. The vessel is inspected before she goes into service?

Mr. THURMAN. Yes, sir.

Mr. CURRY. I have a bill introduced containing that same provision, and I thought it only right that a party interested should have an appeal from the judgment of the inspector to the supervising inspector, and from the supervising inspector to the department.

Mr. THURMAN. Yes; that is the purpose of this bill.

The CHAIRMAN. Is your bill pending here now, Mr. Curry? I have not had my attention called to it.

Mr. CURRY. That is in my general shipping bill.

Mr. HARDY. I would like to ask this question: Practically this is a provision to enable shipowners to take an appeal?

Mr. THURMAN. To enable all parties to appeal.

Mr. HARDY. Who are interested parties?

Mr. THURMAN. I don't know that there is anybody, except—well, for instance, take an extreme case; suppose the officer is charged with dereliction of duty and is acquitted by the local inspectors; I believe under this provision the department could take up the matter in the shape of an appeal from the decision of the local inspectors; but primarily it is from the decision of the local inspectors.

Mr. HARDY. The department is not particularly interested, is it?

Mr. THURMAN. No; not in that particular provision.

Mr. HARDY. Then the other provision that persons pecuniarily interested may appeal, makes it really an appeal given to the owner and to nobody else?

Mr. THURMAN. Yes, sir; that is practically the object of the bill.

Mr. CURRY. Could the sailors on the ships appeal under this, if their quarters were reduced?

Mr. THURMAN. No; I don't think this would give them that right.

Mr. EDMONDS. Would the officer be pecuniarily interested? Suppose he was discharged from the ship, or lost his license, and the board of inspectors locally stood for it, could he appeal under this act?

Mr. GREENE. Certainly; he would be pecuniarily interested.

Mr. THURMAN. Yes; I think so.

Mr. HARDY. Wouldn't that provision prohibit him from appealing?

Mr. THURMAN. No, sir; I think not.

Mr. HARDY. It seems to me this bill leaves this situation; that if the local inspectors make a ruling favorable to the shipowner and too favorable there is no appeal from it; but if they make one onerous or too onerous the shipowner may appeal. It is a one-sided thing in that it allows no appeal by anybody but the shipowner; but if the shipowner overreaches the inspector there is no appeal. I do not know whether there is anyone interested or who has the right of appeal or ought to have the right of appeal, but I submit to you as a student of the question. In other words, that you have an officer exercising a judicial function and requiring certain requirements. If his decision is less burdensome than it ought to be there is nobody authorized to take it up higher.

Mr. THURMAN. Anybody interested in the ship or the company could do it, if they were dissatisfied with it.

Mr. HARDY. That brings the same parties in; only the party that is interested in the requirements of the service may appeal under this bill.

Mr. THURMAN. I suppose that is so.

Mr. HARDY. The party that is interested in having additional requirements has no appeal?

Mr. THURMAN. That is true.

Mr. HARDY. Can it be remedied in any way?

Mr. THURMAN. I don't know who would be interested in it otherwise.

Mr. HARDY. The public is the only one interested in it otherwise.

Mr. THURMAN. The public is supposed to be taken care of by the Steamboat-Inspection Service.

Mr. HARDY. The Steamboat-Inspection Service, like a judge on the bench, is supposed to hold the scales even; neither biased one way or the other; but if they do decide adversely to the public and do not make the requirements that are necessary, there is no appeal provided from that decision.

Mr. THURMAN. If you put in the bill that anybody from the public may appeal from the local inspectors' decision you would swamp the whole proposition.

Mr. GREENE. You would not be able to do any business at all.

Mr. THURMAN. No, sir; we would be swamped.

Mr. BURKE. Why wouldn't it be possible in the case of decisions of local inspectors to provide for a review by the supervising inspector, also take an appeal?

Mr. HARDY. That he might review their action.

Mr. GREENE. That is already provided for in the bill.

Mr. BURKE. No; that is the same person who appeals from the supervising inspector to the inspector general, the person who is pecuniarily interested.

Mr. HARDY. Should not this bill have a provision that the supervising inspector should have the right to review the action of the local inspector without an appeal; allow the different parties to go in to him and present the case, or let him take it up on his own initiative?

Mr. THURMAN. That is purely a matter of judgment.

Mr. HARDY. What is your judgment about it? You realize that the local inspector stands between the shipowners and the public in making requirements?

Mr. THURMAN. Yes.

Mr. HARDY. If he makes it displeasing to the shipowner, he can take an appeal?

Mr. THURMAN. Yes, sir.

Mr. HARDY. But if you only make it displeasing to the public, there is no right of appeal?

Mr. THURMAN. Yes.

Mr. HARDY. Should there not be?

Mr. THURMAN. No; I think not. That is a matter that is vested entirely in the discretion of the local inspectors, and you have to put it somewhere, and you might just as well put it there.

Mr. HARDY. Yes; if the shipowner is displeased, he can remove it to a superior officer—

Mr. THURMAN. Because his interests are vitally affected.

Mr. HARDY. But is not the public vitally affected, too?

Mr. THURMAN. Of course, there are cases of judgment where human errors are liable to enter.

Mr. HARDY. Is it not just as liable to enter in favor of the shipowner as against him?

Mr. THURMAN. I do not know that an appeal from the public at large would help matters any, because you would have all sorts of appeals based on nothing.

Mr. HARDY. Oh, no; not if you gave the supervising inspector the right of review.

Mr. THURMAN. Oh, I would not object to that, sir. If you want to put the authority in the supervising inspector to review, well and good—

Mr. HARDY. That would make it necessary to go to him—should there not be some way of correcting an error in favor of the shipowner and against the interests of the public generally, and ought not there to be a review upon the initiative of the supervising inspector himself of these decisions?

Mr. THURMAN. I don't think there would be any objection to that.

Mr. HARDY. Then, of course, anybody that felt the public were not treated right could go and present the matter to the supervising inspector and he could take it up.

Mr. THURMAN. There would be no objection to that from me, and I am certain the department would have no objection. This was drawn pursuant to the recommendations of the advisory board in Chicago.

Mr. HARDY. I understand there should not be a right of appeal on the part of anyone, but I believe both sides to the question ought to be equally, somehow, entitled to relief from an error.

The CHAIRMAN. This is intended to take the place of section 4452, Revised Statutes, and that seems to apply to certain specific cases.

We will hear a few words from General Uhler on this bill. Just briefly, General Uhler, tell us, in the event bills 4781 and 4785 should be enacted into law, what necessity is there for the passage of H. R. 4783.

STATEMENT OF MR. GEORGE UHLER, SUPERVISING INSPECTOR GENERAL.

Mr. UHLER. Mr. Chairman, under the present law, section 4452, there is no appeal for anybody except a licensed officer, as I understand it. If any officer feels himself aggrieved—may I have the language of the bill?

The CHAIRMAN (reading):

Whenever any board of local inspectors refuses to grant a license to any person applying for the same, or suspends or revokes the license of any master, mate, engineer, or pilot, any person deeming himself wronged by such refusal, suspension, or revocation may, within thirty days thereof, on application to the supervising inspector of the district, have his case examined anew by such supervising inspector; and the local board shall furnish to the supervising inspector, in writing, the reason for its doings in the premises; and such supervising inspector shall examine the case anew, and he shall have the same powers to summon witnesses and compel their attendance.

Now, that section applies to that class of cases only, but it is ample for that class of cases, is it not?

Mr. UHLER. Yes. Now, under that condition there is no appeal to the supervising inspector except if a man be licensed and suspended for more than six months or his license has been revoked; then an appeal might come to the supervising inspector general. It was deemed wise to have the appeals for anybody who was pecuniarily interested, and the phraseology of the bill was made so as to exclude anybody who had no interest in the case beyond a nagging propensity, we may say, or who wanted to make trouble for some one. The phraseology of the bill was restricted to those who are pecuniarily interested. As a matter of course a licensed officer would be pecuniarily interested if he is suspended, because he has been deprived of his livelihood. The owners of a vessel, of course, are pecuniarily interested by the same decision. But this gives unequivocally the right of appeal beyond the supervising inspector up to the supervising inspector general. Now, it not only gives that authority, but it gives the supervising inspector general the right to review any case on his own motion without any appeal whatever, and he may review a case himself and, upon his own motion, may set aside the decision of the lower board.

Mr. HARDY. What is that that gives the Supervising Inspector General that right of review?

Mr. UHLER. I think it is in the bill.

Mr. HARDY. If it is in there it is all right.

Mr. UHLER (reading):

SEC. 2. That whenever there shall be a disagreement between the local inspectors in regard to any matter before them for decision they shall report the case to the supervising inspector of the district, who shall investigate and decide the same.

That is where there is a disagreement; that is provided for now. The CHAIRMAN. Read on.

Mr. UHLER. I will; but I want to explain that part of it. Where there is a disagreement between two members of the local board they simply bundle the case on over to the supervising inspector, and say, "We can not agree, and you must decide the case for us." Then he may examine the case anew, or may take the testimony adduced before the local board and decide upon that. In addition to that, under the law as it is now, he would have no right to go into that case except upon the appeal of the local board, saying, "We have disagreed; you must take it." Then the section goes on to say:

And any supervising inspector may, upon his own motion, review any decision or action of any board of local inspectors within his district, and in like manner the Supervising Inspector General may review any decision or action of any supervising inspector or board of local inspectors, and the decision of the Supervising Inspector General in such case shall, when approved by the Secretary of Commerce, be final.

Mr. HARDY. That covers the suggestion I made a moment ago, I believe.

Mr. UHLER. Yes. The rest of the bill simply goes on and gives authority to any review officer to administer oaths. At present I have no authority to administer an oath. The supervising inspector, unless he is acting for the local board, has no authority to administer an oath, but this gives the supervising inspector authority to administer oaths and also to summon witnesses. I would have no authority under the present law to summon witnesses, but this gives the authority to the inspector general and Supervising Inspector General to summon witnesses and to pay witness fees. That was put in there to make it plain as to who was to pay witnesses, and how they should be paid. Under the old law witness fees were paid by the collector of customs upon subpoenas presented by the marshal of the district, and, as a matter of course, he got a fee for the service. The marshals get no fees now for serving our subpoenas. The collector of customs does not pay any witness fees for us now. The subpoena is simply countersigned by the supervising inspector as to the number of days of attendance and the actual witness expenses. That is forwarded to Washington, checked by the Bureau of Inspection, and paid by the disbursing clerk. That is the present method, and this is to make it plain in the law only.

It was intended, more than anything else, to provide a further appeal; to provide an appeal for those who were not now so privileged. The owner of a vessel, in the case of repairs, has the right to take an appeal to the supervising inspector, but in the case of the allotment of passengers there is no appeal whatever, and in other cases that come up there is no appeal.

The CHAIRMAN. If this bill were passed what occasion would there be for 4781 and 4785, which simply provide a specific remedy or appeal where the local inspectors determine the number of passengers that may be carried on a vessel?

Mr. UHLER. Under the present law, affecting that phase of it, there is no appeal whatever now from the decision of the local inspector as to the number of passengers that may be carried. That is absolute.

The CHAIRMAN. But if 4783, to which you are addressing your attention now, was passed there would be no appeal then. However, that is a matter for the committee to consider.

Mr. UHLER. I would say so. The matter of the approval by the Supervising Inspector General of an increase of passengers is one that was suggested by the advisory board in Chicago and came out of the *Eastland* disaster, really to prevent an indiscriminate increase of passenger allowances. For instance, a vessel coming from another district into this district, say, the local inspectors in New York would only allow her 2,000 passengers.

Mr. CURRY. What we are really interested in—at least, what I am really interested in—is will this bill we are talking about now give the right to the party in interest to appeal and other proper interests on the number of passengers carried? It looks to me like it will.

Mr. UHLER. I think it would.

Mr. CURRY. I think so, too.

Mr. UHLER. I think so, because it would be a decision or action of the board.

Mr. EDMONDS. I do not really think it affects very much either 4781 or 4785.

Mr. UHLER. I do not think so.

Mr. EDMONDS. I think they could all be passed without hurting each other at all.

Mr. UHLER. I think so. The great trouble with our steamboat-inspection laws is that we have had too many amendments without repealing anything.

(Thereupon, at 12.50 o'clock p. m., the hearings closed.)

**INCREASE IN NUMBER OF PASSENGERS CARRIED ON VESSELS AND
PROVIDING FOR APPEALS FROM LOCAL BOARDS.**

HEARINGS

BEFORE THE

SUBCOMMITTEE ON NAVIGATION LAWS

OF THE

**COMMITTEE ON THE
MERCHANT MARINE AND FISHERIES**

HOUSE OF REPRESENTATIVES

SIXTY-FOURTH CONGRESS

FIRST SESSION

ON

H. R. 4781, H. R. 4783, and H. R. 4785

**AMENDING SECTIONS 4464 AND 4465 OF THE
REVISED STATUTES OF THE
UNITED STATES**

FEBRUARY 12, 1916

PART 2

**WASHINGTON
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1216

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INCREASE IN NUMBER OF PASSENGERS CARRIED ON VESSELS AND PROVIDING FOR APPEALS FROM LOCAL BOARDS.

COMMITTEE ON MERCHANT MARINE AND FISHERIES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Saturday, February 12, 1916.

The subcommittee met at 11.30 o'clock a. m., Mr. Hardy in the chair.

Mr. HARDY. As I understand it, this hearing is for the benefit of parties who have some suggested amendment to make, or perhaps to oppose the passage of the bills H. R. 4781, H. R. 4783, and H. R. 4785.

The bills referred to are as follows:

H. R. 4781. A BILL To amend section forty-four hundred and sixty-four, Revised Statutes of the United States, relating to number of passengers to be stated in certificates of inspection of passenger vessels, and section forty-four hundred and sixty-five, Revised Statutes of the United States, prescribing penalty for carrying excessive number of passengers on passenger vessels.

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-four of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

"SEC. 4464. The inspectors shall state in every certificate of inspection granted to vessels carrying passengers the number of passengers of each class that any such vessel has accommodations for and can carry with prudence and safety."

SEC. 2. That section forty-four hundred and sixty-five of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

"SEC. 4465. It shall not be lawful to take on board of any vessel a greater number of passengers than is stated in the certificate of inspection; and for every violation of this provision the master or owner shall be liable, to any person suing for the same, to forfeit the amount of passage money and \$10 for each passenger beyond the number allowed."

H. R. 4783. A BILL To provide for appeals from decisions of boards of local inspectors of steam vessels and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That whenever any person pecuniarily interested in any decision or action of any board of local inspectors of steam vessels shall feel himself aggrieved by such decision or action, he may appeal therefrom to the supervising inspector of the district; and a like appeal shall be allowed from any decision or action of a supervising inspector to the Supervising Inspector General, whose decision, when approved by the Secretary of Commerce, shall be final: *Provided, however,* That application for such reexamination of the case by a supervising inspector or by the Supervising Inspector General shall be made within thirty days after the decision or action appealed from shall have been rendered or taken: *And provided further,* That in all cases reviewed under the provisions of this act where the issue is the suspension or revocation of the license of a licensed officer such officer shall be allowed to be represented by counsel and to testify in his own behalf.

SEC. 2. That whenever there shall be a disagreement between the local inspectors in regard to any matter before them for decision they shall report the case to the supervising inspector of the district, who shall investigate and decide the same; and any supervising inspector may, upon his own motion, review any decision or action of any board of local inspectors within his district and in like manner the Supervising Inspector General may review any decision or action of any supervising inspector or board of local inspectors, and the decision of the Supervising Inspector General in such case shall, when approved by the Secretary of Commerce, be final.

commuting traffic, whether by ferry or by other means of transportation, we must necessarily figure on what we call the "peak load" proposition; that is to say, the major part of the traffic uses the transportation facilities during but a few hours of each day. Those are what we call the commission hours. There is the morning traffic from Richmond to Manhattan, and then there is the evening traffic from Manhattan back to Richmond.

Now, to give you a concrete idea of the impossibility of actually counting the number of people who take these ferries, I wish to say that during the month of February, 1915, the statistics show that the maximum number of passengers was 1,200 for one trip, while the minimum was 9. That shows the tremendous variation between the different hours of the day.

Mr. PRICE. Do you mean 900 or 9 people?

Mr. HARRISON. Nine people.

Mr. BRUCKNER. Nine people?

Mr. HARRISON. Yes, sir.

Mr. BRUCKNER. And what was the greatest number?

Mr. HARRISON. In February we carried 1,200. This ferry proposition not only varies during the different hours of the day, but it also varies very materially during the different seasons of the year, because the burough of Richmond is not only a place of homes, but it is a great suburban burough, which is practically a public playground during the summer season. We carry a tremendous number of passengers to that burough during certain seasons of the year. To show the great variation I will call attention to the fact that the maximum number of passengers actually carried in a day, on July 18, 1915, was 139,000; while the minimum number of passengers actually carried in a day, January 31, 1915, was over 14,000.

Mr. BRUCKNER. The maximum was what?

Mr. HARRISON. One hundred and thirty-nine thousand in a day.

Mr. BRUCKNER. And the minimum?

Mr. HARRISON. Fourteen thousand. The boats which we use in this service are a tremendously heavy type and are very expensive. They are boats which cost the City of New York \$350,000 apiece. We have five of them. These boats have 16,000 superficial feet of deck space.

As I understand this bill, if it is passed in the form in which we now find it, it will necessitate an accurate counting of the passengers going on board the boats. I want to make that very clear. It is not the number of passengers entering the terminal, but the number of passengers boarding the boats. After they once enter the terminal, unless you have some form of counting between the time of their entering the terminal and the time they go on the boat you may unwittingly violate the law. It is a very serious proposition, gentlemen, to the Staten Island Ferry, in common with all ferries which serve the people. At the present time our schedules and those of the railroads and street service transportation companies are very nicely adjusted. As a matter of fact, the average time between the arrival of trains and the trolleys at the Staten Island terminals and the departure of these boats is three minutes. This means we have to transfer passengers from the cars, from the railroad trains, into our terminals, and through our terminals into our ferryboats in the space of three minutes. The running time, as I stated before, between

the two terminals is 20 minutes. In order to maintain the schedule which we have to maintain we are only able to allow 30 minutes time between the time that the boat leaves one terminal and reaches the other, unloads, loads again, and leaves. That means that at the terminals we allow only 10 minutes, or an average, approximately, of 5 minutes per terminal. The major part of the loading is done in three minutes. Two minutes are allowed for unloading and three for loading.

If this law is passed, the city of New York will, of course, obey it. It will be necessary for us, in order to properly carry out the law, to install turnstiles, not at the ferry entrance, but at the boat entrance; that is, you have to have the turnstile at the slip, where the people board the boat. It seems to me, gentlemen, that the proposition of attempting to put two thousand people through the turnstiles in three minutes is so absurd that an argument is hardly necessary.

Mr. HARDY. Have you not speeded up the motion to an abnormal and an almost incomprehensible pace, when you unload and load these boats in five minutes?

Mr. HARRISON. It can be done under the present conditions.

Mr. HARDY. Is there any necessity for you to leave within three minutes after the arrival of passenger trains, except that you desire to make a greater number of trips per day and that you desire to use fewer vessels than would otherwise be the case?

Mr. HARRISON. The proposition is this: A certain number of people have to be moved. We give them a service, during rush hours, of fifteen minutes; that is, a boat leaves the terminal every fifteen minutes. From that, we go twenty minutes, and from that to the half hour schedule. During the rush hours, the fifteen minute service is the very minimum that we could possibly think of furnishing for that tremendous commuting traffic.

You may say, and the argument may be advanced, that it is only a question of getting more boats and more terminals. It seems to me, gentlemen, that that argument almost answers itself. In the first place, it is not a question of how many boats we have. It is a question of how long it takes to load the passengers on the boats after they reach the terminals and before they leave the terminals. It takes just so long for a man to pass through a turnstile. They can be speeded up only to a certain degree. No one, it seems to me, can contend that the city of New York or a ferry company should be asked to operate a boat with a seating capacity of 2,000 at less than its seating capacity.

Mr. HARDY. Is it possible that you can conceive of anybody who would ask you to do that?

Mr. HARRISON. I can not conceive of it. For that reason, if this law should pass, the inspectors would give us a reasonable carrying capacity. However, it would mean an intolerable delay. It would mean unnecessary delays in loading the passengers that we are allowed to carry on boats which are perfectly constructed. In other words, it is a question of convenience to traffic. It is a question of the practical handling of the traffic which we are compelled to handle; That can not be cured by getting more boats.

I come now to the second point; that is, the impracticability at the present time, or within a reasonable time, of getting additional boats and additional terminals. The type of boat which you have to have

for the proper and safe operation over this 5-mile course must necessarily be heavy and substantial. These boats which we have at the present time have cost \$350,000 apiece, and it takes from one to two years to construct them. I should say that the average would be one and one-half years.

Mr. HARDY. Are they of steel construction?

Mr. HARRISON. Yes, sir.

The terminals cost over a million dollars apiece. If we should start with the assumption that we should build more terminals, we have no space to put them. The water front of the Borough of Manhattan is crowded, so that it is a waste of time to attempt to get ferry slips. This is not a question of money; it is simply a question of the physical facts which we have to face. That is the condition with which we are confronted at the present time.

Mr. HARDY. How often do your ferryboats leave the terminals?

Mr. HARRISON. That varies with the rush hours. The most frequent leaving is one every 15 minutes; the most infrequent is one every half hour.

Mr. HARDY. How long did you say that it takes to make the crossing?

Mr. HARRISON. Twenty minutes.

Mr. HARDY. Do you mean that these vessels leave the terminals every 15 minutes?

Mr. HARRISON. Yes, sir; during the rush hours. We have five boats which we keep in service during the rush hours. When the rush hours are over we take off one boat. We are always repairing one boat. That boat is kept in service during the rush hours, and when the rush hours are over it is taken off for repair.

The CHAIRMAN. The unloading and loading takes only five minutes, you say?

Mr. HARRISON. Yes, sir.

Mr. HARDY. So that you could really have more leavings and more trips than you have?

Mr. HARRISON. I suppose, sir, that by driving our boats, during rush hours, to a point which our engineers advise us is not safe, we could make more trips. It is, however, a practically impossible proposition to give continuous service for 365 days in every year. Possibly, we could squeeze in one or two more trips.

Mr. RODENBERG. You have no more ferry slips at the present time?

Mr. HARRISON. No, sir; and we can not get them.

Mr. RODENBERG. So that additional boats would not help you?

Mr. HARRISON. No, sir.

Mr. HARDY. When you unload one boat and push it out, there is room for another one?

Mr. HARRISON. The condition, during rush hours, is that we have two boats in the terminals and three in transit.

Mr. HARDY. You spoke of the boats leaving on a schedule half an hour apart and staying five minutes at the terminals.

Mr. HARRISON. When we come to the half-hour schedule, we are past the rush hours, and there is no need for extra boats. This law does not affect us in nonrush hours.

Mr. HARDY. Did I understand you to say that your schedule time was from 15 to 30 minutes in rush hours?

Mr. HARRISON. No, sir; it is 15 minutes.

Mr. HARDY. During what portion of the day do you have the 15-minute schedule?

Mr. HARRISON. Two hours in the morning and two in the evening. It is 6 to 8 in the morning and from half past 4 to half past 6 in the evening. That is the rush schedule.

Mr. HARDY. Your opinion is that with additional pier facilities you can have them leaving oftener than every 15 minutes?

Mr. HARRISON. No, sir; that is not my opinion.

Mr. HARDY. You could not safely do so if you had more ships?

Mr. HARRISON, No, sir.

Mr. BRUCKNER. Is it not true that even during the rush hours you are sometimes unable to maintain your schedule of 15 minutes?

Mr. HARRISON. Yes sir; and that is a point which I am going to take up. I have been talking about normal conditions, when we have clear weather and no trouble. During a large portion of the year the harbor of New York is frequently visited by dense fogs. During these times, the Federal regulations provide that the maximum speed of boats shall be reduced one-half. That is the maximum. As a matter of fact, practical conditions make it unwise, very frequently, to go that fast, so it frequently takes us as much as an hour to make that crossing. That is the case often, when we are impeded by ice and when we have foggy conditions. I think it is needless to point out that once our schedule begins to be disrupted by fogs, you get a condition at the terminals which rapidly produces congestion. This means that the succeeding boats are unduly crowded. Under this change, the delays and congestion which would be produced by this sort of thing would be correspondingly increased. That, gentlemen, is a condition which exists very frequently from November until early in the spring. In fact, as you probably know, we have had unusually foggy weather this year. We have had fog almost every day for weeks, in the harbor of New York. It seems to me, gentlemen, that these facts should be borne in mind, certainly with reference to municipal ferries. Here, we have a ferry operated by a governmental agency elected by the people. It is a ferry which is operated in their interest.

Mr. HARDY. That is a ferry owned by the City of New York?

Mr. HARRISON. Owned by the City of New York, and operated by officials who are just as anxious to see that conditions are what they should be as anyone. They are just as anxious to see that the safety and convenience of the public shall be conserved as anyone can be.

Mr. BRUCKNER. Do you think the condition of the municipal ferry of New York could be improved?

Mr. HARRISON. If I knew how to improve it I would put it into effect.

Mr. HARDY. Are all the ferries municipally owned?

Mr. HARRISON. No, sir.

Mr. HARDY. Are there private ferry lines which are run by private individuals? You are speaking of just one ferry?

Mr. HARRISON. Yes, sir.

I believe I have stated that we carried, during the year 1915, approximately 16,000,000 passengers. The total ferry traffic for the port of New York was 250,000,000. That traffic, I am reliably informed, constitutes about 40 per cent of the entire ferry traffic of the United States, so that the conditions existing in the port of

New York are of supreme importance when we come to consider legislation such as is proposed here. It seems to me, gentlemen, that it has been universally conceded by Federal authorities and by the solicitors of the Treasury Department that a ferry is nothing more or less than a continuation or a highway. It is a floating bridge. The ferry boats have been constructed with that particular end in view. They are of a peculiar type of construction; they are built along very safe lines, and everything is done to make them as nearly unsinkable as possible.

Mr. HARDY. Have you had any serious accidents?

Mr. HARRISON. Referring to that particular traffic, I challenge anyone to point to any accident which has been, in any sense, due to the fact that the boat was overloaded. In our own traffic we have carried, in 10 years, approximately 150,000,000 people. We have had but one fatal or serious accident. That was caused by a boy who jumped in front of a motor truck. I may say in this connection that considering that traffic of 250,000,000 for last year, there was not a single death on any of the ferries interested, except such as those caused by suicide. It seems to me, gentlemen, if a law is to be passed which is going to create so much trouble, there ought to be some insistent demand behind it, some real reason why reform is demanded or needed. These ferries have been operating in the port of New York for years. So far, there has never been a single accident due to overcrowding of boats; and there has not been a complaint of overcrowding. There has been no demand and no request that accommodations be increased to prevent crowding of boats.

Yesterday, at the city hall, we held a meeting called by the dock commissioner, in order that we might get, so far as it was possible in a meeting so hastily called, the views of the various people using not only the municipal ferries, but the privately operated ferries. That meeting, considering the short notice that was given, was extremely well attended. There was not a single voice of protest against the positions which the municipality proposed to take in opposition to including ferries in this bill.

Mr. ALEXANDER. I have a letter here—

Mr. HARRISON. I was about to say, sir, that the only person who was opposed was a gentleman named Delehanty, who appeared on behalf of the Marine Engineers' Association. If I may be permitted to guess at his reason for opposition, I would say that he thought possibly this legislation would mean more boats and more boats would mean more jobs and more positions which the members of his union could fill.

The meeting to which I have directed your attention was attended by a very representative list of people. I have had a list of them copied for your information. The meeting adopted resolutions opposing the bill, and suggested that the matter be recommitted for the purpose of working out in conference between the law-making body and those interested in operations a measure which should be best adapted for convenience and increased safety, in the event it was deemed that reform is needed. It was the feeling of that meeting that very careful and earnest consideration should be given to a matter which affects the welfare and comfort of 250,000,000 passengers in the port of New York.

I should like to submit for the information of you gentlemen a very detailed report of the operation of the municipal ferries which we prepared and addressed to the mayor, and which shows in detail the passenger traffic of the ferries from their inception down to the close of the year 1915. I would also like to submit a letter from the chief of the official body which is charged with harbor improvement, and which is appointed by the governor; also a resolution of the Chamber of Commerce of Bayonne, N. J., and two letters from Members of Congress, one written by Mr. Murray Hulbert and one by Mr. William S. Bennett, addressed to Mr. Joyce. There is also a letter from Mr. R. A. C. Smith, commissioner of docks, addressed to the chairman of this committee, Mr. Alexander, and there is a similar one addressed to Mr. Hardy. These letters give our position, and we include a list of the people who are opposed to this legislation.

(Letters and documents above referred to are on file with the committee.)

Mr. BRUCKNER. Is there not a certain time during the year that these ferry slips are closed for repair?

Mr. HARRISON. No, sir; we have been successful in keeping those slips open continuously. It is true that at certain times we have to make repairs, of course, but we seldom, if ever, have to close the slips for an entire day. A few hours, as a rule, is all that is necessary.

Mr. BRUCKNER. How about this question of life preservers?

Mr. HARRISON. That is regulated by the inspectors at this time; that is perfectly proper. They take care of the question of life rafts, fire boats, and all those things on which the safety of the people depends.

Mr. BRUCKNER. Your honest opinion is that if this bill became a law it would be a detriment to the commuters?

Mr. HARRISON. Yes, sir.

Mr. BRUCKNER. You think they are satisfied with the conditions as they are?

Mr. HARRISON. Yes, sir.

Mr. PRICE. Do you have all-night service?

Mr. HARRISON. Yes, sir. On our South Brooklyn division we close down at 10 o'clock.

Mr. HARDY. Is it your opinion that these ferry boats can or can not possibly be overcrowded?

Mr. HARRISON. I do not see how you could do it, sir.

Mr. HARDY. Your position is, practically, that it is impossible to overcrowd them?

Mr. HARRISON. It is impossible under the supervision which we give to these boats. Occasionally, even during present conditions, we stop people from going on the boats.

Mr. HARDY. Then there is such a thing, in your opinion, as having the boats reach capacity at which time it is proper and right to prevent more people from going on?

Mr. HARRISON. I can conceive of such a condition if it were not supervised.

Mr. HARDY. If such a possibility exists, then it should be prevented?

Mr. HARRISON. My point is that it is prevented. We have responsible officials in charge.

Mr. HARDY. How do you prevent it? You say there is no need for it, and yet everyone says they prevent it.

Mr. HARRISON. We do not claim that this is required for the safety of the public.

Mr. HARDY. Having first admitted that it is possible to overcrowd these boats, I want to know if there is any measure that you can suggest by which we can take legal means to prevent it?

Mr. HARRISON. Let me make myself clear. Let me call attention to the fact that I think it is possible to overcrowd so far as convenience is concerned. I do not, however, think it is possible to overcrowd so far as safety is concerned. I do not think it would be possible, even if you put every person on that boat that you could. I do not think it would affect the safety of them.

Mr. HARDY. You said that it was necessary to stop it in foggy weather. I thought you said that was true in foggy weather.

Mr. HARRISON. That is not the occasion, but the reason. In foggy weather we think it wise, for public convenience and comfort, to limit the number of passengers. That is the occasion, but not the reason.

Mr. HARDY. Don't you have as big crowds in nonfoggy weather as in foggy weather?

Mr. HARRISON. We get a much higher congestion in foggy weather.

Mr. HARDY. You do not think there is any means by which this overcrowding can be prevented—any provision of law that could be made to apply? In other words, you think there can be no legal provision for that?

Mr. HARRISON. I do not say that at all.

Mr. HARDY. Then, what legal provision would you suggest?

Mr. HARRISON. I should think that should be worked out in conference between the ferry operators and the law-making body.

Mr. HARDY. I thought perhaps, as a representative of the ferry company, you would have some suggestion as to what could be done.

Mr. HARRISON. No, sir; I have none at the present time. I can not think of anything which would mean the counting of the passengers so that we could give an accurate number.

Mr. HARDY. Then, what would be the use of a conference?

Mr. HARRISON. My wisdom in this matter is limited. Of course, I can not speak for everyone. I came here representing the city of New York. The city of New York has nothing to suggest at the present time. We would be glad to go into a conference if anyone has anything to suggest.

Mr. HARDY. Did those people who spoke of having a conference have anything to suggest?

Mr. HARRISON. Those gentlemen were not operators of ferries; they were patrons. They were people who, so far as they themselves were concerned, were perfectly contented with the present conditions. They recognize the fact, of course, that the combined wisdom of Members of Congress and the operators might result in some valuable suggestions.

Mr. HARDY. Were none of the representatives of the ferry companies present at this meeting?

Mr. HARRISON. Yes, sir.

Mr. HARDY. And none had any suggestion to make?

Mr. HARRISON. No, sir.

Mr. BRUCKNER. Do you carry freight outside of vehicles?

Mr. HARRISON. No, sir; none whatever.

Mr. HARDY. If there are no other questions, we will hear the next witness.

Mr. JOYCE. Mr. Horace Wilson, of Wilmington, Del., will next address the committee.

STATEMENT OF MR. HORACE WILSON.

Mr. WILSON. I wish to say that I concur in all that the gentleman who preceded me has said. He has pretty thoroughly covered the field. Ferryboat construction in the United States has always been of such a stable character that all he says about the crowding of these ferryboats, or the possibility of overcrowding these ferryboats beyond the safe limit, I believe to be absolutely true. During the peak hours—and that is but a short time each day—they do carry very great crowds. What the gentleman has said in that respect applies to our line, which is a small line, operated between Penns Grove and Wilmington, Del. I think, from my observations, it applies generally throughout the United States. There is doubtless an inherent risk in traveling by ferryboats. There is an inherent risk in traveling by railroads just as there is an inherent risk in traveling by other means of conveyance. There is also a risk in traveling in the streets of any large city in the country; but I am sure the statistics of the country will show that there is less risk and less loss of life due to travel on ferryboats, under the present law, than there has been by any other means that I have mentioned, even including the street risk of the city of New York, or any other large city. That being the case, it seems to me that the statement made by my predecessor that there is no need for a change in the law is a true one. It is absolutely necessary, in the conduct of the ferry transportation business, due to these peak loads, that there should be a flexibility with reference to the number of people that they carry, owing, as he stated, to fog conditions and congestion incident to the delay in the operation of the boats. I believe that that liberality or flexibility in the handling of these passengers boarding the boat should be left with the operators rather than with the inspectors, who work under fixed rules. I do not wish, however, to throw the slightest odium on these inspectors. I do think, however, that if a hard and fast rule is made, there will be an injustice put upon the traveling public at the peak load time of the day, when the traveling men and workmen have to be moved very quickly.

Mr. HARDY. Can you pass a law with reference to the speed limitations of the city of New York? As I understand it, the law is that the question of speed is subject to the judgment of the officials who must enforce safety. Could there not be a provision that would in itself permit flexibility, and yet require some observation with the view of the prevention of overcrowding?

Mr. WILSON. As a matter of fact, we all know that in the operation of the vehicular laws there is great flexibility, those in control being right on the ground. If we had an inspector or a Government constabulary to help the owners of the boats, we might be able to do something.

Mr. HARDY. There is no speed limit in New York on vehicles, is there?

Mr. WILSON. There is in other cities.

Mr. BRUCKNER. Do you mean on the highway, Judge?

Mr. HARDY. I understand there is no ordinance fixing the limit of speed at which machines may run.

Mr. BRUCKNER. Oh, there are different speeds in different sections.

Mr. WILSON. There is no speed limit in Paris. That is the only city that I have ever heard of where that is true.

Mr. HARDY. I was told that there is no fixed speed limit, but that the officials on the ground determined whether a man was driving too fast.

Mr. WILSON. I should think that a man could be adjudged a reckless driver if he were driving at 10 miles an hour, under certain conditions.

Mr. HARDY. Yes; 5 miles an hour would be too fast under some conditions.

Mr. WILSON. That is all I have to say, except that I feel it would be quite a hardship on the traveling public if this legislation goes into effect. It will be more of a hardship on the traveling public than on the owners.

Mr. SAUNDERS. The idea is that this would result in so delaying the traffic at the peak hours that the laboring men would not be able to get to work on time?

Mr. WILSON. In our case that would be so. It would be very much more flagrant on the larger New York ferries.

STATEMENT OF MR. EDMUND W. WAKELEE.

Mr. WAKELEE. I represent the Riverside and Lort Lee Ferry Co. and the Port Richmond and Beyer Point Ferry Co. The Riverside & Fort Lee Ferry Co. operates between One hundred and thirtieth Street, New York City, and Edgewater, N. Y.

May I suggest, in answer to the last proposition that was discussed, in regard to the New York automobile law, that my understanding of the law in New York is that there is a limit beyond which no automobile may be driven, but that the limit is not in itself permission to operate up to that speed limit. Within that limit the driver must use discretion and exercise great care. He can not shoot up Broadway at 25 miles an hour because the law fixed the limit at 25 miles.

Mr. HARDY. The law says that if he goes beyond a certain limit that is reckless?

Mr. WAKELEE. No, sir.

Mr. BRUCKNER. He could not go along on Broadway at 20 miles an hour.

Mr. HARDY. The limit might be 20 miles an hour, and yet, for certain reasons, he could be arrested while driving within or under that limit. That is the point I want to make.

Mr. WAKELEE. In regard to this suggestion of a conference, so far as the representatives of the companies which I represent here are concerned, the only purpose of any conference that we have heard talked of was to express our entire willingness, if anybody thought

anything could be done, to enter into such a conference for the purpose of presenting all the facts, and not at all with any idea on our part that any regulation of this kind was needed, or that a conference would even show the need of such legislation. On the contrary, we felt it would not be necessary.

The Riverside and Fort Lee line carried last year 5,927,000 passengers. There were 51,580 trips, so that the committee can see that the average per trip is only slightly over 100. The crowding, or the large number of passengers, came in what we call the "commission" hours—two hours in the morning and two hours in the evening. There were also some special occasions, such as the Hudson celebration, when the war vessels were in the river, or at times like that. There is also in New Jersey a very large amusement park, which is patronized very largely by New York people, and the way to get there is by our ferry. There are sometimes 50,000 people who visit that park during the course of a day. The conditions are such that provision can not be made for them in advance. Sometimes they come prepared to stay all day and go home in the evening. At times showers come up suddenly, and they leave the park with a rush. There is nothing fixed about it, so that we can not tell in advance when these crowds are going to come.

May I suggest, very briefly, why I think this legislation is not necessary. While I have read the record of the proceedings of this committee up to the present time, I have not discovered any reason advanced why ferry boats should be included in this law; and on the theory that the burden of proof is on those who propose the law, my proposition is that that burden has not been sustained. We have too many laws, and no law should be passed unless there is good reason why it should be enacted. We are all prone to break that law. I know that when I was in the New Jersey Senate, for many years, I used to protest against the passage of so many laws, and then when I got started, I presume I had more bills passed than anybody down there.

Mr. RODENBERG. Have you a daily record of passengers carried? Have you any record showing the highest number of passengers carried on your boats?

Mr. WAKELEE. No, sir. This information that we have shows it by months. We have records in the office that will show that that I will be glad to furnish you. All I have here, however, is a record showing the highest number in a given month during the last five years.

The second reason why these ferries should not be included in this bill is that the history of the business discloses nothing to indicate the necessity for it. The company that I appear for is the old original Fort Lee Ferry, operated for many years. From its inception until now, we have no record of any accident caused by overcrowding or otherwise. We have had no accidents which resulted in the loss of life, and so, it seems to me, from such a history we should see that there is no necessity for imposing any added restriction on this business. Furthermore, it is manifest that if restrictions such as are suggested by this bill are imposed they will result in either one of two things: They must result in inconvenience to the passengers or in the adding of more boats.

The ground has been well covered, and I am not going to repeat what has already been said, but it is certainly the fact that the commuter and the workingman, going back and forth from their homes to business and from their business to their homes want this continuous bridge across the river. The workingman's idea is to get there. He does not want to take a trip of several hours. He simply wants to get to his destination and to do it in the shortest time possible. My experience is that I would rather stand up than sit down, anyway; although that, of course, is not a point here, because there are plenty of seats. The commuter, or the man who wants to get on the boat, does not want to go through a turnstile, and when a certain number of people have been counted, have some one in charge say, "You must wait for the next boat." I believe we would have a riot if we had to do that.

Mr. RODENBERG. They would probably break the turnstile down.

Mr. WAKELEE. They probably would. I remember that during the Hudson celebration, conditions were such that we called out the police department and later on the fire department in order that we might keep the crowd back.

Mr. HARDY. Then, you did have an occasion when you got too many?

Mr. WAKELEE. That was one occasion. It was a case of the people in the crowd getting hurt before they were on the boats. If we could have gotten them on the boats, there would not have been any trouble at all.

Mr. HARDY. Is it not possible for you to reach a point where you will be overcrowded?

Mr. WAKELEE. We do not think it is possible to crowd the boat beyond a point where it would not be safe. So far as safety is concerned, we think it would be safe regardless of the size of the crowd.

Mr. HARDY. I am sure from what the gentleman who preceded you has said that you can not turn that boat over by packing it with people who would be like sardines in a box. But, if there should be a catastrophe, with a boat crowded where the people were as thick as sardines, would there now be great danger of a panic? Suppose you had a fire, and suppose your boat was crowded, as I have suggested, what would be the result?

Mr. WAKELEE. Our boats in the river are surrounded at all times by a number of river craft.

Mr. HARDY. Would not a panic like that result in the death of many, just as do panics in theaters?

Mr. WAKELEE. I would not think so. I imagine you refer to a case in a fog, or something of that kind. That leads me to the next point. In my opinion, there is more likelihood of danger by reason of an increase of the number of boats on the river than by reason of an increase in the number of people on the boats. I am speaking now as a commuter. I have traveled on these ferries for 25 years, practically every day. During a large portion of that time I have traveled over the Erie ferries. That is essentially a commuter's ferry, especially at morning and at night. Now, I would rather, as a commuter, be on a ferryboat packed in the manner that the Chairman has described, with everybody you can get on the boat, during a fog, than to sit on a ferryboat with the feeling that the number of

the boats on the river had been increased. I may say that I have never known anybody, any passenger, to refrain from going on a boat because of a feeling of unsafety on account of overcrowding. So, I think it may be said that there is nothing in the business itself which indicates any necessity for this legislation.

Mr. HARDY. What proportion does the ferry craft bear to the whole craft on the river, taking into consideration all kinds of ships? Is it small?

Mr. WAKELEE. I should say that it is not a small proportion. There are a number of ferries shooting across every five to seven minutes, and that makes a great many of them.

Mr. HARDY. It seems to me when I was there I saw the whole space of the water covered with all kinds of boats.

Mr. WAKELEE. I never had any indication of any other boats other than ferryboats.

Mr. HARDY. You think the addition of boats might cause a dangerous crowding of the water?

Mr. WAKELEE. Yes, sir; I think it would be better as it is.

In conclusion I want to add that what the dock commissioner said covered our situation exactly. While he represented, primarily, the municipally owned and operated ferries of New York City, we are all New York City ferries, because under the ancient charters the city of New York has a monopoly, so far as ferry rights and ferry privileges are concerned. No one can operate except through a license from the city of New York.

Mr. HARDY. I suppose you have investigated this: Has the city of New York a right to prescribe rules for the safety of these ferry boats?

Mr. WAKELEE. I think so; yes, sir.

Mr. HARDY. They could not conflict with the Federal law?

Mr. WAKELEE. We are not only operating under a franchise, but as direct agents of the city of New York. The city of New York is really operating our ferries through us. We receive documents, and so on, which permit us to operate under certain conditions.

Mr. SAUNDERS. That being so, the city can, perhaps, be sued for damages?

Mr. WAKELEE. My understanding is——

Mr. SAUNDERS (interposing). Is the city responsible?

Mr. WAKELEE. I do not think there would be any responsibility in money damages. I am not entirely sure whether there would or not.

Mr. RODENBERG. That matter is probably covered in the license itself.

Mr. WAKELEE. Yes.

Mr. HARDY. He made the statement that they were the agents of the city.

Mr. WAKELEE. New York claims that this is not a governmental right alone, but it is a property right. New York claims a property right in the ferries, and those ancient charters have always been upheld by the courts of New York. I do not know whether they have reached the United States court. I do believe that there are some cases pending that may, perhaps, raise that question. Some lawyers go so far as to say that New York's rights are paramount to the laws of the United States. Whether that goes so far as to make New York City liable in damages I can not say, because I think the

company is primarily responsible. Under our licenses we must take care of that.

Mr. BRUCKNER. You say that you carried 6,000,000 people last year?

Mr. WAKELEE. Practically.

Mr. BRUCKNER. Did you have any accidents?

Mr. WAKELEE. None.

Mr. BRUCKNER. You operated in the North River?

Mr. WAKELEE. Yes, sir.

Mr. BRUCKNER. And you had no accidents?

Mr. WAKELEE. No, sir. It only takes us five or six minutes per trip. Some of the boats could go across in two and a half minutes.

Mr. BRUCKNER. You operated in one section of the river and had no accidents, and the municipal ferries operated in another section and had no accidents?

Mr. WAKELEE. Yes, sir; the other ferry which I represent had no accidents, either.

Mr. JOYCE. I will present now a letter from the Poughkeepsie & Highland Ferry Co.:

The Poughkeepsie & Highland Ferry Co. operates a ferry on the Hudson River from Poughkeepsie to Highland, a distance of three-quarters of a mile. Should this bill No. 4781, introduced in the House of Representatives of the United States by the Hon. Joshua W. Alexander, Member of Congress from Missouri, become a law, giving the local inspectors the right to say the maximum number of passengers that shall be carried on any ferryboat on a regular route, it will be the means of causing the traveling public a great inconvenience. It would be impossible to license our boat for near its capacity for lack of room for life saving appliances. Our average travel would not exceed 50 persons each trip. On special occasions, such as a county fair, firemen's parade, fruit growers' convention, the people come on trains on West Shore and by trolley all the morning, so that late in the afternoon we often have from 600 to 800 people to return at the same hour. We can carry these people with safety on one trip, but should we be compelled to license, a number of these passengers would have to wait, causing them to lose the last train they could get to reach their homes that night. We also have the intercollegiate boat races here each year. On this day we handle from 8,000 to 10,000 people; the races generally start at 4 p. m., first race, and last race at 6 p. m. The people commence crossing the river about 2 p. m. and as about one-third of them have reservations on the observation train on the West Shore Railroad and must cross so as to be on train one half hour before the first race, we operate two ferries on that day and have handled this crowd for 20 years, getting them over on time without accident of any kind. On the return after the races the 8,000 or 10,000 people come with a rush all at once, all in a great hurry to get transportation to their homes. Now, should we be obliged to count these people and stop them when we get our license number, with still space for 300 or 400 people that we could carry with safety, hundreds of people would be unable to reach their homes on night in question, and would endanger the lives of women and children in such a rush far more than overcrowding a ferryboat.

POUGHKEEPSIE & HIGHLAND FERRY CO.,
S. A. CRUM, *President.*

Inasmuch as the question has been raised as to who advocated this legislation, I wish to say that we assumed that it was strictly a departmental measure, and in that connection I desire to read a letter from Secretary from Secretary Redfield, Department of Commerce, dated Washington, January 11, 1916.

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, January 11, 1916.

GENTLEMEN: I am in receipt of yours of the 10th instant, calling my attention to Senate bill 1222 and requesting me to furnish you with such suggestions as I may deem proper touching the merits of the bill and the propriety of its passage.

The object of this bill is to make the sections apply to all classes of passenger vessels, including passenger steam vessels, passenger motor vessels, passenger sailing vessels, and passenger barges of the kind required to be inspected. In other words, it has the effect of covering the carrying capacity of all vessels carrying passengers, instead of limiting it to steamers only, as it is at present.

As vessels other than steam vessels are now also engaged in the business of carrying passengers, I see no reason why the law should not be made applicable to them. I desire, however, to call the attention of the committee to an error in the bill and to request that it be corrected. On page 1, line 7, after the word "passengers" and before the word "the," appear the words "other than ferryboats." This is an error, and these words "other than ferryboats" should be stricken out. It appears that there is, under the present law, no limit to the number of persons a ferry steamer may carry. There is nothing to prevent such ferry from carrying passengers in excess of a safe limit, and it is to cure this dangerous condition that the department recommends that such words be omitted from the new act.

The bill, with the exception of the above, in which I am sure you will agree, has my approval in every way, and I hope it will be enacted into law.

Yours, very truly,

WILLIAM C. REDFIELD, *Secretary.*

COMMITTEE ON COMMERCE,
United States Senate, Washington, D. C.

STATEMENT OF MR. WILLIAM P. SNIDER.

Mr. SNIDER. The questions at issue here have been so thoroughly covered by the gentlemen who have preceded me that I shall not take up more than a minute or so. I desire to say that the Newburgh Beacon Ferry has been operated for a great many years. We have never had an accident, and we have never had any trouble. Within the last five years we have spent some \$400,000 on new boats and terminals, with the idea of taking care of the people. The Newburgh Beacon Co. is located at a point on the Hudson River about 60 miles north of New York. The nearest ferry to the north of us is at Poughkeepsie, 15 miles away, and the nearest one on the south is located at West Point, 10 miles away.

During the last year our average number of passengers, per trip, was only 35. The largest number carried on any one trip was 320. However, on special occasions, such as the Hudson celebration, we have carried safely as many as 1,000 passengers.

Mr. BRUCKNER. Have you had any accidents?

Mr. SNIDER. No, sir.

Mr. BRUCKNER. How many passengers have you carried since that time?

Mr. SNIDER. I could not tell you.

Mr. RODENBERG. How long have you been in operation?

Mr. SNIDER. It has been under one management for 37 years.

Mr. BRUCKNER. And had no accidents?

Mr. SNIDER. No accidents in all that time. Mr. Templeton has been in charge for that time, and he states positively that there has been no accident in that time. It is the only ferry on the Hudson River above New York that operates more than one boat. It has a wide reputation as a ferry that gives good service. We have two boats that are in service constantly throughout the busy season. We have a third boat which we use when occasion demands. This ferry is the only means of crossing at Newburgh. There are no subways or anything else.

Mr. HARDY. I think, as I understand that letter of the Secretary of Commerce, it indorses the provision of the bill that includes the ferryboats, making them subject to this regulation?

Mr. JOYCE. Yes, sir.

Mr. HARDY. I understand our chairman to say that upon writing a letter to the Secretary inquiring as to this bill he got a similar letter.

Mr. ALEXANDER. I would like to make one observation at this point in regard to a matter concerning which there seems to be some confusion. These bills were received by me from the Department of Commerce, and I introduced them at the suggestion of the department.

Mr. RODENBERG. All three of them?

Mr. ALEXANDER. All three of them. I noticed afterwards that section 4464 of the Revised Statutes, the amendment of which was provided for in H. R. 4785, provided that—

The board of local inspectors shall state in every certificate of inspection granted to vessels carrying passengers, other than ferryboats, the number of passengers of each class that any such vessel has accommodations for and can carry with prudence and safety.

I also observed that in H. R. 4781, which provided for the amendment of section 4464 of the Revised Statutes, the same section, the language was "The inspectors shall state in every certificate of inspection granted to vessels carrying passengers the number of passengers of each class that any such vessel has accommodations for and can carry with prudence and safety." Both of those bills provide for the amendment of the same section of the Revised Statutes. One of them exempts ferryboats, has in it the clause "other than ferryboats," and the other has not that clause in it.

Mr. RODENBERG. Do you recall which one of those you introduced first? Was the one exempting the ferryboats sent to you after the one which did not exempt ferryboats?

Mr. ALEXANDER. They were both sent at the same time.

Mr. RODENBERG. I thought perhaps the department might have changed its viewpoint.

Mr. ALEXANDER. I noticed the difference in the two bills and I wrote the solicitor for the department, asking why the ferryboats were exempted. The inquiry as to the reason why the ferryboats were exempted in one bill and included in the other bill came from me. I asked the solicitor why the ferryboats were exempted in one bill and included in the other bill, whereas both bills purported to amend the same section of the Revised Statutes.

Mr. RODENBERG. I said the department had not suggested that, but it seems the department had suggested it.

Mr. ALEXANDER. I called the attention of the department to that difference, and I wrote the department to know why that difference had been made. I received a letter from the department stating that the inclusion of that clause in H. R. 4785 was an error, that they intended to strike out the words "other than ferryboats"; in other words, they intended to make them subject to inspection the same as other vessels.

Mr. JOYCE. I would like also to file a list of the ferry companies whom we represent here to-day, and who protest against the passage of this bill.

The CHAIRMAN. That may be done.
(The list is as follows:)

FEBRUARY 24, 1916.

Municipal Ferry, New York.
Central Railroad of New Jersey Ferry, New York.
Delaware, Lackawanna & Western Railroad Ferry, New York.
Erie Railroad Ferry, New York.
Interborough Ferry Co., New York.
Long Island Railroad Ferry, New York.
Union Ferry Co., New York.
Riverside and Fort Lee Ferry.
Bergen Point Ferry.
Staten Island Rapid Transit Ferry.
West Shore Ferries.
Nassau Ferry Co., New York.
New York and College Point Ferry, New York.
Pennsylvania Railroad Ferry, Philadelphia.
Philadelphia & Reading Ferry, Philadelphia.
New York & East River Ferry Co.
Twin City Ferry Co., New York.
Coxsackie Ferry Co.
Newburgh Ferry.
Gloucester Ferry Co., Gloucester City, N. J.
Detroit & Windsor Ferry Co., Detroit, Mich.
Jamestown & Newport Ferry Co., Jamestown, R. I.
Poughkeepsie & Highland Ferry Co., Poughkeepsie, N. Y.
Boston, Revere Beach & Lynn R. R., Boston, Mass.
Chesapeake Ferry Co., Portsmouth, Va.
Jacksonville Land & Ferry Co., Jacksonville, Fla.
Merchants & Planters Ferry Co., New Orleans, La.
Norfolk County Ferries, Norfolk, Va.
Catskill Ferry Co., Catskill, N. Y.
The Ferries Co., Portsmouth, Va.
Garrison-West Point Ferry Co.
The Island Ferry Co., Portland, Me.
Hudson & Athens Ferry Co., Hudson, N. Y.
Louisiana Steamboat & Ferry Co., New Orleans, La.
New Jersey & Wilmington Ferry Co., Wilmington, Del.
The North River Ferry Co.
Poughkeepsie-Highland Ferry Co.
Rhinebeck & Kingston Ferry Co.
Saugerties-Tivoli Ferry.
Southern Improvement & Ferry Co., New Orleans.
Thames Ferry Co., New London.
Texas & Pacific Ry. Co., New Orleans.
Union Ferry Co., New Orleans.

Mr. JOYCE. I suggest as the next speaker Capt. J. M. Emery.

STATEMENT OF MR. J. M. EMERY.

Mr. EMERY. I want to say just a word. We are probably the largest carrier of passengers on ferryboats around New York. I have been with the company about 20 years, and during that time we figure that we have transported about 500,000,000 passengers, or from 25,000,000 to 35,000,000 a year, and we are increasing that number. We have increased our equipment in proportion at all times. We could not possibly get any more facilities. I took the matter up with the dock department and I found that we could not possibly get any more facilities in New York. I want to say that when it comes to a question of counting 30,000,000 or 36,000,000 people in a year it would be absolutely impossible. We have a condition there which only the Erie has to contend with. We have a tube that comes up to Hoboken.

Sometimes something goes wrong and the people come up there from all angles, and it would be absolutely impossible for us to count passengers.

I want to say in this connection that there is nobody, to my mind, more interested in the matter of taking care of the passengers than is the company which I represent. That company is exercising great care for the safety and comfort of the people that we carry. We have, in the last 20 years, as I have said, carried 500,000,000 people and have not lost one passenger on the ferry. I do not know of any other mode of transportation that has been safer under the old regulations. I submit, therefore, that we should be permitted to continue under the present regulations, at least until some practical men who understand the situation can get together and change the law, if there is any need for a change: I do not think it is necessary, but if it should be in the future, the operators should have at least two years in which to prepare themselves for the enforcement of a new law. I think that now is the time for practical men to get together to adopt some plan for the future.

Mr. HARDY. Have you any idea of any possible regulation that could affect the subject and that would be acceptable to the boat owners?

Mr. EMERY. I think if there are any companies operating boats that are not responsible for and do not care for the comfort of the passengers there should be some regulation, but at the present time—

Mr. HARDY (interposing). Do you think of any specific requirement? I want to get at something specific.

Mr. EMERY. There is no improvement that I can suggest after 20 years' experience. There is nothing that I can suggest that will be an improvement on the arrangement which we have in effect.

Mr. BRUCKNER. Do you think, at this time, that the traveling carried on is unsafe?

Mr. EMERY. No, sir.

Mr. BRUCKNER. Do you think it is safe?

Mr. EMERY. Yes, sir. In carrying 36,000,000 passengers in the course of a year, we made 306,262 trips, an average of about 120 passengers to a trip. Now, under those conditions, I do not think any sane man, who knows anything about the situation, would ask us to put on more boats.

Mr. BRUCKNER. It is just in the rush hours that this congestion takes place?

Mr. EMERY. Yes, sir. The stability of these boats would not be affected if there was a passenger on every square foot. In fact, it would be safer to have the boat loaded so that the passengers could not move than to have it half loaded, so that the crowd could all move to one side or one end of the boat, if there happened to be any excitement or commotion on that side or that end.

Mr. HARDY. Have you ever had a collision or fire?

Mr. EMERY. There was one collision, where we lost one passenger.

Mr. BRUCKNER. How far back was that?

Mr. EMERY. Two years ago.

Mr. BRUCKNER. Nothing since?

Mr. EMERY. Nothing since.

Now, I think it would be disastrous to attempt to use life preservers. As a matter of fact, these boats can run into the slips and discharge

the passengers in a very few minutes. They can do that before the passengers can get on the life preservers. They can do that on their way between the terminals. They can run into any slip. It does not take but a very little time.

Mr. HARDY. Do you mean that you are never very far away from the slips?

Mr. EMERY. We are always near somebody's terminal or slip. These boats can run into the slip and discharge the passengers in a very few minutes.

If this legislation were passed, it would be a hardship on the public. It would not affect the railroads so much. We can not possibly take the time to count these people. If you say that we shall do this, we would have the people lined up on the street for blocks from the ferry.

Mr. SAUNDERS. It would be like a presidential procession.

Mr. EMERY. It would be awful.

Now, these boats are under the supervision of the inspectors, and they can see if they are violating any rule. Those boats are absolutely under their inspection. These people know what they are doing. If anyone says that we have too many passengers on a boat, the inspectors can find out about it.

Mr. PRICE. You think that the danger of overcrowding these ferry boats is obviated by their construction?

Mr. EMERY. I do not believe any man who has ever seen the modern ferry boats believes that the crowds on them affect their stability.

Mr. PRICE. Do you know of ferry-boat companies whose boats are of different construction?

Capt. EMERY. They are all about the same construction.

Mr. HARDY. Did I understand you to say that the inspector on the job might order you not to overcrowd the vessels?

Mr. EMERY. Well, if you were a commuter, you might say, "I was on a ferry boat yesterday that was overcrowded, and I am going to report it to the inspector." The inspector would then go to the owners and tell them not to overcrowd the boats.

Mr. HARDY. In the absence of any law on the subject you would not be bound by the direction or command of an inspector.

Mr. EMERY. We are not subject to fine, as we would be under this regulation.

Mr. HARDY. You would not be required to obey the inspector in a matter as to which there was no law.

Mr. EMERY. If the inspector said that we were carrying too many passengers, we would attempt to show him that we were not.

Mr. HARDY. If the inspector criticized you, you would know that he was wrong?

Mr. EMERY. No; but we would try to show him.

Mr. HARDY. Your proposition is that it shall be left exclusively to the boat owners?

Mr. EMERY. I think, if there is any regulation necessary, that the boat owners and those who are familiar with the subject should get together.

Mr. HARDY. But, have you not been contending that it is impossible to fix a regulation by which you can limit, by law, the

number of passengers? If that is so, what is the use of any conference?

Mr. EMERY. What I mean to say is that we are willing to go into a conference in order to meet the people who are responsible for these laws.

Mr. HARDY. Does it not come down to this proposition: It is like the street car situation. The strap hangers may take care of themselves, because there is no way of limiting the number of people who may get on the cars.

Mr. EMERY. Yes. Suppose there is congestion on the street cars; can you imagine somebody attempting to keep the people off?

Mr. HARDY. I do not know what the status of the street car proposition is, but the question is whether there should be a limitation to prevent an absolute crush.

Mr. EMERY. I do not know how it can be fixed at this time. I know that our records will show that there is no more regulation necessary than we have now.

Mr. HARDY. You mean you think there is no regulation that should be passed?

Mr. EMERY. Not at this time. If there is any regulation, we should have at least two years to get together on the matter.

Mr. HARDY. Your idea is not to make a suggestion, but that this matter be left to your discretion?

Mr. EMERY. Of course, I think nobody is more interested than we are. I have no objection to a law that is made by people who are familiar with the conditions.

Mr. JOYCE. I desire to place in the record a statement from the Garrison-West Point Ferry Co.

The CHAIRMAN. That may be done.

(The statement, by William H. Peck, is as follows:)

The Garrison-West Point Ferry began service in 1853 and has never had an accident to either passenger or crew. The trip across takes four minutes—that is, the ferryboat is never over two minutes from one slip or the other. She can not be overloaded from the safety standpoint. We limit the number of passengers with a view to their comfort. It is only on the occasion of football games, Army-Navy baseball games, and graduation day at West Point that we have more passengers than we can take on one trip.

Mr. JOYCE. I want to say that a conference was not suggested, because we believed that any possible improvement might be made in the operation of the ferries in New York Harbor, but because this legislation was introduced from some source, and because it seemed that the department favored it. The reason that the dock commissioner of the city of New York suggested a conference was because we thought before any legislation or any bill of this kind should be introduced it would be proper for the Department of Commerce to call for a conference with the operators with the idea of going into the matter very thoroughly before preparing a bill. If they can suggest any improvement which will make conditions better than they are now, so far as regards the comfort and safety of the traveling public, we would be glad to know about it. At the present time we have steel boats; we have fire boats; we have life rings; we have life preservers; we have fire extinguishers; in fact, we have every possible thing we can have which is conducive to the safety of our passengers. This is not a question of expense. We are willing to

put in any safety device that we consider good and practical, without regard to the matter of expense.

I had a letter from one of our Representatives from New York, Mr. Bennet, in which he said he would like to make a statement to the committee, but I do not see him here at this moment. He was here a few moments ago, but I do not see him here now.

We have only one other gentleman we desire to be heard, Mr. C. L. Addison, of the Long Island Railroad Ferry, which operates on the East River, N. Y.

Mr. GREENE. I have a letter from the president of the Boston, Revere Beach & Lynn Railroad, in which he says:

BOSTON, REVERE BEACH & LYNN RAILROAD,
PRESIDENT'S OFFICE,
Boston, February 23, 1916.

HON. WILLIAM S. GREENE, M. C.,
Washington, D. C.

MY DEAR CONGRESSMAN: This letter relates to H. R. 4781 before your subcommittee of Merchant Marine and Fisheries, which attempts to create new regulation as to passengers on ferryboats.

This legislation if enacted would strike a body blow at me by paralyzing the very satisfactory service the public thinks we give to the great marine playgrounds at Revere and Winthrop where Massachusetts has spent so much money and is so vitally interested in having them available.

Our ferryboats do not carry freight or teams but are exclusively passenger bearing.

Two or three years ago the supervising inspector when here called upon us to say that our boats were the best designed and appointed of any on the Atlantic coast.

Our route on which these boats run is perhaps 1,800 feet long from the Boston terminal to the East Boston terminal in the upper portion of our harbor.

We are able to run from pierhead to pierhead in about five minutes. We are never, I should say, 200 feet away from other craft either at anchor or in motion; and we always have one and sometimes two of our own boats going or coming on the route to meet the other in midstream.

Our life-saving gear is in excess of the usual requirements but it probably is true that during the rush hours in the morning and at evening when our people are going home or going to work and also in the summer season when others are going to or coming from the beaches we might overrun our seating capacity.

We are so far up the harbor that fog seldom or never seriously bothers and we never have been obliged to suspend our service. I find upon reflection that I have been president for 25 years, sad to say, and glory be to our Lord have never had any serious collision.

The proposed legislation if needed by the necessities of longer routes, the frequency of fog, the tidal currents, and the amount of heavy crosswise traffic, should be made to apply to routes outside of a specified length, as, for example, exceeding a mile or 3 miles.

You are to have, I believe, a further hearing next Friday, and therefore I am trying to impress you immediately with the sweeping result of such legislation.

I have written to no other Congressmen, although I believe our superintendent did communicate with Mr. Carter. This would affect the districts of Mr. Gallivan and of Mr. Tague and of Mr. Phelan, as perhaps that of Mr. Dallinger.

It may be that in your own district it would have an application not intended by the promoter of the bill.

I am, very truly, yours,

President.

635 Tremont Building.

Mr. JOYCE. I would like to state, Mr. Chairman, that this ferry company carries an average of 175,000 passengers every 24 hours.

Our next and last speaker, Mr. Chairman, is Mr. C. L. Addison, of the Long Island Railroad.

**STATEMENT OF MR. C. L. ADDISON, ASSISTANT TO THE
PRESIDENT OF THE LONG ISLAND RAILROAD CO.**

Mr. ADDISON. Mr. Chairman, the Long Island Railroad ferries operate in a different section of New York City. These ferries run from Long Island City to East Thirty-fourth Street in New York City, over the East River. While our ferries at the present moment are not doing an excessive business because our rail lines have now been diverted to the city of New York, there was a time when we did a very large business between those two points.

For 25 years, the period during which I have been connected with the company, we have carried over 310,000,000 people back and forth over the East River to and from New York City, and we have never had a single loss of life, except by suicide.

We were only a five-minute ferry at the best, but the number of passengers we carried in the early days was large. We have had days when we have carried a hundred and twenty-five thousand people under a five-minute headway. If these laws had been imposed upon us at that time we would have suffered under a heavy handicap. Assuming a boat has 3,000 people on board, they do not weigh more than 300 tons. Any boat in New York Harbor would carry 600 tons on her top deck, and so it is impossible to overload a ferryboat, per se.

I think the record of the transportation companies in New York City would seem to indicate that there is no necessity whatever for this kind of legislation. There may be a reason for putting a limitation on vessels going up rivers and sounds, and ocean-going boats. But the conditions in those cases are entirely different. These ferryboats are never more than a few moments away from any land. Any ferryboat would not be more than two minutes from the nearest shore, and we could make the run in four or five minutes. At the present time, under existing conditions, it seems to me, so far as the boats operating in New York Harbor are concerned, it is a serious problem, and I should consider it extremely unwise to impose any limitations on the number of passengers carried.

Mr. JOYCE. That is about all we desire to present to the committee to-day, Mr. Chairman, and I desire to thank the committee in behalf of the representatives of the ferry companies for their courtesy.

Mr. HARDY. I understand Mr. Bennet, of New York, wanted to be heard. I did not know when he was in the room that he did desire to be heard. If I had known that I would have called attention to his presence.

I want to call attention to the fact that when Gen. Uhler was before the committee on February 3, 1916, he was called on to testify in relation to this bill, and his testimony is printed in the copy of the hearings of that date. Some of the gentlemen here were not present at that time, and I want to call your attention to the fact that his testimony is printed in that hearing.

Mr. JOYCE. None of us was here on that date, and we did not know anything about this bill at that time.

Mr. HARDY. I presume you have all read Gen. Uhler's statement.
Mr. JOYCE. I have looked it over.

Mr. HARDY. If there is no other evidence to be given in reference to this bill, I desire to say that we appreciate very much the presence of the representatives of the ferry companies.

The CHAIRMAN. I have also a letter from Mr. Thomas L. Delahanty, the secretary and business manager of the Consolidated Marine Engineers' Beneficial Association, No. 33, in reference to H. R. 4781, which reads as follows:

CONSOLIDATED MARINE ENGINEERS' BENEFICIAL ASSOCIATION No. 33,
42 Whitehall Street, New York, February 24, 1916.

HON. JOSHUA W. ALEXANDER,
*Chairman Committee on the Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.*

DEAR SIR: In the daily press of February 23 a notice came to my attention wherein the Hon. W. C. Redfield, Secretary of Commerce, was sponsor for and advocate of a bill limiting the number of passengers that may be carried on ferryboats, known as H. R. 4781, Senate 1222, and this association, of which I am secretary and business manager, addressed a letter, dated February 23, to the Hon. W. C. Redfield, commending his action in proposing a measure which has long been needed to safeguard the lives of the citizens of this country. I was informed that a public hearing was called by the commissioner of docks and ferries, Mr. R. A. C. Smith, for to-day, which I took the opportunity of attending. This meeting consisted principally of the steamboat interests and the railroads operating ferryboats and was held in the City Hall, New York City. The attendants enthusiastically disapproved of the proposed bill as applying to the regulation of passenger traffic on ferryboats. I took advantage of the opportunity to speak in support of the measure and called their attention to the fact that the Secretary of Commerce was unfairly criticised by the press because of the attitude of the public, clamoring for a victim at the time of the Eastland disaster.

This meeting of which I write, was not a representative meeting of taxpayers or citizens, but was one that might well be termed a gathering to mold public opinion against one of the most meritorious official acts of a public servant. I read a copy of the letter which I sent to the Hon. W. C. Redfield, and a point of order was raised on the writer that the manning of vessels was not a question that should come before that body, and consequently the writer would have been declared out of order if it had not been for the chairman, Mr. R. A. C. Smith, in allowing me to continue, with the statement that he would make an explanation after I got through, which was not done.

This letter is not being written in defense of the Steamboat Inspection Service as a whole one of the bureaus under the jurisdiction of the Secretary of Commerce, for I have had a number of occasions to disapprove of some of the actions of local inspectors nominating the number of crew and the changing of certificates of vessels reducing the number of crew required for the convenience of owners, irrespective of the safety of the passengers and crew.

Why special favors should be granted to the municipality of New York, is a question beyond my comprehension. There is a bill known as H. R. 8495, introduced some time ago, exempting fireboats from compliance with provisions nominated in their certificate of inspection. The practice of violating the terms of their certificates has been one of long standing and is a distinct violation of the rules governing the steamboat inspection service, and was reported to the local board who consider that class of vessels were in a class by themselves.

Trusting that these matters will receive your earnest consideration when they come before you and that the bill to prevent the overcrowding of ferryboats is a step in the right direction, and one which should have been put into effect long ago will become a law, I remain,

Respectfully, yours,

T. L. DELAHANTY,
Secretary and Business Manager, M. E. B. A. No. 33.

Mr. ALEXANDER. I wish to have inserted in the record a letter from Capt. William A. Wescott, president of the California Harbor of Masters, Mates, and Pilots of the Pacific, of date February 21, 1916, referring to H. R. 4783, a bill to provide for appeals from

decisions of boards of local inspectors of steam vessels, and for other purposes:

SAN FRANCISCO, CAL., *February 21, 1916.*

HON. JOSHUA W. ALEXANDER,
*Chairman Merchant Marine and Fisheries Committee,
House Office Building, Washington, D. C.*

DEAR SIR; After having perused H. R. bill 4783 very carefully and also the statements made by the Solicitor of the Department of Commerce (Mr. Thurman) and the Supervising Inspector General of the Steamboat-Inspection Service (Mr. Uhler), at the hearings held on the above-named bill February 3, 1916, I beg to state that California and Seattle Harbors, Masters, Mates, and Pilots of the Pacific, with a membership of 900 ocean and coastwise licensed deck officers do most earnestly and respectfully request, that the word "pecuniarily" in line three, page 1, of H. R. bill 4783 be eliminated from the said bill, and the following substituted in lieu thereof:

A BILL To provide for appeals from decisions of boards of local inspectors of steam vessels, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any person or persons directly interested in and affected by any decision or action of any board of local inspectors of steam vessels shall feel aggrieved by such decision or action he or they may appeal personally or by counsel therefrom to the supervising inspector of the district; and a like appeal shall be allowed from any decision or action of a supervising inspector to the Supervising Inspector General, whose decision, when approved by the Secretary of Commerce shall be final; *Provided, however,* * * *

Section 4463, Revised Statutes, reads in part as follows:

"SEC. 4463. 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 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, 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 determination of the local inspectors."

The word "pecuniarily" in House bill 4783 grants shipowners the right of appeal, but at the same time it deprives all others who are not "pecuniarily" interested, but directly interested in such decisions from the right of appeal. If in the opinion of the shipowners, the local inspectors erred in their judgment in making an entry in the certificate of inspection a greater number of licensed officers and crew than Mr. Shipowner thinks is necessary for the vessels safe navigation, such owners could appeal for they would be "pecuniarily" interested.

If in the opinion of the licensed officers or seamen, the local inspectors erred in their judgment in the matter of designating the number of licensed officers and crew necessary for the vessel's safe navigation, such officers and crew would not have the right of appeal from the local inspector's decision, and they being the ones most vitally and directly interested in conjunction with the traveling public; we therefore most earnestly protest against the enactment of House bill 4783 in its present form.

That you may readily see the necessity of licensed officers and seamen having the right of appeal, the inclosed copy of an appeal taken from the local inspectors decision to the supervising inspector of the district, we believe the same will demonstrate that fact to your satisfaction.

Trusting that safety of life at sea will be considered before dollars and cents, we beg to remain, honored sir,

Very respectfully,

WILLIAM A. WESCOTT,
President, Masters, Mates, and Pilots of the Pacific.

APPEAL.

SAN FRANCISCO, CAL., June 17, 1915.

HON. JOHN K. BULGER,
*United States Supervising Inspector of the Steamboat-Inspection Service,
 For the First District, New Customhouse, San Francisco, Cal.*

DEAR SIR: I respectfully submit the following appeal from the decision of the local board at the port of San Francisco on the 4th day of June, 1915, in the matter of the said local board granting the following-described amendment permitting the ocean passenger steamer *City of Topeka* to be navigated with only two licensed mates in lieu of three, as provided in her certificate of inspection issued on the 5th day of May, 1915:

"PORT OF SAN FRANCISCO, CAL.,
 June 4, 1915.

"This certifies that the following-described amendments are hereby authorized in the certificate of inspection expiring on May 5, 1916, issued to the steamer named *City of Topeka*, classed as an ocean passenger vessel, last inspected in the local district of San Francisco, in the State of California, on the 5th day of May, 1915, namely:

"When engaged on runs of less than 400 miles from the port of departure to port of final destination, this steamer may dispense with one licensed mate."

(Signed) JAMES GUTHRIE,
 JOSEPH P. DOLAN,
United States Local Inspectors.

The steamer *City of Topeka* being of 1,057 gross tons register, and certificated to carry 174 passengers and operating between the ports of San Francisco and Eureka in the State of California a distance of about 225 miles between said ports. The said steamer *City of Topeka* is required by her present schedule to sail from the port of San Francisco every four days, therefore it makes it necessary for her to be at sea every day in the year in order to maintain said schedule. In view of that fact it makes it obligatory on the part of the licensed mates to move ship from dock to dock as the case may be at any hour of night or day, and at the same time and under the same conditions superintend the discharging and loading of cargo in order to make the above schedule as required by the owners of the steamer *City of Topeka*.

This appellant having served in the capacity of second mate for two years on the steamship *Pomona*, 20 years ago on the same run and the same schedule as the *City of Topeka* (the *City of Topeka* being a much slower vessel than the *Pomona*) and the *Pomona* at that time had on board and in her service three licensed mates. Therefore this appellant knows by his own personal experience and knowledge, that it is impossible for two mates to perform the duties required of them by law and the company's rules and regulations on any steamer of the class of the *City of Topeka*, on a four or even a five day schedule unless such mates are required to do duty from 13 to 16 hours out of the 24 in which case it would be a violation of section 3, of section 4463 of the Revised Statutes which reads in part as follows:

"Sec. 3. * * * 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 a case of emergency when life or property is endangered. Any violation of this section shall subject the persons or persons guilty thereof to a penalty of one hundred dollars."

The law (sec. 4463) makes it obligatory on the part of the local inspectors to make an entry in the certificate of inspection of every ocean and coastwise sea-going merchant vessel propelled by machinery subject to the inspection laws of the United States of not less than the minimum number of licensed deck officers, as provided in section 2 of section 4463, Revised Statutes. The same section also provides:

"That nothing in this section [meaning section 2 of 4463, R. S.] 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."

I respectfully call your attention to the fact that Humboldt Bar is one of the most dangerous and treacherous bars on the Pacific coast, and for that reason it makes it necessary that the master should have experienced and trustworthy men to assist him.

The custom for the past 20 years, to my knowledge, on the steamships of the Pacific Coast Co. when engaged in the San Francisco and Eureka trade is for the mates to be at their stations while the vessel is crossing the bar in entering or leaving Humboldt Bay, as the case may be, one mate being stationed on the navigator's bridge with the master, one in the pilot house, and the third is required to look after the relieving tackles.

The *City of Topeka* entered the San Francisco and Eureka trade on the 15th day of August, 1905, and during the 10 years that she has been engaged in that particular trade it has been the judgment for 3 years of the present board's administration, and for 7 years it was the judgment of their predecessors, that it was necessary for the *City of Topeka* to have on board and in her service 3 licensed mates for her safe navigation. Is it possible that the present local board and their predecessors have erred in their judgment for 10 long years, and that they are now waking up to that fact, or is it possible that the sudden change comes about by the change in the management of the Pacific Coast Steamship Co.?

I respectfully call your attention to section 4463 of the Revised Statutes, which reads in part as follows:

"Sec. 4463. 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 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, which may be changed from time to time by indorsement on such certificate by local inspectors by reason of change of condition 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."

Since the certificate of inspection was issued to the *City of Topeka* on the 5th day of May, 1915, there has been no change of conditions or employment of said steamer, nor has there been any change for the past 10 years.

Therefore, in view of the facts as set forth in this my appeal, I respectfully appeal to you as supervising inspector for the first district from the local board's decision. I also respectfully request that the licensed deck officers on the *City of Topeka* be cited to appear before you, and that they be examined separately in order that you may be in possession of the facts to base your judgment on, and also that no person shall be admitted in the examination room during said examination except persons connected with the Steamboat-Inspection Service.

Respectfully submitted.

(Signed) WILLIAM A. WESCOTT,
Appellant, 36 Stewart Street, San Francisco, Cal.

(Thereupon, at 12.05 o'clock p. m., the subcommittee adjourned.)

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MOTOR BOATS

HEARINGS

BEFORE

THE COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

HOUSE OF REPRESENTATIVES

SIXTY-FOURTH CONGRESS

FIRST SESSION

ON

H. R. 9411 and H. R. 9412

REQUIRING NUMBERING AND RECORDING OF UNDOCU-
MENTED VESSELS, AND AMENDING SECTION 4426
OF THE REVISED STATUTES AS AMENDED
BY THE ACT OF MAY 18, 1906

MARCH 29, 1916



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April 23, 1926

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES.

HOUSE OF REPRESENTATIVES.

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RUFUS HARDY, Texas.	OSCAR L. GRAY, Alabama.
MICHAEL E. BURKE, Wisconsin.	DAVID H. KINCHELOE, Kentucky.
EDWARD W. SAUNDERS, Virginia.	WILLIAM S. GREENE, Massachusetts.
PETER J. DOOLING, New York.	ASHER C. HINDS, Maine.
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CARL C. VAN DYKE, Minnesota.	FREDERICK W. ROWE, New York.

J. C. BAY, *Clerk.*

MOTOR BOATS.

COMMITTEE ON MERCHANT MARINE AND FISHERIES,
HOUSE OF REPRESENTATIVES,
Wednesday, March 29, 1916.

The committee met at 10.30 o'clock a. m., Hon. Rufus Hardy presiding.

Mr. HARDY. The hearing this morning is on H. R. 9411 and H. R. 9412, which read as follows:

[H. R. 9411.]

A BILL To require numbering and recording of undocumented vessels.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every undocumented vessel, operated in whole or in part by machinery, owned in the United States and found on the navigable waters thereof, except public vessels and vessels not exceeding sixteen feet in length, measured from end to end over the deck, excluding sheer, temporarily equipped with detachable motors, shall be numbered. Such numbers shall be not less in size than three inches and painted or attached to each bow of the vessel in such manner and color as to be distinctly visible and legible.

SEC. 2. That the said numbers, on application of the owner or master, shall be awarded by the collector of customs of the district in which the vessel is owned and a record thereof kept in the customhouse of the district in which the owner or managing owner resides. No numbers not so awarded shall be carried on the bows of such vessel.

SEC. 3. That notice of destruction or abandonment of such vessel or change in their ownership shall be furnished within ten days by the owners to the collectors of customs of the districts where such numbers were awarded. Such vessels sold into another customs district may be numbered anew in the latter district.

SEC. 4. That the penalty for violation of any provision of this act shall be \$10, for which the vessel shall be liable and may be seized and proceeded against in the district court of the United States in any district in which such vessel may be found. Such penalty on application may be mitigated or remitted by the Secretary of Commerce.

SEC. 5. That the Secretary of Commerce shall make such regulations as may be necessary to secure proper execution of this act by collectors of customs and other officers of the Government.

SEC. 6. That this act shall take effect six months after its passage.

[H. R. 9412.]

A BILL To amend section forty-four hundred and twenty-six of the Revised Statutes as amended by the act of May sixteenth, nineteen hundred and six.

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 twenty-six of the Revised Statutes as amended by the act of May sixteenth, nineteen hundred and six, is hereby amended so as to read:

“SEC. 4426. (a) The hull and boilers of every ferryboat, canal boat, yacht, or other small craft of like character propelled by steam, shall be inspected under the provisions of this title. Such other provisions of law for the better security of life as may be applicable to such vessel shall, by the Regulations of the Board of Supervising Inspectors, also be required to be complied with before a certificate of inspection shall be granted, and, unless otherwise provided for by law, no such vessel shall be navi-

gated without a licensed engineer and a licensed pilot: *Provided, however,* That in open steam launches of ten gross tons and under, one person, if duly qualified, may serve in the double capacity of pilot and engineer.

"(b) All vessels above fifteen gross tons carrying freight or passengers for hire, but not engaged in fishing as a regular business, propelled by machinery other than by steam, shall be, and are hereby, made subject to all the provisions of paragraph (a) of this section, relating to the inspection of hulls and boilers and requiring engineers and pilots, and to the rules and regulations established thereunder.

"(c) Every vessel propelled by machinery other than by steam and every steam vessel not more than sixty-five feet in length from end to end over the deck excluding sheer, while carrying twenty or more passengers for hire, in addition to the inspection already provided by law, shall be inspected as to the hull and general condition of the operating machinery, and the local inspectors, where certificates of inspection are not now provided for by law, shall issue to such vessels certificates of approval, in accordance with the form and regulations prescribed by the Board of Supervising Inspectors. All certificates of inspection and of approval issued under authority of this section shall state the number of passengers such inspected or approved vessels can carry with prudence and safety.

"(d) The operators of such vessels, except vessels propelled by machinery other than by steam above fifteen gross tons and over sixty-five feet in length from end to end over the deck excluding sheer, while carrying twenty or more passengers for hire, shall be licensed by the local inspectors of steam vessels after an examination covering knowledge of the rules of the road, ability to distinguish colors, general knowledge of motor engines and machinery, and of the navigation of waters in which the vessel is to be used.

"(e) The certificates of approval and the licenses of such operators shall be kept on board while such vessels are carrying twenty or more passengers, and shall be exhibited on request of any officer concerned in the enforcement of the navigation laws.

"(f) If any vessel subject to this section is navigated without complying with the requirements thereof, or carries passengers for hire in excess of the number allowed by her certificate of inspection or of approval, of such vessel shall be liable to the United States in a penalty of \$500 for each offense, for which sum such vessel may be seized and proceeded against, by way of libel, in the district court of the United States of the district where the offense occurred, or where such vessel may be found.

"(g) All collectors or other chief officers of the customs and all inspectors within the several districts shall enforce, under the direction of the Secretary of Commerce, the provisions of this section."

We will hear first from the proponents of the bill. Mr. Tyrer, Deputy Commissioner of Navigation, is present and we will hear from him first. I will ask you, Mr. Tyrer, to give us your reasons for favoring these bills or why they should be passed, in your opinion.

STATEMENT OF MR. ARTHUR J. TYRER, DEPUTY COMMISSIONER OF NAVIGATION, UNITED STATES DEPARTMENT OF COMMERCE.

Mr. TYRER. Mr. Chairman and gentlemen of the committee, Mr. Redfield, the Secretary of the Department of Commerce, wished me to state to the committee that he had desired to be present this morning but is unable to attend owing to a hearing before the House Committee on Appropriations, which is taking place just at this time.

Before making any remarks in regard to this particular bill, I would like to say that the Department of Commerce in general and the Bureau of Navigation in particular, feel that there should be great care exercised before we have any additions to the burdens on motor boats. The act of June 9, 1910, which is now in existence, and which has been operating successfully and I think with the approval of the motor-boat people generally since that time, provides that every motor boat, regardless of size, shall have lights after sunset, a whistle, and, in the case of the larger boats, a bell and fog horn; that they shall all have life preservers or live-saving devices, and have means

of extinguishing burning gasoline. The act of June, 1912, put copies of the pilot rules on motor boats, containing the rules of the road which govern the navigation of vessels. This equipment, in the opinion of the Bureau of Navigation, is sufficient for the safety of those vessels.

We have been watching the matter very carefully, through our inspecting officers all over the country, and we have not known of an accident but what could have been avoided, or serious results avoided, had the equipment now required by law been upon those vessels, ready for immediate use. The use of motor boats is increasing very rapidly. There are at present, as we estimate, about 250,000 motor boats in the United States. This estimate is based on careful reports made to us by our officers traveling over the districts, and we think 250,000 is about the number of motor boats on the waters of the United States. This does not include the boats on the smaller inland lakes.

While we feel that the present law is sufficient for the safety of those motor boats, we feel that that law should be enforced. The department at present is meeting with considerable difficulty in the enforcement of that law through the giving of fictitious names by the owners of motor boats. At New York, as has been stated to the committee in our report on this matter, there were 607 violations of law reported, and of the offenders in those cases about 25 per cent escaped any penalty by giving us fictitious names. We had no means of finding out, after we left the boat, to whom that boat belonged.

Mr. BURKE. During what time did those 607 violations occur?

Mr. TYRER. That was during the months of July, August, and September, while we were making the inspections in New York Harbor.

This requirement for motor boats is very simple. The bill provides no fee for this number. The motor-boat owner is asked only to give his name and address to the customs house, receive the award of his number, and place that number on each bow of his vessel. The requirement is very similar to the requirement in regard to automobiles, and for the same purpose. It is as difficult for us to enforce the law on the water with motor boats that carry no means of identification as it would be for the municipal officers here to enforce the law in regard to automobiles which were running around without any numbers on them. The bill has been drawn in such a way as not to require the disfiguring of the yachts and, at the same time, not to require unnecessary expense on the part of fishermen or the men who carry small produce and are unable to expend money in that connection. The owner of a yacht may place as fine numbers on his boat as he cares to, and the fisherman may number his boat with paint and brush. At the present time the number would be awarded by the collector of customs, and then the owner could place the number on the vessel as he pleased—either with copper letters or paint and brush, as his choice might decree.

Mr. GREENE. At each customhouse are the numbers to be just the same, or do you make serial numbers; how do you get at that? For instance, there is a customhouse in New York, a customhouse in Boston, and a customhouse elsewhere?

Mr. TYRER. We propose to allot to each customs district a set of numbers. For instance, the customs district of Maine, the headquarters would be at Portland, and we would award to Portland a

letter—letter "A," for instance. Every boat that was registered in the Portland district would have the number followed by the letter "A," so that wherever you saw that number, followed by the letter "A," you would know the name and address of the owner of that boat was in the customhouse at Portland, Me.

Mr. GREENE. That is, in addition to putting a number on the boat you would also put a letter?

Mr. TYRER. You would put a letter. At some of the ports, for instance in New York, there are estimated to be 10,000 motor boats. This would result in having large numbers in some cases on very small boats. We are endeavoring to and I think we are avoiding that difficulty by proposing to award to the New York district three or four letters of the alphabet, and by a combination of letters and figures it will be possible for us to number up 10,000 motor boats by the use of only four characters. So that the worst that could happen, so far as the number is concerned, would be four characters on any motor boat.

Mr. GREENE. That is, four figures and one letter?

Mr. TYRER. No; three figures and one letter. For instance, suppose we had A, B, and C allotted to New York. You could have 1-A, 1-B, and 1-C. Then we could have 1-BC, 2-BC, and so on; and by the combinations of those letters and figures we can keep the number down to four characters, should the owner of the motor boat so desire.

Mr. SAUNDERS. And those letters would be not less than 3 inches high?

Mr. TYRER. Three inches high; yes, sir. It has been said that is rather small, but we believe, if there are dark letters on a light background or light letters on a dark background, that 3 inches will be large enough for the present purpose. The present law in regard to documented vessels requires letters 4 inches high.

Mr. HARDY. Three inches is about the same as the numbers on automobiles, is it?

Mr. TYRER. Just about the same size as we use here in the District.

Mr. CURRY. This seems to be a police and not a safety regulation. Have you looked into the proposition to see whether you have the authority to require that on intrastate waters?

Mr. TYRER. This is a matter that it seems to me we have the same power to require a number on the boat that we would to require life preservers on a boat.

Mr. CURRY. No; a life preserver is a safety appliance, and this is a police proposition for the purpose of identification.

Mr. TYRER. The identification being in connection with the enforcement of the safety regulations and a part of such enforcement.

Mr. CURRY. I was just wondering whether you had looked into it—

Mr. TYRER. We have not looked into that.

Mr. CURRY (continuing). To see whether you have the authority to exercise a police function and to enforce a police requirement in the confines of the State.

Mr. TYRER. The question has never been raised and we have not looked into that at all. This requirement—we have arranged a system by which these numbers will be awarded in the customhouse so as to do away practically with any additional expense to the

Government in connection with the enforcement of this law. The numbers can be allotted by means of printed forms and printed letters of instruction on request of the owner of the motor boat. He will be furnished with blank cards to fill out giving a short description of his boat and giving his name and address. These cards will be sent back to the customhouse in duplicate and there one will be filed according to the number awarded to the owner of the boat and the other will be filed alphabetically according to his name. And in sending the awarded number to the owner, we will be able to send to him a letter containing the specific requirements applicable to that particular motor-boat. This will enable us to bring to the attention of every motor-boat owner, sooner or later, the exact requirements of the law which apply to his vessel. And when new laws are passed or new regulations issued, it makes it possible for us to get in communication directly with the owners of motor boats.

Mr. GREENE. In the case of those 607 violations you referred to, were those a defiance of your orders for the equipment they should carry? Is that what they were prosecuted for—failure to carry equipment—these 607 violations of law?

Mr. TYRER. Lack of equipment like life preservers and means of extinguishing burning gasoline. We have some cases where they did not have copies of the pilot rules; in other instances they failed to have whistles. In the absence of some means of identification for these vessels our inspection officers have been unable to enforce to any degree the rules of the road.

Mr. HARDY. And you find violations of the rules of the road also a part of the violations that you have spoken of?

Mr. TYRER. Yes, sir; although they are not included in that 607 cases; because we have not attempted, so far, in New York Harbor to enforce the rules of the road in connection with these motor boats. At the present time we are having a great many complaints from captains of the big steamers to the effect that these motorboats cross their bows in a way that endangers the motor boats, and they cross the bows of each other in a way that endangers both boats. And there is no way of getting at them because there is no means of identification on the boat. If they carried a number on the boat, it would be possible to report that man for violation of the rules of the road and in that way could put a stop to the practice.

In making our inspections this law will be of considerable benefit to the motor-boat owners in several ways. When we make an inspection it is necessary for us to see all of the different equipment that has been enumerated, and after that is done we have to take the name and address of the owner of that boat. That is the irritating part of our inspection and it is the part that takes time. We find in a number of instances that the man has no objection to us looking at his life preservers and his other equipment, but when we come to ask who he is and where he lives, irritation develops at that moment. We have also found, in taking the name and address, especially of foreigners, the taking of the name and address takes more time than it does to inspect the boat. So that with our present facilities, if we have a means of identification on those boats we will be able to make fully double the number of inspections we are making now.

I would like to call the attention of the committee to the fact that the act of June 9, 1910, providing for the equipment of motor boats,

provides that motor boats found navigating without the equipment prescribed will incur a penalty. That means we must inspect those boats while they are underway—while they are on the water. That is where we meet our difficulty with these fictitious names. In the case of the numbering bill, however—

Mr. SAUNDERS. Just a moment in that connection, because I do not understand that exactly. Suppose you found a fellow navigating and you say he gives a fictitious name—

Mr. TYRER. He gives us a fictitious name when we are asking who he is.

Mr. SAUNDERS. You inspect him and find he is violating some law?

Mr. TYRER. Yes, sir.

Mr. SAUNDERS. And you proceed to ascertain who he is and he gives a fictitious name and thereafter you are never able to locate him?

Mr. TYRER. We are never able to locate them, even though he has a name on the boat. We are not able to locate him because there is no record in the customhouse of that name or owner, or there may be a number of motor-boat owners of the same name. So that we have no means of locating a man when he gives a fictitious name. Now, under the motor-boat act we must inspect on the water. In the numbering bill it is provided that any vessel that is found without a number on the bow incurs the penalty. That enables us to use our inspectors, who, during certain hours when there is always a movement on the water, would be inspecting boats under navigation, and they could spend the rest of their time inspecting boats ashore and ascertain whether they have these numbers on the boat or not. A man may run around the water without his number. When we inspect him and attempt to penalize that man for failure to have his number, he will give a fictitious name in trying to avoid incurring the penalty for failure to have the proper equipment. But that boat must go ashore somewhere and must have some place to tie up, and that is the place where our inspectors will catch her, when the boat is tied up; and it will be tied up at a certain place and people in that vicinity will know to whom it belongs, so that we would have no trouble in ascertaining the owner of the boat that has no number on it.

Of course, there is one little difficulty in the administration of this law in the case of a man who changes his number. There is some trouble there, and we would have the same trouble as they do in the cities with the change of numbers on automobiles. We will have a number of checks on that, however. Very few men will deliberately change the number on their boats, and the few that do will, in the first place, be in danger of running across the man who has that number properly allotted to him. I do not know of any other check except that possibly we might allot to the customhouse certain numbers and then skip certain numbers and then allot certain others; and if we have a number higher than those allotted to the customhouse, our officers will be aware of that; and if we should skip certain numbers in the allotted numbers, and he had taken one of those numbers, our inspecting officers would be aware of that fact. The number might be out of any one of the blocks of numbers allotted; so that we can, to a considerable extent, weed out that difficulty in the administration.

It is very difficult, of course, to get a law to operate all over the country and not have some difficult points in the administration of it.

Mr. HARDY. Have you no right, in case you found a man violating one of those rules, to arrest him right then?

Mr. TYRER. We have not; no, sir. There is a great deal of danger in the opinion of the department in that proposition. If we had the power of arrest, that would mean that every time an inspector had a suspicion that a man was giving a fictitious name he would take that boat in. And the boat might be starting out on a day's pleasure excursion, or it might be on some important business trip. There are a hundred reasons why that man should not be stopped, and, solely on the suspicion of the inspecting officer, the vessel seized and taken into port.

Mr. HARDY. Your procedure, then, is to report violations and investigate before arresting?

Mr. TYRER. We report violations to the collector of customs and he notifies the owner who has incurred the penalty. The owner of the vessel then submits an application to the Secretary of Commerce for relief from that penalty, stating all the facts. And it has been the practice of the department, I would like to say at this point, in practically all cases to mitigate the penalty to the minimum of five or ten dollars. We endeavor to have the penalty just sufficient to prevent a repetition of the offense.

Mr. HARDY. In other words, to enforce the law?

Mr. TYRER. Just sufficient to enforce the law and not to impose on the motor-boat owners unnecessary hardships.

Mr. SAUNDERS. It strikes me that that penalty you speak of is too little if the object you have in view is meritorious; because here is a vessel that is deliberately violating the law; he is not the casual law breaker; he is not the man who stumbles into a breach of the law. But here you have a man who is deliberately violating the law. Why should he be fined the minimum penalty of \$5?

Mr. TYRER. When we get a case of that kind, we are more inclined to put on a heavier penalty.

Mr. SAUNDERS. Here you are describing certain regulations with respect to numbers, and yet I notice it is not made a crime for failure to comply with the requirement in that respect and it just seems to be, under section 4, a proceeding in rem.

Mr. TYRER. Yes, sir.

Mr. SAUNDERS. And your maximum penalty there is \$10?

Mr. TYRER. Yes, sir.

Mr. SAUNDERS. Now, it seems to me if what you have in view is meritorious, that is a mighty little penalty to put on a man who deliberately sets himself to work, as he would have to do, to evade the law by refusing to put on the proper name and proper numbers on his boat. Why don't you make that a penalty so that you can proceed against him criminally?

Mr. TYRER. We fixed this penalty at \$10 because when this law goes into effect, should it go into effect, there will be, probably, for the first six months after its passage, a great many violations of the law. We will have some difficulty in getting it to the attention of all the motor-boat owners. Consequently, there will be hundreds of applications for relief from this penalty pouring into the Department of Commerce. We wanted to have it so that in a meritorious case

we can send out a form letter remitting the penalty entirely, providing some good reason is shown, and the man who did not have a number on his boat, immediately he is notified puts it on his boat. In a case of that kind the Secretary undoubtedly would remit the penalty.

Mr. SAUNDERS. That may be a meritorious case; but how is that going to be expedited by having this penalty at \$10?

Mr. TYRER. In other cases we will find a man who has been negligent. In a case like that we will fine him, but we do not want to fine him much. And we think with a fine of \$10 that every owner of a motor boat, if he thinks he is going to be fined \$10 if he does not have a number on that boat, that it would not be very long before he would comply with the law.

Mr. HARDY. It seems to me he would have a motive in that for engaging in something that might be more serious than the paying of the penalty of \$10, and he probably would incur the risk of the fine if it would only be that small amount.

Mr. TYRER. That would involve a criminal use of the boat.

Mr. SAUNDERS. Why don't you have a larger fine?

Mr. TYRER. That is going to involve, if we have a larger fine, in this instance, a constant mitigation and remission of the fine by the department, and the Secretary will be constantly writing letters remitting this penalty in the more small and meritorious cases; and it was to avoid that that we put the penalty at \$10. This is not a penalty incurred to-day and then the vessel incur no penalty thereafter. It is a penalty incurred every time he does this.

Mr. HARDY. Let me see if I understand the motive actuating you in putting this down to \$10. If I understand you, a man going into any serious crookedness would probably take the risk of going without a number and not being identified, even if the fine was much larger than the amount you have specified; and if the fine was larger than \$10, you say there would be a constant business of reducing, remitting, and ameliorating the penalty, which would be a great labor on the department?

Mr. TYRER. It would be a great labor on the department and an apparently unnecessary labor on the department.

Mr. HARDY. And you think if a party was engaging in matters that would be violating our laws in any way, you would find some other remedy against him?

Mr. TYRER. He would become an object of suspicion. It would not be long before the customs officers and inspecting officers would know this man was paying the penalty right along rather than put a number on his boat, and he would become an object of suspicion almost immediately.

Mr. BURKE. One question, please: Do you not consider that the penalty provided by section 4, if this becomes a law, is a much more expensive and a slower process for proceeding against the vessel owner than it would be to make the crime a misdemeanor with the penalty not to exceed \$100 or imprisonment not to exceed 50 or 60 days? Don't you think the latter method would be much more simple and the department would still retain the right to remit the fine?

Mr. TYRER. Under a ruling of the courts it has been held that the department can not mitigate or remit a fine where the act constitutes a misdemeanor; that in such instances it would be an exercise of the

pardoning power which is vested only in the President. However, you will find in the motor-boat act, section 6, that there is a provision that the penalty shall be not to exceed \$100, which the Secretary of Commerce has no power to mitigate or remit, which has resulted in our referring to the district attorneys all over the country hundreds of cases—I might say thousands of cases—of violations of section 6 of the motor-boat act. The result is that the dockets are simply swamped; they are overcrowded, and we are hardly able to handle the cases, and that would probably result if we should attempt to have in this act—

Mr. SAUNDERS. How can there be so many cases of innocent breach of the law? I do not understand how those cases can be so abundant.

Mr. HARDY. Don't you think it is probable your department has been doing too much releasing from the law?

Mr. SAUNDERS. Too much mitigation?

Mr. TYRER. We watch very carefully for repetitions of offenses, for those second offenders or the offenders against the law a second time. We have a record in our bureau of every boat and every man who is reported, and when a case comes in in the morning mail the mail clerk immediately looks at the record to see if a man has been before the bureau before. That record extends back to 1906. If that man has been before the department before the case is taken up to the desk of the person answering the letter and he has before him not only the charge against the man to-day, but any case that was before the department at a previous time, and in cases of that kind the penalty becomes much heavier. Then we have cases of flagrant violations of the law where a man will have 25 people on board and no means of extinguishing burning gasoline and no life preservers. Now the penalty in such cases as that is very much heavier and we put on the man the full penalty. It is only where a man through negligence leaves some little item of equipment ashore that the penalty is mitigated or remitted.

Mr. SAUNDERS. Take this bill before us. You are having this provision made in respect to a number in order that you can catch up with the fellows that may be guilty of the grosser violations of the law you speak of.

Mr. TYRER. Yes, sir.

Mr. SAUNDERS. Here is a very simple provision in section 1, that these vessel owners must place numbers on their boats not less than 3 inches high, painted or attached to the bows of their boats. After the law gets into operation—it may be for a while after the law is passed that vessel owners may not be apprised of it, but that is soon passed. How, therefore, can a man negligently and innocently fail to comply with a simple statute like this?

Mr. TYRER. Well, we have in the neighborhood of four and five thousand cases coming into our department during the year.

Mr. SAUNDERS. Here is a statute which says to vessel owners—just the same as when you undertake to run an automobile here in Washington, there are certain city ordinances which it is my business to find out with respect to carrying a tag—and this section says these vessel owners have to put on their vessels numbers of a certain size; and how is a man innocently, in such a way that he ought not to be punished, going to fail to comply with a simple and easy requirement like that?

Mr. TYRER. His numbers might be knocked off in a collision; he might be navigating his boat in oily or dirty waters, which would make the numbers illegible; he might have just purchased the boat, never having had a motor boat before and not know that such a law existed. He might be navigating the boat in out-of-the-way waters, where we had never been before to make inspections, and never heard of the law, even though a year or two years, perhaps, after its passage. We find those cases coming up constantly in the cases we now have which arise under the motor-boat law.

Mr. SAUNDERS. Just a question in that connection. The idea you have in putting the numbers on is for the purpose, as you said, to catch up with these people who are violating the law in other respects?

Mr. TYRER. Yes, sir.

Mr. SAUNDERS. Don't you think when you require a man to keep his numbers plainly visible that if he negligently goes along and operates in those waters you speak of and allows those letters to become dim so that they do not serve the purpose of the law, and allows that sort of thing to go on there is no reason why he should not be punished; because he is just as guilty as though he had not put the numbers on in the first instance?

Mr. TYRER. That is true.

Mr. SAUNDERS. I admit if the numbers are knocked off and before he can get back to the dock he is picked up, that would be a sufficient reason why a man should not be punished; if, however, he goes back and allows them to remain off when he gets back to the landing where he can replace those numbers and does not do it, he is not an object for mercy.

Mr. TYRER. Those are facts that would come out in his statement of the case when he submitted an affidavit to the department; and I have no question but what if negligence was shown a penalty would be imposed. It would only be in the most exceptional cases that the penalty would be remitted.

Mr. SAUNDERS. Coming back to the question asked by Judge Hardy: Here are people with some sinister purpose who are going to take a chance in respect to this thing and they deliberately do it; do you think for people like that a maximum penalty to be imposed of \$10 is sufficient to safeguard against a repetition?

Mr. TYRER. That would be a \$10 maximum repeatedly applied.

Mr. SAUNDERS. Not necessarily. I am talking about the first instance where the man deliberately set out in order to accomplish an unlawful purpose. It may be accomplished in one trip and he deliberately puts a false number on and you catch up with him: Do you think a fellow like that ought to go with a punishment of only \$10.

Mr. TYRER. I think \$10 in such a case as that would not be enough.

Mr. SAUNDERS. Then why don't you make the penalty larger, so as to reach cases of that sort and not have the maximum fixed at \$10?

Mr. TYRER. We had in mind cases of that kind would not arise once in a thousand years. We might find them, but we would not find them with the knowledge that they were doing that very thing. We would not know they were engaged in some improper practice when we inspected that boat and simply found it was without a number. That fact would not come to us at all.

Mr. SAUNDERS. Unless he could make a sufficient explanation, you would presume some sinister purpose in his omission. Here is a plain

law, now, that they can have no difficulty in complying with, and you find they are not complying with it; just that fact, it seems to me, ought to be sufficient reason for the law to be applied to him in a way that would make the punishment mean something.

Mr. TYRER. It has been the practice of the department to impose on motor-boat owners the minimum penalty as far as possible. This is a big industry, a growing industry, and if we are going to impose too heavy a penalty on motor-boat owners it is going to interfere with the industry to a certain extent.

Mr. SAUNDERS. There is no purpose, I take it, on the part of a single member of the committee to interfere with a legitimate industry or to put any fine upon anybody who should not be fined; but what I am trying to point out, if this thing is meritorious and the law is simple and easy to be complied with and produces those results you speak of, it does not seem to me to provide penalty enough for those fellows who ought to be punished heavily. The fact you may punish a man who probably ought to be punished heavily does not mean necessarily you should put any burdens on an innocent man or a man who is just casually or accidentally guilty; you do not have to punish him.

Mr. TYRER. That is true. I do not know that the department would have any objection to increasing the penalty. We have no objection to a higher penalty, except it will increase the work that will be imposed on the department in the handling of the business.

Mr. BURKE. Does the department contend that a provision of this kind is necessary?

Mr. TYRER. It contends that unless we have legislation of this kind it will be impossible for the department to properly enforce the motor-boat law.

Mr. BURKE. Then the department must also be in favor of a proper penalty?

Mr. TYRER. Yes, sir.

Mr. CURRY. You said there were four or five thousand arrests during the past year for violations of the law; were they deliberate violations of the law?

Mr. TYRER. Yes; not deliberate; I mean unintentional.

Mr. CURRY. Did you arrest one man more than once very often?

Mr. TYRER. In the same year?

Mr. CURRY. Yes.

Mr. TYRER. Occasionally we do catch a man twice in the same year, yes, sir; and sometimes we catch a man this year that we caught last year.

Mr. CURRY. Not very often?

Mr. TYRER. We very seldom catch the same man twice.

Mr. CURRY. Usually the violation of the law is because they did not know what the law was?

Mr. TYRER. No; it is usually a matter where a man starts out with two people in the boat and equipment for two and a third joins the boat later, and he overlooks the fact he has not the equipment for that third party.

Mr. CURRY. That is a technical violation?

Mr. TYRER. Yes; that is a typical violation of the motor-boat law.

Mr. CURRY. What is the proportion of accidents, or how many accidents have been caused on account of this motor-boat industry?

Mr. TYRER. I am unable to state that.

Mr. CURRY. Do you know of any accidents that have occurred in New York Harbor, or any accidents caused in Puget Sound or San Francisco Bay?

Mr. TYRER. I can not give specific cases. We have occasionally a record of an accident; but we have at present no law that enables us to keep a record of those accidents. We have no machinery in motion for reporting to the department the number of accidents. Capt. Bertholf, of the Coast Guard, I think can give you more information on that than we can, as I think he has a record of those things.

Mr. EDMONDS. As I understand it, you are not drawing this law with the idea of providing any police precautions; you are simply drawing it up as a matter of enabling you to see that safety appliances are put on the boats?

Mr. TYRER. That is the purpose of it, yes.

Mr. EDMONDS. The question that Judge Saunders asked you in regard to the use of the boats for some improper purpose would not enter into your mind when carrying out this law?

Mr. TYRER. No.

Mr. EDMONDS. You simply want to see that these people put the proper appliances on the boats; and if a man uses the boat for robbery or burglary, or anything he is going to use it for—you do not care anything about that; that is a matter that comes under the local police entirely?

Mr. TYRER. That comes under the local police entirely.

Mr. EDMONDS. And this would make the penalty large enough, in your opinion, to enforce the provisions of this act?

Mr. TYRER. Yes, sir.

Mr. CURRY. The number on this boat is just as much a police regulation as the number on an automobile, and that is all it is.

Mr. SAUNDERS. I did not have in mind cases of burglary, necessarily; but just take the cases you suggested where a man ought to be punished for not using the safety appliances that go on these boats, or he uses a false number. That, I presume, is designated as a felonious purpose, although not a burglarious purpose. And here, in order to escape proper punishment for not using the proper appliances the law prescribed, he deliberately allows his number to become a failure or does not put it on in the first instance. Don't you think that is a case where a man ought to be heavily fined?

Mr. EDMONDS. There is no question but what it is.

Mr. GREENE. As I understood you, you want these numbers for the purpose of identification of the owner of the boat, to aid your inspectors in being sure that you get the proper party?

Mr. TYRER. Of being sure that we get the proper parties and also as a preventive measure, to prevent that man from violating the light laws and the rules of the road. A man is not going to leave a vessel at anchor in a dangerous position if he carries on the bow the number of that boat, because he knows he is liable to a penalty upon the report of any passing vessel that may be made.

Mr. HARDY. As I understand you, when a vessel is left in a dangerous position, without any number and maybe it has some name that is unknown to your records, it is just impossible for you to identify the owner?

Mr. TYRER. Yes, sir. Where those vessels are at anchor, a great majority of those vessels have a special place to anchor and there is some caretaker or some one around there who knows the owner of the boat, and in that way we expect to have little difficulty in ascertaining the owner of any boat that is moored or anchored by the inspectors. But the statement I just made to Mr. Greene had in mind reports made by passing vessels. For instance, if I should be navigating a motor boat down on the river and I found a vessel anchored in such a way that it endangered my boat as I went by, I can see on the bow of that boat its number, and I would then report to the department that number as being anchored at such a place, without a light and in such a way as to endanger passing vessels.

Mr. SAUNDERS. Just in that connection: Then in the question asked by Brother Hardy about numbers there are serious possibilities.

Mr. TYRER. Yes, sir; that is in the motor-boat act.

Mr. SAUNDERS. Then if there are serious possibilities, do you not think you ought to have a punishment in such a case that would be felt by the man and cause him not to do the thing which would result in those serious possibilities?

Mr. TYRER. That is a punishment that would come under the motor-boat act of June 9, 1910, which carries a penalty of \$100.

Mr. SAUNDERS. Then what has this to do with it?

Mr. TYRER. It is the number he carries——

Mr. SAUNDERS. And I understand that in order to get at that fellow you want to get at that number?

Mr. TYRER. Yes, sir.

Mr. SAUNDERS. Won't it defeat your purpose in getting at him by not putting your number on?

Mr. TYRER. Yes, sir.

Mr. SAUNDERS. Then it does occur to me that in order that he shall not defeat your purpose, and, as just pointed out, there might be serious consequences, you ought to be able to punish adequately in a case of that sort?

Mr. TYRER. Yes, sir.

Mr. HARDY. In other words, why should there not be in this law the same penalty as they have for the violation of any other provisions for safety?

Mr. TYRER. The only purpose I know of would be in connection with the administration of the law, and I think that could be largely overcome by the fact of this fine of \$100 in the original bill known as the motor-boat act, and that the only penalty it would be necessary to collect in order to assist the department in the administration of this law, to accomplish the purpose necessary, is to put a \$10 fine on the man each time he is without that number. These penalties will accumulate very rapidly while the inspection officers are in that vicinity.

Mr. SAUNDERS. Why would it not be necessary to have a maximum penalty? You are talking about administrative features which you are afraid would give trouble in connection with release from the penalty. Why would it be necessary to apply a penalty at all in an improper case? If you do not apply this penalty except in a proper case you would not have any more administrative difficulties, as I see it, than you would have in this case.

Mr. TYRER. We find that a \$5 or \$10 penalty has a great effect in curing a man of negligence.

Mr. SAUNDERS. If you think this meets your purpose, of course that is another matter.

Mr. TYRER. We have considered the matter very carefully. We thought first of putting a \$100 penalty in; but for the reasons stated we finally concluded a \$10 penalty sufficient to accomplish this purpose. It is a very little thing for a man to put a number on a motor boat, and after he puts it on it stays there, and he does not have to bother about it any more. The only time he has to bother about it is when he sells his boat or disposes of it, or the number is lost. There are quite a number of features in favor of this bill, which have been presented to the committee in connection with the statement that was sent up by Mr. Redfield. I will not go into those statements which have already been before you and which I believe have been before all of those or most of those who are here in connection with this motor-boat business.

Mr. GREENE. We have never had that, have we, Mr. Hardy?

Mr. HARDY. Mr. Redfield's statement is here now.

Mr. GREENE. I have not seen it. Have you covered 9412 also?

Mr. TYRER. Yes, sir.

Mr. HARDY. I might read his letter, so that it will go into the record at this point. It says:

DEPARTMENT OF COMMERCE.

OFFICE OF THE SECRETARY,

Washington, December 22, 1915.

SIR: The attached bill requiring the numbering of small undocumented vessels propelled by machinery, has been drawn after consultation with the leading motor-boat associations, publications, and builders of the country and is necessary to the enforcement of the laws having to do with safety to life on these small vessels.

To the motor-boat owner this matter of placing a number on his vessel and having his name and address recorded in the customhouse is a comparatively small matter. It involves no hardship and only such expense as he may care to incur in affixing the numbers to his boat. This is amply offset by the benefits which he will derive.

The bill has been drawn so as to enable the owner of the yacht to have numbers on her bow of a kind which will not disfigure her and at the same time will enable the fisherman who has little or no money to number his vessel practically without expense.

To avoid large numbers, it is proposed to assign a letter to each customs district, each district to assign its own numbers, beginning with the figure "1"; for instance, the number 25-A would mean that the boat was numbered in the Maine district and that the name and address of the owner would be found in the customhouse at Portland, Me. After the alphabet is exhausted the letter would precede the number; for instance, A-25 would mean that the boat was numbered in the Seattle, Wash., district. At Boston and New York it doubtless will be necessary to assign several letters each. Those who especially desire small numbers could make application for such numbers immediately after the passage of the act. As this act does not go into effect until six months after its passage, it is probable that the great majority of the applications for numbers will not be made for several months. In the case of builders of new vessels arrangements might be made to award such vessels a reasonable block of comparatively small numbers, to be used as the vessels were placed in commission.

Provision is made in the case of the destruction or abandonment of the boat for the cancellation and reissue of the number.

The sale of a boat or change of address of the owner would be reported at the customhouse. Under the present law the most annoying part of an inspection to the owner of the boat, and also to the inspection officer, is securing the name and address of the owner. Having these boats numbered will not only do away with this annoyance, but it will enable the inspecting officers, with their present facilities, to make double the number of inspections.

To the motor-boat owner who keeps his vessel properly equipped the greatest danger at present is the failure of other owners or navigators of vessels to comply with the rules of the road and to carry running or anchor lights after sunset. Without

identifying numbers it is practically impossible to enforce the rules of the road. A small motor boat may cross the bow of a steamer or of another motor boat in a reckless manner, but nothing can be done, as there are no means of identifying the offending vessel.

It is probably a safe statement that, with these boats numbered in the manner proposed, violations of the light laws after sunset can be practically eliminated. Nearly all Government vessels and many private vessels are provided with searchlights, and any flagrant violation of the law would be almost certain of discovery. The owners of boats would be aware of the fact and would be careful not to lay themselves liable to the penalty.

In some sections of the country where vessels are used as collateral for loans, it will increase their value as property, as they can be followed and identified. It will also assist in recovering such vessels when stolen.

The department would be able to place in the hands of all motor-boat owners new laws and regulations, and the list of such owners may be of considerable commercial value if it is decided to give them out.

From the standpoint of the officers charged with the enforcement of the law, the bill is very important. When the department began enforcing the motor-boat law in 1910, the practice of giving fictitious names or addresses by persons found violating the law was not common. Since that time, however, motor-boat owners are realizing that penalties for violating the law may be avoided by this simple expedient. During last year, in the harbor of New York, 607 violations of the law were discovered. Of the offenders in these cases not less than 25 per cent gave fictitious names or addresses. This not only increased considerably the work in the customhouses, but those who undoubtedly most deserved to be penalized escaped any penalty.

Motor-boat owners are becoming aware of the fact that they have only to follow this practice to escape penalties, and it is the opinion of practically all the enforcing officers that unless some means is devised for identification of these small vessels the enforcement of the law by the Department of Commerce will not only be seriously interfered with, but it will be unjust in that the worst offenders will escape.

In the larger harbors the carrying of these numbers will discourage to a considerable extent the illegal use of these boats.

The safety of every owner of a motor boat depends not only on the equipment and the navigation of his own vessel, but on the conduct of others navigating in his vicinity. This bill is intended to enable the department to enforce the law, and in so doing the welfare of every motor-boat owner is involved.

The department is not aware of any opposition to this proposed bill.

MR. BURKE. Mr. Chairman, I would like to ask Mr. Tyrer where in section 1 of the bill you except from the operation of the bill public vessels and vessels not exceeding 16 feet in length the reason for drawing an arbitrary line or class of those vessels by saying that it shall apply only to those over 16 feet? Are not there vessels under 16 feet in length that are operated just the same as those over 16 feet with the same machinery?

MR. TYRER. That provision was intended to meet this situation: I do not know whether the Evenrude motor people do or not, but some of the motor people are building motors which a man may take in his suit case and take with him on a vacation, and he can hire a canoe or rowboat and temporarily attach that motor to that canoe or rowboat. And it was to avoid requiring a number on those boats that that provision was put in the bill, because, perhaps, 99 per cent of the time they will be rowboats and the rest of the time they will be motor boats when they have this Evenrude motor attached. And it was to get away from that situation that we put in the provision where the vessel had the motor temporarily attached. You will notice the word "temporarily" is used. If they temporarily attached this motor they were to be exempted from the bill.

MR. HARDY. In connection with what I have placed in the record, the letter from the Secretary of Commerce, it might be proper here

to place in the record some letters from some of the owners of these boats—for instance, a letter from Mr. Bond, secretary and treasurer of the Rhode Island Yacht Club; a letter touching this bill and another bill. The letter reads:

RHODE ISLAND YACHT CLUB,
Providence, R. I., March 6, 1916.

HON. J. W. ALEXANDER,
Chairman Committee on Merchant Marine and Fisheries,
Washington, D. C.

DEAR SIR: At a meeting of the board of directors of the Rhode Island Yacht Club held March 4, resolutions were passed indorsing bill H. R. 9411 and bill S. 1315 and H. R. 5795. The secretary was instructed to inform you of this indorsement of said bills by the club.

Very truly, yours,

F. A. BARNES, *Secretary.*

Then there is another letter from the Waterway League of Greater New York and Long Island, 60 Broadway, New York. The letter is signed by Mr. J. W. Masters, chairman committee on national legislation, 17 State Street, New York City. He says:

NEW YORK, February 16, 1916.

HON. JOSHUA W. ALEXANDER,
House of Representatives, Washington, D. C.

DEAR SIR: I thank you for the copies of H. R. 9411, a bill to require numbering and recording undocumented vessels. This bill was read and fully discussed last evening at a regular meeting of the board of directors of the Waterway League of Greater New York and Long Island, an organization comprising 3,500 members, yachtsmen representing 250 yacht clubs in and around the port of New York, and on motion the bill was unanimously approved. I inclose copies of the correspondence between our secretary, who was appointed a member of the committee on the proposed bill, and the Secretary of Commerce, by which you will observe the proposed legislation was at that time approved by the league.

We trust that our recommendation of December 20, 1915, that tenders and boats connected with a parent boat are to be listed under the same numbers, if not provided for in the bill will be taken care of by regulations under section 5 of the proposed bill.

Very truly, yours,

J. W. MASTERS,
Chairman Committee on National Legislation.

Mr. BURKE. I would like to ask Mr. Tyrer another question. What is the reason for exempting from the provisions of this bill boats of less than 16 feet in length temporarily equipped with a detachable motor? May not such boats violate the rules of the road, and may they not be careless and get in the way of other people and cause accidents, as well as those that are over 16 feet in length?

Mr. TYRER. Just the same, Mr. Burke. But they will still be subject to the penalties under the act of June 9, 1910. Not placing a number on those boats does not relieve them from the operations of the motor-boat act.

Mr. BURKE. Why should not they be numbered for identification, as well as boats over 16 feet in length?

Mr. TYRER. Because those detachable motors are used only on the small boats for perhaps a few hours at a time, and when the motors are not attached they are not motorboats.

Mr. BURKE. But small boats get in the way of other motor boats and violate the rules of the road, as well as the larger boats, do they not?

Mr. TYRER. Oh, yes, sir. But we were up against the difficulty of awarding a number to a lot of rowboats and canoes and things of

that kind, which only have a motor attached for perhaps a few hours at a time.

Mr. BURKE. Is that the only reason why that class of boats is exempted from the provisions of this bill?

Mr. TYRER. That is the only reason.

Mr. BURKE. The difficulty in numbering them?

Mr. TYRER. No; the fact we would have to number such canoes and number boats that were not motor boats.

Mr. BURKE. But this class of boats of less than 16 feet equipped with detachable motors are motor boats while in operation, are they not?

Mr. TYRER. They are motor boats while in operation. But if the owner of that boat had to have a number, the man who is running a launch livery, in order to be safe, would have to have a number awarded for every boat he had; because he would not know when a person renting that boat was going to attach a motor to it.

Mr. BURKE. Then the only reason for this exemption is your belief that the small motor boat of less than 16 feet in length will cause such insignificant trouble as not to be worthy of inspection?

Mr. TYRER. No, Congressman; that is far from what I intended to say. The Bureau of Navigation lost two of its clerks in 1910 in a small boat, only 12 feet long, operating over here in the Eastern Branch. There was an accident to that boat and two of our boys were drowned. We know those small boats should have supervision and should have the equipment that is required by law; but the only purpose we had in putting that exemption in that law was to prevent the necessity of awarding numbers to canoes and rowboats which had no mechanical means of propulsion, in order to guard against some man taking that boat out and attaching one of those motors to it. We exempted those boats only for that reason. I think Mr. Lawley stated at a hearing we had in the department, or Mr. Emery, that perhaps a third of the motor boats in this country will be affected by that provision; that is, these little bits of boats, very small boats.

Mr. EDMONDS. And you only exempt them as far as they have temporarily attached motors; is not that it?

Mr. TYRER. Yes. Probably 99 per cent of the time they will be used as rowboats and canoes; and they are not required, under this bill, to have a number for the short period of time some man who rents that boat should attach a motor to it. We do not think the owner of that boat should be liable to a penalty should that be done.

Mr. KINCHELOE. But while attached they would be subject to the navigation laws and subject to the penalty which is provided now under the law?

Mr. TYRER. It would be subject to the provision we have to-day in regard to motor boats.

Mr. SAUNDERS. Let me ask you one more question: Section 4 provides a penalty of \$10 for which the vessel shall be liable and may be seized and proceeded against in the district court. Suppose you catch up with a party and he is guilty of some violation of the law, could not that penalty be paid without proceeding against him and taking him into court? And if so, who can collect it?

Mr. TYRER. It is collected by the collector of customs.

Mr. SAUNDERS. Is there any general provision for that?

Mr. TYRER. There is a general provision covering that situation; yes, sir.

Mr. SAUNDERS. In case of the penalty, such as contemplated here, there may be a proceeding in rem; but if they do not proceed to that point the penalty may be paid in to this official you mention?

Mr. TYRER. The whole machinery is provided for that action and that is what we are doing every day.

Mr. SAUNDERS. It is provided elsewhere? Certainly it is not provided here.

Mr. TYRER. It is not provided there.

Mr. SAUNDERS. But you have sufficient general provision that would cover such a case as this; and if the party wanted to pay the \$10 without having the boat seized and taken into court, there is an official to whom it may be paid?

Mr. TYRER. Yes, sir. Title 52 covers the operation of the steam-boat-inspection laws under which we have been operating for many years, in regard to the penalty of \$10. Captain Bertholf has just called my attention to the fact that the penalty at present for failure to have the name on a documented vessel is \$10. That is the same penalty as provided here for failure to have a number.

Mr. HARDY. Do you not think it a good idea if this act should be made as an amendment to some existing act, for the very purpose of making a reference to section 4, as to where that money was to be paid, or something of that sort?

Mr. TYRER. This section, you will notice, has nothing to do with the equipment. We wanted to keep it away from the equipment sections. We are in constant fear of putting additional equipment on those motor boats.

Mr. HARDY. You think it better to put it as an independent act?

Mr. TYRER. We think it is better to have it passed as an independent act; yes, sir.

Mr. HARDY. Have you looked into that question?

Mr. TYRER. Mr. Power brought that question up at the meeting of the department.

Mr. SAUNDERS. When this bill gets on the floor of the House, some one is going to ask about that question, and I would like to be in a position to answer it. Can you give me a reference to that general section which you think would cover section 4, as to whom that money is to be paid in the event you do not proceed in rem?

Mr. TYRER. It is reached in this way: There is a section that provides that the Secretary of the Treasury shall make regulations regarding the collection and deposit of moneys belonging to the United States. That is covered by Treasury Department Circular No. 47 of 1905. There is a circular letter issued by the Treasury Department, which I am not now able to recall, but I can send it to the committee. The collection of all those moneys is under a statute placing the matter of the disposition of the money in the hands of the Secretary of the Treasury for regulation. I will send you a copy of that; I can not tell you offhand.

Mr. SAUNDERS. Just send that to Judge Hardy so that we will have it available for our information.

(The papers above referred to, requested by Mr. Saunders, are as follows:)

(T. D. 26249.)

Regulations for the deposit of public moneys.

[Circular No. 47.]

TREASURY DEPARTMENT, April 5, 1905.

To collectors and surveyors of customs, collectors of internal revenue, receivers of public moneys, marshals, clerks of courts, and all other officers or agents of the United States engaged in collecting, depositing, or transmitting public moneys:

The following regulations based upon specific provisions of existing laws, for the violation of which penalties of a severe character are provided, are hereby prescribed, and a strict compliance therewith enjoined:

All public moneys must be deposited with the Treasurer or an assistant treasurer of the United States, or a national bank depository.

Collections.—Collectors and surveyors of customs, collectors of internal revenue, and receivers of public moneys living in the same city or town with the Treasurer or an assistant treasurer of the United States, or a national bank depository, must deposit their receipts at the close of each day. Officers at such a distance from a depository that daily deposits are impracticable must forward their receipts as often as they amount to \$1,000, and at the end of each month without regard to the amount then accumulated.

All collections must be deposited to the credit of the Treasurer of the United States, except moneys received by collectors of internal revenue from sales under section 3460, Revised Statutes of the United States, or from offers of compromise when received prior to the acceptance of the offer, which must be deposited to the credit of the Secretary of the Treasury.

United States attorneys, marshals, and clerks of United States courts, who receive public moneys accruing to the United States from fines, penalties, and forfeitures, fees, costs (including costs in civil and criminal suits for violation of the postal laws), forfeitures of recognizances, moneys arising from unclaimed wages and effects of seamen that has remained in the registry of the courts more than six years, debts due the United States, interest on such debts, sales of public property, or from any other sources, except as stated below, will deposit the same in accordance with the foregoing paragraphs. Moneys collected in cases for violation of customs: navigation, steamboat-inspection, immigration, and Chinese-exclusion laws should be paid to the collector or surveyor of customs in the district or port in which the case arose, a receipt accepted therefor to be sent to the Solicitor of the Treasury. Moneys collected in internal-revenue cases should be paid to the collector of internal revenue of the district in which the case arose, a receipt accepted therefor to be sent to the Commissioner of Internal Revenue. Moneys collected in civil post-office suits, and fines in criminal cases for violation of the postal laws should be deposited to the credit of the Treasurer of the United States for the use of the Post Office Department.

The department encourages the practice of a deputy collector depositing directly with a depository in the name of his principal, believing that greater economy and dispatch will thereby be attained. In such cases the deputy will see that certificates are issued in the name of the collector for whom he is acting, to whom he should forward the portion of the set received by him from the depository.

Disbursing funds.—Disbursing officers or agents must deposit disbursing funds to their official credit and draw upon such funds in their official capacity only. Unless otherwise directed, they must deposit such moneys with the Treasurer or an assistant treasurer of the United States, or a national bank depository specially authorized by the Secretary of the Treasury for that purpose under the provisions of section 3620, Revised Statutes of the United States.

Reference is hereby made to department circulars of March 12, 1839, relative to the transportation of public moneys by express; August 14, 1897, relative to disbursing funds; November 28, 1879, and June 2, 1882, relative to offers of compromise, and June 11, 1896, concerning the issuance and disposition of certificates of deposit; also, to act of Congress of January 22, 1894, sections 3216, 3218, 3617, 3620, 3621 (as amended by act of May 28, 1896), 3625, and 5481 to 5505, inclusive, of the Revised Statutes of the United States.

This circular supersedes circular regulations for the deposit of public moneys, dated June 12, 1896.

LESLIE M. SHAW, *Secretary.*

(T. D. 31988.)

Disposition of fines collected for violation of the act of June 9, 1910, to regulate motor-boat equipment.

[Circular No. 65.]

TREASURY DEPARTMENT, November 1, 1911.

To United States attorneys, clerks of courts, marshals, and collectors and surveyors of customs:

All public moneys received which have accrued to the United States from fines or penalties imposed by the courts for violation of the act of Congress approved June 9, 1910, to regulate the equipment of motor boats, should be paid to the clerk of the court and by him turned over to the collector or surveyor of customs in the district or port in which the case arose.

These instructions are supplemental to department circular regulations for the deposit of public moneys No. 47, dated April 5, 1905.

FRANKLIN MACVEAGH, *Secretary.*

Mr. TYRER. That is a practice that has been going on ever since the beginning of our Government. It is all under this same statute. The wording which is proposed here is taken from section 4499 of the Revised Statutes, which is the penalty section of the law.

Mr. HARDY. This would come under the Steamboat Inspection Service.

Mr. TYRER. This comes under the Bureau of Navigation. There is no inspection involved in this; that is, inspection in the sense of the Steamboat Inspection Service; no scientific or technical inspection. The inspection we refer to is the police inspection.

Mr. HARDY. Don't you call it inspection to look into the question of whether you have life preservers, etc.

Mr. TYRER. Yes, sir.

Mr. HARDY. Why would it not be inspection to look into the question of whether a vessel is numbered?

Mr. TYRER. That would be inspection of its kind; but that is an entirely different kind of inspection which tests the quality of the iron—that is the kind of inspection which the Steamboat Inspection Service makes. This law is being enforced, first, through the Coast Guards. The Coast Guard Service of the United States is employed in the enforcement of this motor-boat law. They have reported thousands of cases of violations, and are making many more thousands of inspections yearly. Next comes the collector of customs; then comes the navigation inspectors, 62 of them, which we use for preventing the overcrowding of vessels; that is, they count the passengers who go on board, and, incidental to that, inspect boats. Then we have two small vessels which navigate in the shallower waters.

Mr. HARDY. You are sure, as respects section 4, it would leave no uncertainty as to who the vessel owner might pay the money to avoid proceedings in rem?

Mr. TYRER. No, sir; there would be no uncertainty in that respect. It is paid to the collector of customs under well-established procedure as long as I have known anything about it. It has been going on without question and I know there has been a statute since the beginning of our Government making provision for that. The collector of customs receives all fines, and in case we prosecute he is the prosecuting officer.

Mr. HARDY. In other words, to avoid a proceeding in rem, he is the only party to receive it?

Mr. TYRER. Yes, sir.

Mr. CURRY. The reason you do not want more stringent regulation or a heavier fine is that you do not want this to be a criminal statute; because if it is a criminal statute there would be no elasticity in the law and the Treasury Department or the collector of customs would have no discretion?

Mr. TYRER. That is the point.

Mr. CURRY. And when a fine was once made, it would have to stay there?

Mr. TYRER. Yes, sir.

Mr. CURRY. And if the fine was fixed at \$100 it would have to be \$100, and there could be no mitigation or remitting of the fine except by Executive order of the President?

Mr. TYRER. That is in the case of a misdemeanor.

Mr. CURRY. Yes.

Mr. TYRER. If constituted a crime, we have no power of mitigation or remission. That is involved in the pardoning power, which alone is vested in the President.

Mr. CURRY. And \$10, you think, is sufficient to require people to comply with the law?

Mr. TYRER. It is sufficient to keep the names on documented vessels, and we think it would be sufficient to keep the numbers on these vessels.

Mr. CURRY. The same fine is provided here for a violation of this law as is provided for a violation of the law requiring the names on documented vessels?

Mr. TYRER. Yes, sir. That is in section 4178.

Mr. CURRY. And there is no reason for having any heavier fine in connection with violations of this proposed act than there would be for a violation of the act requiring the names on documented vessels?

Mr. TYRER. No, sir.

Mr. GEORGE S. McDONALD. May I just ask a question there? In the case of ocean-going vessels, they are required to carry a certain number of lifeboats, according to the number of passengers they are licensed to carry?

Mr. TYRER. Yes.

Mr. McDONALD. And now under the law about to go into effect, or that has just gone into effect, they are required to carry one motor lifeboat?

Mr. TYRER. Yes.

Mr. McDONALD. Under the old way of handling the matter, every lifeboat on the ocean-going vessel or any other steam vessel, carrying a number of boats for life-saving purposes, would have those boats identified with the name of the vessel itself and with a number which each lifeboat is given in addition; as, for instance, *Cufic No. 1*, *Cufic No. 2*, *No. 3*, and so on—the name of that vessel is on the lifeboats. Now, where does the motor boat on the ocean-going vessel come in? She loses the name of the vessel and must take then an arbitrary number.

Mr. TYRER. That motor boat is not used as a work boat; that is used for life-saving purposes.

Mr. McDONALD. There is nothing in any of your laws, is there, dealing separately with a motor boat used for life-saving purposes from any other motor boat? Isn't it a fact that the motor lifeboat on the larger vessel, which is a motor boat in fact, certificated under your present law, that is forced to carry is, in addition to the vessel itself, life preservers and full equipment for every passenger that goes into that boat; and a lifeboat 28 feet long with a capacity of 48 human beings, by measurement, with nothing else in them, and when it is used it becomes a motor boat under the motor-boat law and has got to carry 48 life preservers; and if it carries 48 life preservers or if it carries 48 life preservers on 48 human beings, you could not get them into the boat?

Mr. TYRER. She is required under the law to carry life preservers or life-saving equipment; it is not necessary for them to carry life preservers.

Mr. McDONALD. Is not the only kind of life-saving equipment allowed by the department, or the only kind allowed by General Uhler, a life preserver?

Mr. TYRER. Those are matters that come under the Steamboat-Inspection Service and I am not able to answer. All I know is that lifeboats on vessels are not to be used as work boats, but simply as life-saving boats.

Mr. McDONALD. What would be the status of the lifeboats on ocean-going steamers outside of the 3-mile limit under the law?

Mr. TYRER. I do not think they would come under our inspection.

Mr. McDONALD. They must be if you enforce the law equitably.

Mr. TYRER. The law prescribes that they must be found on the navigable waters of the United States. I do not think if we found a boat anywhere on the davits—

Mr. CURRY. They are inspected.

Mr. TYRER. They are inspected by the Steamboat-Inspection Service.

Mr. McDONALD. This law only exempts boats less than 16 feet in length and public vessels; and those that are under 16 feet in length this won't touch.

Mr. HARDY. Your purpose is to raise the question as to whether lifeboats on board an ocean-going vessel ought not also to be exempted?

Mr. McDONALD. No, sir. My purpose is to show in the case of the large motor boat that carries a number of boats have the name of the vessel; and that the owner of a large motor boat carrying three or four or five auxiliary boats as tenders and lifeboats, should not be required to put a separate identifying number on each of his boats, distinct and separate from the parent vessel; and if he sells one of them or two of them and places them with a new boat he has to go through all this bother and trouble of other vessels, steam equipped of the same size. Take a 140-foot motor-driven yacht, and there are many of them being built and used to-day, which carry three, four or five boats.

Mr. HARDY. Did you write a letter along that line to Judge Alexander?

Mr. McDONALD. No; I did not.

Mr. TYRER. Mr. Chairman, may I correct the impression he has, that they have to have a separate number on each one of the tenders:

That is a matter that will be covered by the regulations. The department is now under the impression that the parent boat will have the same number as all of the tenders.

Mr. McDONALD. You mean have duplicate and triplicate numbers, and so on?

Mr. TYRER. Have the same numbers on all boats belonging to that one man in connection with the parent boat.

Mr. HARDY. That is a suggestion in a letter here; but I do not think it is covered by this bill.

Mr. BURKE. Let me ask you, Mr. Tyrer, in this matter of lifeboats that are carried by the parent vessel: Do not all of them carry the name of the vessel to which they belong?

Mr. TYRER. I think they do; yes, sir.

Mr. BURKE. And a number?

Mr. TYRER. Yes; I think they carry their numbers. Yes; each one is numbered and has a different place, and that is required.

Mr. BURKE. With the name of the parent vessel also?

Mr. TYRER. Yes, sir.

Mr. BURKE. It is not intended that this bill No. 9411 shall apply to that class of lifeboats at all, because they are not operating independently?

Mr. TYRER. They are not operating independently; they are lifeboats kept on the davits for that purpose.

Mr. BURKE. Or, in case of emergency, for life-saving purposes?

Mr. TYRER. Yes, sir.

Mr. McDONALD. Should they not be exempted, then?

Mr. BURKE. No.

Mr. HARDY. Here is a letter from Mr. Otto B. Schmidt, dated December 20, 1915, addressed to the Secretary of Commerce and Labor. Mr. Schmidt is secretary of the Waterway League of Greater New York and Long Island. The letter reads:

DECEMBER 20, 1915.

DEAR SIR: I beg to acknowledge receipt of your communication with reference to the proposed bill concerning motor boats.

In reply thereto beg to state that we have considered this proposed bill, and we desire to make the following suggestions in reference thereto, it being the same suggestion which was made at your conference in June, namely, that in each case where a parent boat receives a number that all auxiliary boats such as tenders and boats connected with the larger boat should be listed under the same number, so as to avoid multiplicity of numbers, and the unnecessary trouble of having each small boat registered. We think that one number covering the main boat, together with all power tenders connected with it, would serve the purpose.

When we made this suggestion in June it seemed to meet with the approval of all the delegates present.

That is your idea?

Mr. McDONALD. Yes, sir; and if the law was worded in that way, a very large part of the opposition would dissolve in the air.

Mr. HARDY. Let us get that plain, what the effect will be. Here is a parent boat that has what kind of auxiliaries?

Mr. McDONALD. I can explain it to you exactly.

Mr. HARDY. Would that apply to lifeboats on ocean-going vessels?

Mr. McDONALD. Yes. I have a 65-foot boat and carry two boats on the davits; one is 12 feet 6 with a fixed motor in it. The other is a rowboat in which I put a detachable motor, because there are sometimes when I want to use the motor. Now, immediately on putting

a detachable motor in the rowboat she becomes, under the present law, a motor boat and I must also equip it with a bell, a three-way lamp, and my life preservers and life-saving paraphernalia. And I must put the number on her if this bill goes through as it stands now. That is entirely separate and distinct from any identifying mark on the larger boat, even if it be a number. Then I have got the other boat, 12 feet 6 long, and I have to go and take out a number on the auxiliaries, entirely separate and distinct. And there is nothing in the identifying marks for these smaller boats that they are a part of the equipment of the parent boat, that will connect it with the bigger boat. Now, the purpose of the name and number of the lifeboat of the steamship, for instance, carrying the name of the steamer *Cufic*, lifeboat No. 1, No. 2, No. 3, and so on, is to identify those lifeboats if lost at sea and picked up, to show from what vessel it has been lost. In the case of the *Arundel*, the lifeboat lost at sea was the only record ever heard from that vessel. They picked up one lifeboat with the name "*Arundel*" on it. If that boat had been a motor boat they would have no other recourse to-day except to leave the name off that boat and give it an identifying number in the customhouse.

Mr. TYRER. I think the gentleman's trouble is he is trying to get into the law a matter that will be a matter of regulation. The law as it is proposed here says that these vessels shall be numbered; then it says that the Secretary of Commerce shall make such regulations as will be necessary to secure the proper execution of this act. It does not say that these boats shall be numbered serially; it does not say how they shall be numbered. If we wanted to say *Lusitania* No. 2, we would have a perfect right to do it. There is no reason why that number could not be put on the boat just the same as it is put on the boat now.

Mr. BURKE. Are those ocean-going steamers that carry four or five boats documented or undocumented vessels?

Mr. TYRER. This bill refers only to undocumented vessels.

Mr. BURKE. Then the class of steamers Mr. McDonald refers to are not touched by this bill at all, are they?

Mr. TYRER. The large steamers are not. No; he is referring to tenders, which are aside from the main vessel. Those would not be documented vessels, because they are under 500 tons. We only document 500 tons and over. If those boats were operated in the harbors and used as rowboats or to run around the harbors in any way, they would be subject to our motor boat laws. It must be borne in mind this law does not add a single requirement to motor boats; it does not make the motor boats carry any equipment not now required by law; it does not add one single item to the equipment; it does not bring any boats under the law not under the law to-day. It is simply putting a number on the motor boats, and that is all it does. It does not add one single thing but numbers on the boats, and nothing else; no additional requirements or anything else.

Mr. SAUNDERS. Would it cost the owners of those motor boats anything to have numbers put on?

Mr. TYRER. That is regulated in the bill to suit the owner.

Mr. SAUNDERS. For instance, I have in mind that you say it could be painted on. A fellow can take a can of paint and a brush and paint the number on?

Mr. TYRER. Yes, sir.

Mr. SAUNDERS. Would it cost anything more except for the paint and brush?

Mr. TYRER. That is all.

Mr. SAUNDERS. No fees are to go with it?

Mr. TYRER. There are no fees that go with it in any way, shape, or manner. I would like to make it a matter of record in this hearing that this matter was before the collectors of customs in their annual meeting at New York last September, and also a year ago last September; and the collectors of customs unanimously adopted a resolution to the effect it was necessary, if they were going to enforce this law, that they should have this numbering bill or some means of identifying the vessels.

Mr. CURRY. I think probably you are mistaken about saying that motor-boat owners can put any kind of a number on their boats that they feel like. Suppose I would paint some black letters on the back of my boat; how can that be identified in the nighttime?

Mr. TYRER. I made my statement altogether too broad, perhaps. The letters must be distinctly legible and visible.

Mr. CURRY. Day and night.

Mr. TYRER. They must be light letters on a dark background or dark letters on a light background.

Mr. CURRY. And must be visible day and night. What good is the letter in the nighttime if it can not be seen?

Mr. TYRER. We use flash lights or searchlights. That is well known that every steamer navigates with a searchlight at night; and even the sailboats now, or at least the majority of the better class of sailboats, have searchlights; and every inspector's boat has a searchlight.

Mr. CURRY. Is not this a matter of regulation and not of law; and won't your department do what it ought to do, if this bill goes into effect, and say that those numbers will have to be lighted up in the nighttime or when they are anchored in a stream?

Mr. TYRER. We do not like to do that.

Mr. McDONALD. They can not do it because it will interfere with the navigation lights.

Mr. TYRER. We are trying to keep away from any unnecessary requirement. When I say "unnecessary," I mean absolutely unnecessary regarding motor boats.

Mr. CURRY. You expect to identify those numbers by flash lights from your boats?

Mr. TYRER. Searchlights. This is to be a light letter on a dark ground or a dark letter on a light ground, and I think it can be done very easily. We can identify the names on the documented boats.

Mr. CURRY. Then it is not up to the motor-boat owners. It is up to the rule of the department that you are going to put into effect later?

Mr. TYRER. No; it is provided in the law that these letters shall be distinctly visible and legible.

Mr. BURKE. At the end of section 1.

Mr. ROWE. And not less than 3 inches high.

Mr. TYRER. This provision is almost identical with the provision in regard to the names on documented vessels; because in the law in regard to documented vessels it says that the letters must be dark on a light background or light on a dark background.

Mr. SAUNDERS. Now I would like to ask Mr. McDonald a question. As I said, I have gotten various letters in respect to this bill, as I suppose the other members of the committee have. The chief objection contained in those letters is that these numbers will disfigure the boats. Now I want to ask you, Mr. McDonald, if you are opposing this bill?

Mr. McDONALD. As it stands, but not as it might be changed.

Mr. SAUNDERS. I would like to ask, in that connection, what objection there would be to putting on one of these boats numbers that are only 3 inches high? I can see a very sufficient reason why these boats should be numbered. I do not want to put anything unreasonable on them or which would disfigure in any unreasonable way a man's motor boat; but if you put on numbers not larger than 3 inches high, how is that going to operate to disfigure anybody's boat?

Mr. McDONALD. Why it has been stated that the object of the number is for the purpose of identification?

Mr. SAUNDERS. Yes.

Mr. McDONALD. And that the reason for the identification is that it will prevent people dodging ownership and giving a false name?

Mr. SAUNDERS. Yes.

Mr. McDONALD. They do not give a false name unless the boat is boarded and inspected, and it is found that it fails to have the legal equipment on it. Then if they give a false name they want to be able to fall back on the number to identify her by the recorded number. On documented vessels the number is required to be placed at a certain part of the inside of the boat in a way that it can not be removed, disguised, or obliterated by the Newark Bay fumes, and so on. We have waterways around New York with fumes in the water that will discolor a white boat inside of 24 hours, and if it was a very black vessel it would not be visible. And with the boats with a flare on the bow at a 45° angle, if you have the number put on there it could not be seen with a searchlight. And coming down to the little vessels—the big ones you do not have to bother with because there are the names, anyhow—if the inspector wants to know, he comes down on the dock and comes aboard of that vessel to find out if she has on board of her what the law requires, and then he would have to lean over the side of the boat to see the number. But if you put the number on the inside of the boat, so it won't disfigure it in any way, you would treat all boats alike.

Mr. SAUNDERS. Here is a little tag here; 3 inches high would be something like that [illustrating]?

Mr. McDONALD. It would not stand in that position, sir.

Mr. SAUNDERS. I do not say it would stand in that position, but that is just about 3 inches high, and do you mean that a number of no greater height than that, put on the boat at some place so that you can see it would be a disfigurement to one of these boats? It seems to me that is pushing the thing a little too far. I rather gathered that in using the figures they were going to have painted on the bows of those yachts some sort of designation like we have on these fire department motor cars which we see about Washington here; and I could see that would be a disfigurement. But when I look at this bill and see that it says the number shall be not less than 3 inches, that means you can make it 3 or make it more than 3, and how is that going to make a disfigurement?

Mr. McDONALD. A 3-inch letter on a boat 12 or 13 feet long, on a nice bright mahogany boat, highly varnished and finished—the only ones exempt are those equipped with detachable motors; but all other boats 16 feet long have to have numbers on if they have permanent motors in them.

Mr. HARDY. What is the size of number on an automobile? I do not think that is a number that would be considered as much of a disfigurement.

Mr. McDONALD. You have a flat surface on an automobile and it is high up from the ground.

Mr. HARDY. I am talking about disfigurement. Do you disfigure a convex surface any more than you do a flat surface?

Mr. McDONALD. Take a mahogany boat, highly finished and require a number to be placed on there 3 inches high—

Mr. HARDY. Oh, yes, but those boats are no more highly finished than a first-class automobile.

Mr. McDONALD. There is no automobile made that is finished like a motor boat.

Mr. SAUNDERS. You take a \$6,000 Packard car in Washington, highly finished; it has got to have a number on it and why should a little 16-foot motor boat object to having a number on it the size of that?

Mr. McDONALD. Why discriminate with motor boats. Why don't you require all boats to be so numbered, and why don't you give us the benefit of the same kind of number that you give to other boats—documented boats—and let us have the number inside?

Mr. SAUNDERS. I am trying to get your statement as to disfigurement.

Mr. HARDY. The difference would be this: These larger boats are of sufficient importance to be boarded, and the inspecting service would have to go inside of every little motor boat to determine what the number was.

Mr. McDONALD. A sail boat of 50 tons or over is required to be documented and the object of documenting is to give the boat a number that is cut in on her main beam. A motor boat of 50 tons, or 100 tons or 200 tons is not required to be documented, but has to have a number on her bow.

Mr. SAUNDERS. Many of those little vessels I have seen going about on the water have names on them. Is that regarded as a disfigurement?

Mr. McDONALD. No.

Mr. SAUNDERS. It seems to me a number of no bigger size than that could not justly be regarded any greater disfigurement than to have the name on it.

Mr. McDONALD. If you would give us the same law as applied to documented vessels, there would be no objection and no kick that I know of.

Mr. SAUNDERS. All your kick, then, is to the disfigurement proposition?

Mr. McDONALD. No; that is only a minor part of it. This is making a difference between motor boats and other vessels.

Mr. BURKE. How does that harm the motor-boat owner?

Mr. SAUNDERS. The automobile men in Washington may as well come to us and say, "You require us to be numbered, but you see

busses on the street, and buggies, and you are discriminating against us." You are using just the same argument.

Mr. McDONALD. You are discriminating against us. You take the steam vessels—take the steamship 600 feet long, or take one 100 feet long—you require a name on it that is visible, and you give us a number that is placed inside and in a place where it never can be removed, or altered, or obliterated, or never become so vague and indistinct that it can not be read, and you put it in a place where the inspector knows he can find it, the same as on the other vessels.

Mr. HARDY. Let me suggest, Mr. McDonald, that we take some kind of order and get through with this thing.

Mr. ROWE. The commissioner here would like to make a statement in reply to what Mr. McDonald has said.

Mr. TYRER. I would like to suggest, in this case of the 600-foot vessel, that instead of having numbers they carry the name on the port and starboard bow and the same on the stern.

Mr. HARDY. What is the section that covers that?

Mr. TYRER. Section 4471 covers it.

Mr. SAUNDERS. Would you have any objection to those lifeboats on that large passenger-carrying boat having the name of the parent boat on the lifeboat instead of the number, say, the *Oleander No. 1*, *Oleander No. 2*, *Oleander No. 3*, and so on?

Mr. TYRER. There is no objection to it at all. It would simply save numbers for us and we would be very glad to do that.

Mr. McDONALD. Mr. Tyrer has just made a statement that I can not let go by. He said a 600-foot vessel, but he means a 300-foot vessel, is required to have the name on the starboard and port sides and on the starboard stern and the port stern. I deny that. It is only the merchant vessels that are required to be so identified. Any steamer yacht of the same size is simply required to carry the name under her stern, and no hailing port is required. I can point out to you the names of some yachts 300 feet by 50 feet, with long overhanging sterns, where you can not see the names until you get right under the stern, and then you will find "N. Y. Y. C.," standing for New York Yacht Club, and no name on the bow, no name on the stern, no name on the pilot house, no name any place, and the law does not require it. And the motor-boat owners are up against that condition all the time—we can not identify the boats that crowd us out of the waterways and crowd us out of the channels.

Mr. HARDY. You would like to identify them?

Mr. McDONALD. We certainly would; and that is what we want you to do, to number them the same as the motor boats, and give them the same kind of a law.

Mr. HARDY. The only thing is this bill does not go far enough?

Mr. McDONALD. That is it. We can not identify the Government boats and the big Engineer Corps boats and the revenue cutters; and then take the lighthouse vessels.

Mr. HARDY. You say those vessels you speak of have the name on the stern, the bow or somewhere else?

Mr. McDONALD. Only on the stern.

Mr. HARDY. You do not have to have a name anywhere, do you?

Mr. McDONALD. Yes.

Mr. HARDY. You have a law for your boats requiring a name?

Mr. McDONALD. Yes, unless it has been altered recently.

Mr. HARDY. Has it got to have the hailing port there on?

Mr. McDONALD. They have to have the name on the boat somewhere with letters 3 inches high, or 4 inches, I forget which—

Mr. TYRER. Four inches, and the name on each side of the pilot house.

Mr. McDONALD. On yachts?

Mr. TYRER. On yachts; yes, sir.

Mr. EDMONDS. Steam yachts, too.

Mr. TYRER. Steam yachts, that refers to—steam yachts, but not to motor boats.

Mr. EDMONDS. Motor boats are not affected by the law?

Mr. TYRER. No, sir.

Mr. FREEMAN, of Connecticut. I have received a letter from Mr. Harold A. Williams, secretary of the Middletown Yacht Club, and I would like to know whether this would not meet the wishes of the department. He states here the great objection that owners of motor boats have in regard to placing a number on their boats. They do not care so much about the names, it seems. He makes this suggestion:

Now, then, if the Government ever insists on the numbering of small boats, the proper way to do it is to have the number carved or branded on the interior of the vessel, as on a deck beam. The inspector can then see the number on boarding the vessel. If he does not board a vessel, why should he have any interest in her number? A number thus put on would be much less easily changed and would always be inspected close by. Another way would be to register the name, forcing the owner to have a name for his boat not duplicated in his district.

Mr. TYRER. We have considerable difficulty at the present time in regard to names of documented vessels. All told, we have only 27,000 documented vessels, and considerable confusion is arising now in regard to vessels, perhaps in different districts, having the same name. I think it was only Saturday that we had a case of penalizing a tug in the Philadelphia district under a name and we later found another tug had incurred a penalty bearing the same name. That confusion is pretty likely to arise in the case of names for these vessels.

Mr. FREEMAN, of Connecticut. If the name was changed so that only one name could be registered in the same district, that would overcome it, would it not?

Mr. TYRER. You are then placing in the hands of a Government officer the authority, almost, to tell a man what shall be done on his boat. That is something, I think, the motor-boat people would not like; I think they would like to have a name on their boat of their own selection.

Mr. HARDY. Your idea, then, is that numbering is by far the most convenient and effective and practicable way?

Mr. TYRER. It is; yes, sir. And it involves less inconvenience and annoyance to the motor-boat owner.

Mr. HARDY. A man might want same fancy name like *Elector* or *Vesuvius* or *Johnstown*, or something of that sort; and why would that be any less disfiguring than four or five numbers?

Mr. TYRER. As I understand the disfigurement of the number, all yachts carry the names on the stern, and those numbers would have to be carried on the bows.

Mr. SAUNDERS. I suppose your suggestion is that you would have to stop a boat every time and then go aboard of her in order to see the number, should it be placed on the inside?

Mr. TYRER. Yes; and if she had a speed a little greater than the inspector's boat, we never could stop her; and if we passed the boat while at anchor, we need not stop unless we wanted to go aboard.

Mr. HARDY. You would have the same objection the police would have to putting the numbers of automobiles on the inside?

Mr. TYRER. The same thing.

Mr. FREEMAN, of Connecticut. I would like to have these letters go into the record.

(The letters above referred to are as follows:)

MIDDLETOWN YACHT CLUB,
Middletown, Conn., March 16, 1916.

HON. RICHARD P. FREEMAN,
Washington, D. C.

DEAR SIR: In behalf of this club and individually I write to call your attention to the so-called "tag bill" (H. R. 9411), relating to the registration and numbering of motor boats and to voice the strongest kind of protest against this bill, which has been referred to the Committee on Merchant Marine and Fisheries. Much time and thought was spent on the present motor-boat law to make it an adequate measure, and it is the opinion of yachtsmen generally that if the law were enforced as it should be no further legislation would be necessary or desirable. If a penalty for the giving of false information to inspectors, etc., was provided in the present law, the object sought by the new bill would have been accomplished without trouble, humiliation, and expense to the vast majority of motor-boat men who stand with the Government in wishing to see a reasonable law enforced. I trust you will see fit to oppose the passage of the above-mentioned bill.

Yours, very truly,

HAROLD A. WILLIAMS, *Secretary.*

MIDDLETOWN YACHT CLUB,
Middletown, Conn., March 22, 1916.

HON. RICHARD P. FREEMAN,
Washington, D. C.

DEAR SIR: In reply to yours of the 20th instant, I take pleasure in giving you reasons for which motor-boat men oppose the passage of H. R. 9411. I can not do better, first, than to quote from an editorial in the Motor Boat, a boating magazine, which first called the matter to my attention.

"The argument advanced by those responsible for the introduction of the 'tag bill' is that without some such means of identification it is impossible to enforce the existing laws relating to the equipment of motor boats. It is stated that inspectors of the Steamboat-Inspection Service have encountered some owners who, when found without proper legal equipment on board their boats, have succeeded in evading the penalties of the law by the simple expedient of giving the inspector a fictitious owner's name and a false address.

"It is clear, therefore, that the only excuse for the 'tag bill' is to enable the authorities to enforce the existing law. The logic is about as sound as would be a scheme for thumb-printing every man, woman, and child in the country, so that if suspected of wrongdoing the authorities would be able to identify the culprit in spite of any aliases that might be given.

"There is a simple and easy way to obtain the same result, one to which there could be no possible objection. Let Congress amend the present motor-boat law by adding a simple paragraph providing a penalty—perhaps a rather heavy one—for failure to give the true name of the owner and his correct address when anyone operating a motor boat is called upon by an inspector to do so. This would remedy the alleged evil quite as effectively as would the placing of identifying numbers on motor boats. It is easier, far simpler, a much more sensible way of going about the matter. The offender who would deliberately incur an additional penalty by lying to an inspector would be quite as likely to alter the numbers on his boat, which would be easy.

"This 'tag bill' calls for a protest from every man who owns a motor boat. If one class of boat be compelled to carry identifying numbers, then all boats—big and little, propelled by motor, sail, or steam, from the largest dreadnaught in the United States Navy to the tiniest canoe—should be made to do likewise. To discriminate

against motor boats; to place every motor-boat owner in the light of a suspected liar; to force motor boats only, of all the kinds of boats upon our waters, to wear a distinguishing mark, like the striped garb of convicts—this is all out of keeping with the traditions of the United States.

“Motor Boat does not believe that Congress is capable of passing so inane a bill, if our legislators are aware of the conditions. But it sometimes happens that a bill of this nature, sponsored by some department of the Federal Government, creeps through without Members of Congress having a chance to hear any side of the case but that presented by the sponsors of the bill.”

A hearing on this bill has been requested by the National Association of Boat and Engine Manufacturers which, if granted, will bring the situation to the attention of the committee fully.

Thomas Fleming Day, in the Rudder, says:

“Some few years back the Government at Washington enacted a law compelling motor vessels to carry certain equipment. This law was framed and passed with the consent of the boat owners, who recognized its necessity and wished to see it consistently enforced. But has it been? In spots, yes. But not 1 boat out of 10 has ever been inspected annually, as it should be. Why? Because Congress, while eagerly willing to pass all sorts of restrictive acts, is just as eagerly reluctant to appropriate money to pay to have them enforced.”

I am convinced that Mr. Day is more than safe in his “1 in 10” figures. My own boat has never been inspected since the law was passed, though I owned her then and do now. I did not see an inspector’s boat all last season and, though I am on the water a good deal, did not hear of such a craft being on the river. Landsmen may not appreciate how the boatman, justly proud of the appearance of his craft, feels at the idea of displaying large numbers on either side of his boat. And the numbers have nothing whatever to do with safer navigation, knowledge of seamanship, or, as is the case with automobiles, with the possible damage that may be done to others. It is simply to make the inspector’s job easier. Think of the number of power boats registered, with the owner’s name and all particulars, in Lloyd’s Register of American Yachts—thousands of them—and of the other thousands not registered in the book, but owned by straightforward yachtmen anxious to do anything reasonable to make yachting better and safer; think of the onus this bill puts on these owners because, forsooth, some rogue with a load of short loaders and half or none of his proper equipment aboard lies to the inspectors when caught.

Now, then, if the Government ever insists on the numbering of small boats, the proper way to do it is to have the number carved or branded on the interior of the vessel, as on a deck beam. This is done on documented vessels. The inspector can then see the number on boarding the vessel; if he does not board a vessel, why should he have any interest in her number? A number thus put on would be much less easily changed and would always be inspected close by. Another way would be to register the name, forcing the owner to have a name for his boat not duplicated in his district.

Another bill introduced in Congress requires that motor boats shall have their tanks equipped with a device to prevent explosions. What tanks? Water, fuel, air? The bill does not say. The bill is too silly for comment.

I thank you for your interest, Mr. Freeman, and I trust I have not taken too much of your valuable time in this discussion.

Yours, very truly,

HAROLD A. WILLIAMS, *Secretary*.

Mr. HARDY. Are there any other questions, gentlemen?

Mr. GREENE. He has not said anything about 9412 yet.

Mr. HARDY. Oh, yes; tell us about that. Just give us your reasons in support of this bill.

Mr. TYLER. This bill is intended to apply only to the case of motor boats, regardless of size, carrying 20 or more passengers for hire. Under the present law a motor boat is not restricted as to the number of people who may be carried on that boat. Some of the motor boats are very large and carry a great many people, and we are helpless in restricting the number they can carry, although a steam vessel of the same size and under the same conditions would be restricted as to the number of passengers it could carry.

The licensing of the operator, as you will notice, is a general license; that is, he does not have to pass an examination that would bethem same as if he was a licensed pilot for those waters and covers a general knowledge of machinery, simply the operation of his boat and the waters in which she is going to navigate. The hull and machinery of the vessel are also to have a general inspection.

There is very little to say on this bill. It affects only the one class, vessels carrying 20 or more passengers for hire, and it only requires, in the case of such vessels, a general inspection of the hull and a written examination of the operator and that the boat shall be restricted as to the number of people she can carry.

Mr. CURRY. How about that? You say a licensed engineer and a licensed pilot; if that does not mean a licensed engineer and a licensed pilot, what does it mean?

Mr. TYRER. That is existing law; that is not in the new portion of the law.

Mr. CURRY. But that makes that existing law apply to all other kinds of craft and vessels that it does not apply to now.

Mr. TYRER. This does not add any requirement to any vessel, steam or motor, except in the case of vessels carrying 20 or more passengers for hire. The present law is 4426, which this amends, and that present law I have set out here containing the new parts. Down to the end of subdivision B it is just the same in this bill as it is in the present law; there is no change down to that point. The change begins at section C. Sections C, D, E, F, and G are all new; that is, they include part of the old law, but very little of it; but the section to which you refer, Mr. Curry, is existing law as it is to-day. That applies only to steam vessels.

Mr. CURRY. This applies only to steam vessels?

Mr. TYRER. That one provision in regard to licensed engineer and licensed pilot—

Provided, however, That in open steam launches of 10 gross tons and under one person, if duly qualified, may serve in the double capacity of pilot and engineer.

Mr. CURRY. That does not add anything more to the manning of those ships?

Mr. TYRER. No, sir; this does not require any additional men. It does require an additional examination in the case of this one class of vessel. I might say to the committee that has been a difficult law to draw, because we have endeavored not to take away any of the requirements of the act of June 9, 1910, or the existing requirements of 4426, and we have placed this law right in between those two acts and made it as simple as we could make it and still accomplish this one purpose we have of affecting vessels carrying 20 or more passengers for hire.

Mr. CURRY. I still think, by section C, that you compel all of those vessels to employ a licensed engineer and a licensed pilot. Putting it in the law there to have their engineer and pilot examined for their qualifications, and to require them to employ a licensed engineer and licensed pilot on their own boat, is a different proposition.

Mr. TYRER. But this bill must be read also in connection with the act of June 9, 1910, which is later than 4426, and that act says that no steam vessel not engaged in towing shall be required to carry any licensed officers except as provided in the act of June 9, 1910.

Mr. CURRY. Yes; but by section C you are bringing in other vessels not propelled by steam.

Mr. TYRER. That is motor boats.

Mr. SAUNDERS. You are bringing them into the provisions of the law and requiring them to use a licensed engineer and pilot?

Mr. TYRER. I do not so read that statute. That says:

Every vessel propelled by machinery other than by steam and every steam vessel not more than sixty-five feet in length from end to end over the deck excluding sheer, while carrying twenty or more passengers for hire.

It affects them. It does bring them in—only the ones that are carrying 20 or more passengers for hire.

Mr. CURRY. It is all right to have engineers examined as to their qualifications and to have pilots examined; but a licensed engineer and a licensed pilot in the law means something different. I might own a motor boat of my own and be qualified to run that boat and pass an examination to run it; but under this law I would not be permitted to run it if I was not a licensed engineer and a licensed pilot.

Mr. HARDY. What line do you have reference to?

Mr. CURRY. I am talking about section C.

Mr. HARDY. What line?

Mr. CURRY. That is not in section C, it is in section A. Section C covers that whole proposition, in my opinion.

No such vessel shall be navigated without a licensed engineer and a licensed pilot.

That is in lines 3 and 4 on page 2. And I think section C should be read in connection with that; and if it is not intended to be read in connection with it there is no proviso exempting these boats from that provision.

Mr. TYRER. This form of 4426 is almost identical with the existing form, and what is equivalent to paragraph C in the present form has not been held to reach back to steam vessels covered by section A of this act.

Mr. EDMONDS. Section D says, "operators of such vessels." It does not say what operators they should be; but it says the "operators of such vessels" shall be licensed.

Mr. TYRER. That refers to vessels next above mentioned; that is, vessels propelled by machinery other than by steam, and for steam vessels not more than 65 feet in length from end to end over the deck excluding sheer, while carrying 20 or more passengers for hire.

Mr. EDMONDS. It does not say how many operators should be required.

Mr. TYRER. The act of June 9, 1910, says that vessels carrying passengers for hire shall have an operator. That is the law that requires an operator.

Mr. EDMONDS. Two operators on one vessel?

Mr. TYRER. One operator only.

Mr. HARDY. You could not have two operators for one vessel.

Mr. CURRY. I think that if this is going to be acted upon it ought to be clarified.

Mr. GREENE. In what way would you suggest?

Mr. CURRY. I have not any suggestion to make. I have just this moment looked at it. I had not seen it before; but I do not want to apply it to a gasoline launch.

Mr. TYRER. That has been gone over by the Bureau of Navigation and the Steamboat-Inspection Service, and we believe, after our study of the act of June 9, 1910, and August 7, 1906, read together, that it does not relate to either of those laws except as affecting steamers carrying 20 or more passengers for hire.

Mr. EDMONDS. Is there any passenger inspector on those steamers at present to see how many passengers they carry?

Mr. TYRER. That exists as to steam vessels; not as to motor boats.

Mr. EDMONDS. Not as to motor boats.

Mr. TYRER. If we had a motor boat of 500 tons carrying any number of passengers, we could stop it. Section 4464 of the Revised Statutes is the section giving the power to the local inspectors to state the number of passengers a boat may carry. That refers to steam vessels.

Mr. HARDY. We will report a bill amending 4464, 4465, and 4466, knocking out the word "steam" and just leaving it "vessels." What will be the effect of that amendment? I suppose you are familiar with it.

Mr. TYRER. Yes, I know that amendment. That would extend it, as I understand that amendment, to every boat. That goes much further than this bill.

Mr. CURRY. That is only so far as inspection is concerned.

Mr. TYRER. The local inspectors are the ones to fix the number of passengers that they may carry at the time of inspection.

Mr. HARDY. But that applies also to the number of passengers, is my recollection, Mr. Curry.

Mr. TYRER. It does.

Mr. CURRY. It is the inspection and passengers, but not as to the manning.

Mr. HARDY. Oh, no; but it fixes the number of passengers.

Mr. CURRY. It should be for the passengers and the inspection of the boat.

Mr. HARDY. I do not believe it says anything about officers and manning.

Mr. TYRER. No, it does not. That covers the point that is in this bill. There is no question about it that it covers this same point. It would give the inspectors the same authority to restrict the number of passengers, much broader authority, perhaps, than this bill does. This bill only extends to vessels carrying 20 or more passengers for hire.

Mr. HARDY. Could this bill be so arranged as not to cover any of the ground covered by those amendments?

Mr. TYRER. That might be done.

Mr. HARDY. In other words, we do not care to have two laws making the same provisions or requirements passed by the same committee at the same Congress.

Mr. TYRER. Yes; I understand that. There would have to be a change made.

Mr. CURRY. This bill, Mr. Chairman, attempts to require those boats of which we approved a bill authorizing the inspection and equipment, to carry licensed engineers and licensed officers.

Mr. HARDY. This bill?

Mr. CURRY. This bill before us now.

Mr. GREENE. Section 4426a makes that provision.

Mr. VAN DYKE. Only, however, when they carry 20 or more passengers for hire.

Mr. CURRY. If you pass an examination for pilot and an examination for engineer, there is no reason why you should not run your own boat, even if you carry 20 or 30 people for hire; but that would not make you, under the law, a licensed engineer or a licensed pilot.

Mr. GREENE. It brings those steam vessels back; it makes no difference what the length is, even if they are a small boat they must have a licensed pilot and a licensed engineer.

Mr. EDMONDS. I think section D covers that. It says:

The operators of such vessels, except vessels propelled by machinery other than by steam above fifteen gross tons and over sixty-five feet in length from end to end over the deck, excluding sheer, while carrying twenty or more passengers for hire, shall be licensed by the local inspectors of steam vessels after an examination covering knowledge of the rules of the road, ability to distinguish colors, general knowledge of motor engines and machinery, and of the navigation of waters in which the vessel is to be used.

Mr. GREENE. Then it does not refer to motor boats?

Mr. EDMONDS. Yes; this refers to motor boats.

Mr. GREENE. But section 4426a refers to hulls and boilers of every ferryboat, canal boat, yacht, or other small craft of like character propelled by steam.

Mr. EDMONDS. That is the present law. There is no change in that, as I understand.

Mr. TYRER. There is no change in that.

Mr. EDMONDS. Now you come over here to section B, and that is the present law. Section C is new law, requiring inspection as to hulls and general condition of machinery where they carry passengers. Then comes section D, and it says the operators shall be so and so, as I read it there. Now, it seems to me that covers the ground, except I do not know where the number of operators required is in the bill.

Mr. McDONALD. I do not want to interrupt, but I think I can clear that up a little bit here. Section 4426a is the old law, according to Mr. Tyrer, part of which was put out of business, so to speak, by a later law known as the motor-boat law of June 9, 1910, which made all steam vessels under 65 feet in length motor boats. All boats propelled by machinery, whether steam or gas engines or anything else, became motor boats under that law. Now, then, section C puts them back again. Section C says that every vessel propelled by machinery other than steam—that is, motor boats, gas driven—and every steam vessel not more than 65 feet in length from end to end over the deck. It brings back into the Steamboat-Inspection Service under the department all steam vessels under 65 feet in length that were taken out of it and that did not have to have licensed men.

Mr. EDMONDS. Only boats carrying passengers for hire.

Mr. McDONALD. Oh, no; it does not say so.

Mr. EDMONDS. Oh, yes; it does.

Mr. McDONALD. Carrying 20 or more passengers for hire; yes. But it puts into the classification all motor boats that have heretofore never been in it.

Mr. HARDY. I think the general tendency is to put all vessels under the same rules, whether they carry gasoline or other propel-

ling power. So far as inspection is concerned, we have done that in a bill which we are reporting.

Mr. CURRY. If you require these boats to carry a licensed engineer and a licensed pilot, you are going to put them out of business, because they can not afford it.

Mr. HARDY. But, Mr. Curry, if the operator of a vessel carrying 20 passengers for hire can not stand an examination as to his qualifications he ought not to be allowed to carry them.

Mr. CURRY. He has to pass an examination now. They can not run their own boats without passing an examination, and they can not pass the examination without a knowledge of the laws regarding piloting; but this puts them back under the Steamboat-Inspection Service so far as they are compelled to carry a licensed engineer and a licensed pilot now in addition to the other men on the boat, and they can not afford to do that.

Mr. HARDY. You say section C requires an additional engineer and pilot?

Mr. CURRY. I think it does.

Mr. HARDY. Is that the purpose of the bill?

Mr. TYLER. It is not the purpose of the bill and there is no such provision in it as we read it. We understood those motor boats, carrying 20 or more passengers, for hire; that is, the man in charge of the boat, the operator, at present when he is licensed now is licensed without an examination by the local inspectors.

Mr. HARDY. In other words, this just simply requires an examination?

Mr. TYLER. This just requires an examination in the case of the operator who is licensed now without examination.

Mr. HARDY. I am not familiar with those things, but you have had some of those things with the small vessels and small craft to prevent the necessity of hiring experts; but in this case if the operator of the vessel can stand a written examination, that is all you require?

Mr. TYLER. That is all that is required, and it is a general examination as to the waters on which he navigates, his ability to distinguish colors, and his knowledge generally of his boat and machinery.

Mr. HARDY. I understand your purpose is to meet what Mr. Curry says, and, Mr. Curry, if you will investigate it, and if it does not meet your views on the matter as you have presented them here to the committee, you can let us have your suggestions, because I am frank to say I do not want it to do what you say you think it does.

Mr. CURRY. You take fishing schooners carrying 20 or 30 people. The man who owns that boat and runs it is a pretty good man. He has to pass an examination now and to understand the harbor, and he knows the banks and knows how to run his boat. Any one who can run an automobile ought to be able to run a gasoline boat; but now that man would have to have a licensed engineer and a licensed pilot; he would have to go before a board of the Steamboat-Inspection Service and pass an examination.

Mr. HARDY. As I said, I think this ought to be examined into carefully.

Mr. CURRY. He has to pass an examination now so far as his ability to run his own boat is concerned; but that is very different from the examination for an engineer's license.

Mr. HARDY. But this says:

Shall be licensed by the local inspectors of steam vessels after an examination covering knowledge of the rules of the road, ability to distinguish colors, general knowledge of motor engines and machinery, and of the navigation of waters in which the vessel is to be used.

Mr. CURRY. He has to do that now under the rules, and if they do not seek to make it any more stringent and do not want to make him employ a larger crew, then why put it in here?

Mr. HARDY. Why, for the same reason when you reenact a law you put the same thing in. You can not say it requires more people than it does now, because that is the law now; but it seems to me your suggestion is that he is already required to do that.

Mr. CURRY. Why, yes, he is required to do that as far as knowing about his own craft.

Mr. HARDY. Then there is no objection to his still being required to do it in this law?

Mr. CURRY. No; there is no objection to his being required to do in this law what he has to do now and to pass the examination he has to pass now; but there would be serious objection to a farmer on the Sacramento River having to go down before the Steamboat-Inspection Service to pass an examination to run one of those boats, because he could not do it.

Mr. HARDY. I thought you said he had to pass that examination now?

Mr. CURRY. He has to pass an examination so far as his own boat is concerned, so far as to knowing how to run his boat, but not so as to be able to run any boat of any class or any kind, either steam or other motive power.

Mr. EDMONDS. As I understand it, this bill only covers boats that carry 20 or more passengers for hire. I do not see what the farmer has to do with it.

Mr. CURRY. There are lots of them that do carry for hire.

Mr. HARDY. Then he ought to be able to run it.

Mr. CURRY. There have been no accidents under the present provisions of the law and there is no reason to change it. If the department knows of any reason, I want to protect life and property as much as anybody, and if there is any reason I am willing to vote for it.

Mr. GEORGE F. LAWLEY. I would like to ask whether this law, if enacted, gives you any jurisdiction as to the number of passengers certain boats will carry?

Mr. TYRER. This second law?

Mr. LAWLEY. Yes.

Mr. TYRER. It will permit the steamboat inspectors to restrict the number of passengers the vessels designated can carry in excess of 20.

Mr. LAWLEY. Is there anything in this bill that says that?

Mr. TYRER. Yes, sir.

Mr. LAWLEY. Will you please read it—just the provision in the bill; I have not a copy of it.

Mr. HARDY. I might suggest that is covered in another bill, anyhow.

Mr. LAWLEY. Oh, it is. I thought, if the statement was made it was to protect the lives of passengers, I did not see where that part of it would come in.

Mr. TYRER (reading):

If any vessel subject to this section is navigated without complying with the requirements thereof—that is the certificate of approval—or carries passengers for hire in

excess of the number allowed by her certificate of inspection or of approval, such vessel shall be liable to the United States in a penalty of \$500, etc.

Mr. LAWLEY. Then of course the main object is to preserve the lives of 20 passengers or more: Is that the idea?

Mr. TYRER. It is to restrict overcrowding of these larger boats carrying on a business for hire.

Mr. LAWLEY. But a boat carrying 18, 16, or 15, can go scot free and do as it sees fit?

Mr. TYRER. They are limited to 20; that boat is also limited, because if it goes above 20 it comes under the inspection laws.

Mr. LAWLEY. But not as long as he is under 20?

Mr. TYRER. Yes.

Mr. HARDY. That is in lines 1, 2, and 3—

Mr. TYRER (reading):

The certificates of approval and the licenses of such operators shall be kept on board while such vessels are carrying 20 or more passengers.

Mr. HARDY. No; lines 1, 2, and 3, on page 3 of this bill.

Mr. TYRER (reading):

All certificates of inspection and of approval issued under authority of this section shall state the number of passengers such inspected or approved vessels can carry with prudence and safety.

Mr. LAWLEY. But this applies only to those above 20 and below 20 they can do as they see fit, really?

Mr. TYRER. Yes, sir.

Mr. LAWLEY. And if I wanted to go safe with all these different officers and inspectors and help, why, all I have got to do with the boat—

Mr. TYRER. Is to carry less than 20.

Mr. LAWLEY. Less than 20.

Mr. HARDY. Unless you are caught in one of those bills we reported the other day, which gives to the inspection service the right to determine the number of passengers a vessel may carry.

Mr. LAWLEY. That is the trouble, the difficulty for an outside party to follow all these laws and various rules that are being brought forward.

Mr. HARDY. I expect the men in the motor-boat service have more time to do that than we have.

Mr. TYRER. I might say, in that connection, the reason we fixed the limit at 20 was to avoid—there are a great many small sounds in North and South Carolina and a great deal of transportation of one or two people on fishing parties; they are 100 miles away from any place that the vessels are inspected. They are also navigated by men unable to read and write, but they know all about their motor boats and how to run them; and we do not want to bring men of that kind under the motor-boat law, because it is unnecessary.

Mr. HARDY. You are trying not to get down to too small a point?

Mr. TYRER. We are trying not to get down to too small a point; yes, sir.

(Thereupon at 12.30 o'clock p. m. a recess was taken until 2 o'clock p. m.)

AFTER RECESS.

The committee reconvened pursuant to the taking of the recess.

STATEMENT OF MR. GEORGE F. LAWLEY, BOSTON, MASS., REPRESENTING THE FIRM OF GEORGE F. LAWLEY & SON (INC.), CHAIRMAN OF THE LEGISLATIVE COMMITTEE OF THE NATIONAL ASSOCIATION OF ENGINE AND BOAT MANUFACTURERS.

Mr. LAWLEY. I represent not only the firm of George F. Lawley & Son, a corporation, but also am chairman of the legislative committee of the National Association of Engine and Boat Manufacturers, which is a very large association, composed of some 200 or 300 of the engine builders and men identified with motor boating.

This bill was presented for consideration last June by Secretary Redfield and quite a number of us appeared in opposition to the bill at that time. The bill as presented first took with it the machinery of every name and nature propelling a vessel, which included what we term the outboard motor hung over the stern, that can be detached in two or three moments and put back in the boathouse or wherever they keep it. This bill now has been changed and that feature has been eliminated, and as it stands at this moment, as presented, any boat of whatever size that has a permanent motor is eligible under this act. Is that right?

Mr. TYRER. That is as to the number.

Mr. LAWLEY. As to number.

Mr. TYRER. Under the existing law they are liable to equipment.

Mr. LAWLEY. This takes in boats that I am familiar with as short as 10 feet which is a tender for the sailing boat of 30, 35, or 40 feet, as the case may be. We are getting all so lazy that we do not want to row if we can help it. It also takes in all tenders and lifeboats which are now equipped with machinery, all of the steam yachts, all pleasure yachts of every name and nature, which will document under different classes; is that right?

Mr. TYRER. That is right.

Mr. LAWLEY. So you see the bill covers about everything there is built and almost every size boat. It seems to me that the bill is a very widespread bill.

Mr. HARDY. Is that 9411 or 9412?

Mr. LAWLEY. I am speaking of 9411; that is the numbering bill. We are now speaking of what has been termed the tagging bill. This takes in, also, all the little fishermen along the coast, up the rivers and by-places, where they very seldom come out on the main thoroughfares. In fact, it takes in the whole line of boats from Eastport to Seattle, and they are vastly numerous; whether 250,000 will cover it or not, I do not know. I should doubt it, because they are so small. In fact, I do doubt it; I do not think anything about it, I do doubt it; because I have in my place now, up in my yard, two or three hundred of such boats on storage alone on my premises. It is going to require all these people to see that their boats are documented and numbered under a penalty of \$10.

Mr. GREENE. Do they have to pay anything for this documenting?

Mr. LAWLEY. They do not have to pay anything, no; you only pay \$10 if you do not do it.

Mr. GREENE. Nothing if you do?

Mr. LAWLEY. Nothing if you do; no, sir. That one feature alone is, I think, an annoyance, to say the least, as every time these boats change ownership (and many of them change ownership two or three or four times a season) this must be done—must be reported to the customhouse—and if you do not there is a penalty of \$10.

Mr. GREENE. But you retain the same number on the boat?

Mr. LAWLEY. But if I do not report the sale of the boat, I am fined \$10.

Mr. ROWE. You have to make the ownership known?

Mr. LAWLEY. Yes. Many of our large steam yachts have two, three, and some of them four motor boats in their equipment. Cruising launch lifeboats have all got to be documented separately from the main vessel that is documented now. That has got to be done by somebody, and see what an annoying thing it is to go through all those things. And when you sell your vessel the department must be notified of the sale of all these three or four boats.

This also covers all the little fishing boats which are legion all along the shore. Many of these boats are not accessible to the customhouse nearby. We have in Boston—I can not tell you just where the line is drawn of the Boston customhouse, where they have jurisdiction.

Mr. GREENE. There is but one collector of customs in Massachusetts under the law; he is at Boston. The others are deputy collectors located at the various places like Fall River.

Mr. LAWLEY. So that to carry out the various provisions of this bill there are quite a number of annoying circumstances which must be gone through in order to live up to the bill as drawn.

Then comes the inspection of all these boats, which must be done, otherwise the bill is a dead letter, unless it is inspected. Our Government at the present time has not got the force to go through the documenting and inspection of all these little boats.

Mr. HARDY. You have used the word "documenting" several times; I do not understand that.

Mr. LAWLEY. Documenting is licensing.

Mr. HARDY. I understand this numbering applies to undocumented vessels.

Mr. LAWLEY. Undocumented vessels being numbered, and of course when they are numbered they are documented, are they not?

Mr. HARDY. I do not know. There is a distinction, I think, but I do not know what the specific word "documented" means.

Mr. LAWLEY. They will be on record, be recorded in order to be identified.

Mr. HARDY. There will be a record made of them.

Mr. LAWLEY. And the boats themselves numbered in order to designate the various boats.

Mr. HARDY. But you speak of it as documenting when the bill is applicable to undocumented vessels only.

Mr. LAWLEY. Yes, that takes in all those small boats I am speaking of. The large ones are documented.

Mr. TYRER. The technical meaning of "documented" is where a number of requirements are gone through with, such as those of ownership, filing bills of sale and a lot of material of that kind in the customs house; and they have a formal issuing by the collector of

customs of his enrollment license or register of the vessel. That is technical documenting.

Mr. HARDY. This you might call registering, recording, documenting, or anything you please, but it is a very informal proceeding.

Mr. LAWLEY. Well, call it registering, if that will help any.

Mr. HARDY. Or by any other name; it does just as well?

Mr. LAWLEY. Yes.

Mr. EDMONDS. After a man once gets a license, it will last forever as long as he retains ownership of the boat?

Mr. LAWLEY. As long as he retains ownership of the boat.

Mr. EDMONDS. They do not have to go back and get a new number the next year, as they do in the case of an automobile?

Mr. LAWLEY. I do not think this provides for that.

Mr. EDMONDS. Do you have to report every year under this bill?

Mr. TYRER. No, sir.

Mr. EDMONDS. A man gets a number once; and if he keeps the boat for 10 years he does not have to change at all. He has that number registered as long as it stands in the customhouse against him?

Mr. TYRER. And, if he desires, he may retain the number even in case of change of ownership.

Mr. EDMONDS. And it does not cost anything to get a license, and they can simply get a can of paint and paint it on the side of the vessel?

Mr. TYRER. That is all.

Mr. EDMONDS. I think it is a tempest in a teapot; I do not think there is anything to kick about in a thing like that. I pay twenty-five or thirty dollars a year for an automobile; I think I ought to kick about that, because these men will get something for nothing.

Mr. ROWE. No, sir; you ought to be thankful you own an automobile.

Mr. EDMONDS. These men ought to be thankful they don't own an automobile.

Mr. LAWLEY. My point was that to carry out all the provisions of this bill would be a very annoying thing for the owners of the boats, especially where they have a number of them and a change is liable to take place very frequently, as it does. The object of doing all this, as I understand it, is to help the Government carry out the provisions of the present law, which stand on our statute books as being adequate as far as motor boat equipment, life, and everything is concerned; is that right?

Mr. TYRER. That is right.

Mr. LAWLEY. And is being lived up to in the main.

Mr. TYRER. The percentage now is about 1 out of 7 that violate the law.

Mr. LAWLEY. One out of seven violate the law?

Mr. TYRER. One out of seven violate the law.

Mr. LAWLEY. But the Government can not—

Mr. HARDY. That would be 15 per cent of violations.

Mr. LAWLEY. That is about 15 per cent of violations, and the Government is unable to carry out the law as it now exists; and in order to do that they are bringing in a bill of this name and nature that is going to make the other six-sevenths go through all this annoyance.

Mr. HARDY. You realize it is the 15 per cent of bad men that causes the necessity for all law now, is it not?

Mr. LAWLEY. I am fully aware of it.

Mr. HARDY. If in all lines we had 15 per cent of bad men, we would have to have a great deal more law than we have now.

Mr. LAWLEY. But is it not better to do something that is sensible to take care of the one-seventh, than it is to make the others go through a lot of annoying things which, as a matter of law, it will still be hard for them to carry out?

Mr. HARDY. Mr. Lawley, I do not suppose 5 per cent of the people in Washington ever deface a public wall or building, but you have a law practically because of that 5 per cent.

Mr. LAWLEY. I think so.

Mr. HARDY. There is not 5 per cent of our people who violate any law; but under your plan if only 15 per cent violate the law you ought not to have that law?

Mr. LAWLEY. I do not say that.

Mr. HARDY. You don't say that, but it amounts to that. Here the Government has got to enforce the law; it is being violated by 15 per cent, or one out of seven of the people to whom it was intended to apply and the Government has to get some means of making that 15 per cent obey. You have to pass a law that will affect everybody. And then, if this was burdensome, it would be a different thing, but it is not even burdensome.

Mr. LAWLEY. We have no evidence in anything we have seen here yet that even if this law passes it is going to stop all this trouble we are talking about.

Mr. HARDY. You will admit, I think, the difficulty and the labor and expense, probably, of getting a lot of figures to put on your boats don't amount to anything.

Mr. LAWLEY. Up to the present moment we have not talked much about expense to the Government for carrying out this thing. There is expense coming in; it will be an expensive thing before you can get through with it, and big expense.

Mr. HARDY. What expense is it to you?

Mr. LAWLEY. No expense to me; it is annoyance to me. Perhaps it don't affect me at all, personally.

Mr. HARDY. What annoyance is it to you; that is what I want to get at?

Mr. LAWLEY. The annoyance of notifying of the sale of a little boat 10 or 15 feet long to the Government of the United States, and if I should forget, I discover I am under a penalty of \$10. I am not a criminal; it is not a criminal thing because I forget to notify the Government my boat has been sold, and I do not think it is a fair thing to present it to us in this way.

Mr. EDMONDS. The law does not make it a crime; it simply imposes a penalty.

Mr. LAWLEY. A penalty; but a person don't like to be fined by the United States Government, you know.

Mr. HARDY. Do you think there is any danger of your forgetting this little simple proposition, when you sell a motor boat of notifying the authorities?

Mr. LAWLEY. I don't know.

Mr. HARDY. The people forget most any positive requirement of law; and if that is the case according to your idea we would not have any positive requirements of law?

Mr. LAWLEY. I do not think you ought to enact this bill unless it means something.

Mr. HARDY. I am required to take out a license, and pay for it, for a little machine which I do not know how to operate; and if I forget I will be subject to a penalty.

Mr. LAWLEY. Certainly.

Mr. HARDY. Why should there be so much tenderness about this law when it is not imposing on you any burden?

Mr. LAWLEY. I do not think you ought to compare this with an automobile, really.

Mr. HARDY. I just use that as an illustration. Any obligation the Government puts on me, if it is no trouble to me except to notify somebody, that is not much trouble?

Mr. LAWLEY. It is part of the annoyance of busy men, you know, to look after it.

Mr. HARDY. Yes; but it don't amount to as much annoyance as it is for your wife to tell you to bring home a pound of pills, or something of that sort, and you forget it?

Mr. LAWLEY. I presume so; and as we get older we have more of those annoyances, you know. But I do not think it is a fair thing to put up to people who go into boating as a pastime, in waters which are little frequented. I admit in New York—

Mr. HARDY. Do you think it is right that the Government should stand with its hands tied, unable to designate and identify the men of the 15 per cent who do violate the law?

Mr. LAWLEY. They can do it. In this case they can do it if they want to.

Mr. HARDY. Here is an officer who sees a boat sailing along without a light. Maybe it is as fast a boat as his. If he can not see any number on it, he can not see any identification marks, and that boat gets out of the way; how is he going to enforce that law?

Mr. LAWLEY. He can not unless he can get the boat; but it is not always the lights.

Mr. HARDY. What do you suppose the numbers on automobiles are put there for except for identification?

Mr. LAWLEY. We ought to have automobiles licensed. I think that is a far different matter.

Mr. HARDY. Haven't you got exactly the same thing as you have in these boats?

Mr. LAWLEY. I do not think so. I do not think they ought to be spoken of in the same way. You come down the avenue or through our cities, in New York, and it would be the height of madness not to do a thing like that. But in Long Island Sound you will see one boat and for five miles there is not another boat in sight, and that condition is existing all the time. I do not think it is a parallel case at all.

Mr. ROWE. Right there, while you are speaking of Long Island Sound: For instance, on the southern side of Long Island, in Jamaica Bay and Great South Bay, on a Sunday it is a pretty serious proposition to see those little gasoline boats, many of them in the hands of people who do not know much about a boat.

Mr. LAWLEY. Let me ask Mr. Tyrer, who is interested on one side of this bill, how many accidents he knows of from the vast amount of boats—250,000 or 300,000 boats, around all the time, coming and going—how many accidents do you know of that have happened in the last five years that amount to anything?

Mr. TYRER. I can not answer that question, because, as I stated at the hearing this morning, we have kept no record of that at all; but it is our impression, coming to us from our inspecting officers, that the accidents to motor boats is steadily decreasing in proportion to the number of boats used. Whether it is due to the enforcement of the law having to do with safety equipment, or with the efforts of organizations which are endeavoring to raise the standard of motor-boat regulations or not, I do not know; but I do not think there are very many accidents proportionate to the number of motor boats.

Mr. EDMONDS. Do you construct those boats?

Mr. LAWLEY. Very many of them.

Mr. EDMONDS. Some of those boats are very fast?

Mr. LAWLEY. Forty and forty-five miles.

Mr. EDMONDS. As fast as an automobile. Forty-five miles does not mean much to a man with a boat that can go 45 miles an hour.

Mr. LAWLEY. No.

Mr. EDMONDS. He can get out of this nice little quiet river and inside of an hour be on the most crowded thoroughfare. And here is a provision requiring lifeboats and life-saving appliances and fire extinguishers, which are very necessary on motor boats.

Mr. LAWLEY. Yes; absolutely.

Mr. EDMONDS. And here is a provision that requires those things and all but 15 per cent of the people carry it out, and yet we are trying to provide a law to require those 15 per cent of the people to carry it out, without any expense and with just a little annoyance. We do not charge a license fee to the other 85 per cent who are honest, but they will just have to go a little annoyance in order to reach the 15 per cent of violators of the law, which you know and which I know, is absolutely necessary for the safety of the public at large, when you consider there are 250,000 of those boats, some of them going 45 miles an hour as some do, I believe, in some of the bays up and down the Hudson, around New York, and in the Delaware, and all around the country. And we are only endeavoring to find some way to prevent those 15 per cent from violating the law and from endangering the many.

Mr. LAWLEY. I want to make the statement that that type of boat of which you speak does not give your department one bit of trouble. Is that right?

Mr. TYRER. That is the speed boat.

Mr. LAWLEY. The speed boat, all the high-class boats, don't give you a particle of trouble?

Mr. TYRER. Very little trouble.

Mr. LAWLEY. Practically I don't know of a case. But you can not stop the youngsters—

Mr. ROWE. The Sunday tramps?

Mr. LAWLEY. The Sunday tramps and things of that kind, which might give you a little annoyance. And I want to ask along that

line how many boats you have in order to carry out the law as it now exists—how many boats there are available to your department?

Mr. TYRER. We have the entire Coast Guard Service and they are working on that all the time.

Mr. LAWLEY. How many motor boats have you?

Mr. TYRER. We only have two in the Bureau of Navigation. Those two boats patrol the coast from Key West to Eastport, Me. During the year they cover every inlet and creek all the way up and down the coast.

Mr. LAWLEY. You think so?

Mr. TYRER. I think so—that is, where any boats congregate. Of course they do not go where there are no boats.

Mr. EDMONDS. Of course in the next 10 years you know there will be double the number of boats along our coasts that there are to-day—three or four or five hundred thousand; and those boats will cover the rivers and streams and bays running all up and down, taking the different excursions all along the coast, both west, east, and south, the Gulf, and everywhere. And these boats should have some supervision, no matter what it costs the Government, for the safety of the people. We have sat here and listened to testimony on the *Eastland* accident at Chicago, the *Titanic*, and, before I was here, the *Slocum*, and we have listened to the shipwrecks and the burning up of ships at sea and have tried to legislate after the horse has been stolen, after the accident has occurred.

But here is a case now like the automobiles. Suppose the automobiles had started out and nobody had licensed them and we started to-day to put a license on automobiles, you know what we would have here if we attempted to put licenses on automobiles—we would not have room enough for the people who would be down here protesting against it, and the automobile people would be protesting that to-day they have enough expense with the high price of gasoline. And here we are doing it for you for nothing in order to protect ourselves from the 15 per cent of the people who evade the law; and you know as well as I do, with the crowded rivers there will be in 8 or 10 years from now, it will be absolutely necessary to have some sort of provision of this kind.

Mr. HARDY. Is it not necessary for the 85 per cent of the people who do not violate the law?

Mr. LAWLEY. I have not found any accidents; I have not found any trouble.

Mr. GREENE. I was going to ask you that question—how many accidents you have had.

Mr. LAWLEY. I do not know of one. If the reason for this whole affair was said to be that we needed this and it was necessary in order to preserve life and that sort of thing, I would say "Yes; do it by all means."

Mr. HARDY. Mr. Lawley, since I have been on this committee we have never had a bill before us for improving the life-saving apparatus on vessels that we have not had testimony about how safe it was on vessels—that few ships ever sunk; that a fellow would be safer on those boats than anywhere on earth. And on this matter of accidents, the question is, Does it bear any possibility of accidents plainly patent on its face? And it looks to me when you have a number of vessels sailing up and down at great speed and without

any limitation, and you have adopted laws for safety and you can not enforce those laws because you can not identify the vessels, you ought either to repeal the laws for safety or else pursue the thing far enough to identify the vessels.

Mr. LAWLEY. We have for the safety of all of our people all the laws that are required.

Mr. HARDY. Yet I think you had no accidents before we put those laws into effect, as far as I have been told; and apparently as there are no accidents, why pass any law at all?

Mr. LAWLEY. I will tell you—perhaps you know how that came about. You know Congressman Humphrey introduced a bill here that was the queerest thing, I think, as I remember it—I can not give you the points. I asked the Congressman how he came to do it, and he admitted to me he did not know anything about it; he said he did not know a boat from a wash basin.

Mr. HARDY. He has studied up since.

Mr. LAWLEY. Yes. And you all got together and passed the motor-boat laws; and I think they are fine, and you think so?

Mr. TYRER. We think so; yes.

Mr. LAWLEY. And you think they are good and there is no reason to change them.

Mr. HARDY. What is the use of having the laws if they can not be enforced?

Mr. LAWLEY. But we do not enforce laws, Mr. Hardy, by enacting others. You have all the power you want to enforce those laws now. We say nothing about it—

Mr. EDMONDS. They had 600 infractions in three months in New York Harbor.

Mr. LAWLEY. You can do what you please—take the boat into the dock and do what you please with it.

Mr. HARDY. Oh, yes; if the service had a motor boat for every motor boat it would meet; but we have not enough boats to chase around.

Mr. LAWLEY. You can do this, but all the same you are not serving that duty a particle.

Mr. HARDY. It seems to me we are exactly serving that duty.

Mr. LAWLEY. Not a particle, it seems to me. For instance, how about the nighttime?

Mr. HARDY. Suppose you let an automobile put a number on the inside—

Mr. LAWLEY. I wish that automobile was out of the way.

Mr. HARDY (continuing). How would an officer be able to identify a man he saw running down the street at a high rate of speed, clipity clip, about as he pleased, with a number on the inside?

Mr. LAWLEY. I am with you on the automobile question.

Mr. HARDY. Some of you don't want numbers on the inside, even.

Mr. LAWLEY. It ought to be. I will ask Mr. Tyrer, now, with a mahogany boat and a flaring bow, and I put up here a 3-inch letter light or dark, or some other color, here on the mahogany, if he can find that in the nighttime? How are you going to see it?

Mr. TYRER. I do not think it would be within the law if it was not visible.

Mr. LAWLEY. It is visible, but you can not see it down on the flat part. And as far as the fast boats are concerned, suppose you came

along with one of your boats of 12 or 14 miles an hour and I turn my stern about and off I go, what are you going to do about it; and how do you know I have got the equipment aboard that boat unless you get aboard and see what I have got?

Mr. HARDY. I think we had better make the numbers bigger.

Mr. EDMONDS. Make them a foot long.

Mr. LAWLEY. Take a fisherman, a white boat that will be as black as that in a day or two, and you can not put any number on her that will show the number. Now, think it over.

Mr. EDMONDS. You would have a great many complaints from your customers if you would say to them that "inside of two days after you get out of here you won't be able to read the number."

Mr. LAWLEY. It is so. You take it when the vegetation and grass is decayed and a white boat is as black as that [indicating] almost.

Mr. EDMONDS. I have seen boats go up and down the Delaware River for 15 years and their name was never changed and you could always read it, even out in the middle of the river, sometimes.

Mr. HARDY. I call your attention to the fact that this says in such manner and color as to be distinctly legible and visible. I don't know how you are going to get at that.

Mr. LAWLEY. I do not know how you are going to do it. I am sincere about that. If a customer asked me, I would not know what to tell him.

Mr. EDMONDS. Put it on the pilot house.

Mr. LAWLEY. No; you do not have any pilot house on it.

Mr. EDMONDS. Not on some of the little fellows, but you do on some of the big ones.

Mr. LAWLEY. What is the objection to putting it on the inside? You can not tell whether I have complied with the law or not, unless you get aboard and see what outfit I have; is that right?

Mr. TYRER. We have to board vessels to make inspections to see if they have complied with certain provisions of the law, but not the light provisions.

Mr. LAWLEY. In all other instances you have got to board that boat?

Mr. TYRER. Except as to lights.

Mr. LAWLEY. If you have to pass a bill like this, why should not that be numbered on the inside of the boat where you can see it. You can not see it at nighttime, wherever it is.

Mr. TYRER. You can with searchlights.

Mr. LAWLEY. Again I beg your pardon.

Mr. HARDY. Here is a gentleman who seems to be interested in this subject, and here is what he writes to the chairman of this committee:

NEW YORK, January 27, 1916.

Mr. J. W. ALEXANDER,
House of Representatives, Washington, D. C.

DEAR SIR: I thank you for the copy of H. R. 9411, and I believe if this bill becomes a law it will be a step in the right direction.

However, I might make a suggestion to increase the size of the number to 6 inches, and that the number be placed on the freeboard of the boat in a conspicuous position, forward of the midship beam.

I inclose a picture of my boat going over 33 miles an hour. A 3-inch letter would not be visible, and I do not believe it would in any way disfigure the appearance of a boat to have a 6-inch letter.

However, I only offer this as a suggestion, as I would like to see this law practical and effective.

Respectfully, yours,

FREDCK. L. KRAEMER.

I think it is a pretty good suggestion.

Mr. LAWLEY. If I was a member of this august board and in my judgment I thought it required a 6-inch letter on a 10-foot boat, I would put it on.

Mr. HARDY. I really believe it does.

Mr. LAWLEY. Then I should pass it.

Mr. HARDY. I believe from this testimony we ought to enlarge the size of these things.

Mr. LAWLEY. It won't help any, if you do, because it is not the place to put it. It is different from an automobile. Now, we are going back to automobiles again—it is different on an automobile and on the boat.

Mr. HARDY. The bill requires it shall be distinctly visible and legible.

Mr. GREENE. The bill is too strict?

Mr. LAWLEY. It is drawn wrong.

Mr. HARDY. It has to be legible, and if it is not legible it is of no use.

Mr. LAWLEY. It does not say how far off where you can see it.

Mr. HARDY. Of course if it is on the inside you would have to board the boat to see it, but if it is on the outside you might say 50 or 100 yards as the visual range.

Mr. LAWLEY. I do not think Mr. Tyrer would carry the thing as far as that. I am not at all alarmed about that—not for one minute.

Mr. HARDY. You really do not want a 6-inch letter—

Mr. LAWLEY. It would not affect anything I have if you did make it a 6-inch letter, but there would be such a howling protest throughout the land you would soon want to repeal it.

Mr. BURKE. Oh, we are used to that.

Mr. LAWLEY. I know; but it might get up into the family, you know. Honestly, as a citizen, I can not see where this bill will do you one particle of good.

Mr. HARDY. How do you imagine these associations up here get together and indorse this thing, and one association we have a communication from here has 3,500 boat owners.

Mr. LAWLEY. Here is one right here of 5,000. I have oceans of them here. You have to use your own judgment, I suppose, to a large extent, until it gets before the Senators and then we will see what we can do about it. But in all sincerity, gentlemen, I think—

Mr. EDMONDS. I would like to say to Mr. Lawley I can see a great advantage in this to the police authorities, because motor boats make a little trouble from time to time and they ought to be able to identify the boat by number whenever a fellow got out and did something wrong.

Mr. LAWLEY. I think if they want to identify the boats by number you can do so; but identify them so as not to have the number put on the outside. You have got to board the boat in order to get a case against me if I have not the lights, fog horn, or the little pilot rules—that is what it is that is against the law.

Mr. BURKE. Why should you care if you can not read the numbers?

Mr. EDMONDS. You are complying with the laws and you see nothing to complain of except a little annoyance.

Mr. LAWLEY. I understand. I do not know that there is much more that can be said on the bill other than if it is absolutely necessary to tag these boats, as you say it is, I think it should be done in an intelligent way—on the inside rather than out—because in a great many of our nice boats, where we have to take our mahogany lifeboats and yachts, we have to put on the outside of those boats "60 cubic feet," "80 cubic feet," cut in, don't you know. That is right?

Mr. TYRER. Yes.

Mr. LAWLEY. And I do not think we have to have the number of persons carried on the boat on the outside, but we have on the thwarts and different places, both fore and aft, at three or four different places, and they have had a lot of complaints from that. And in addition to that, if you get to work and put a lot of numbers on the outside of each boat it seems to me to be wrong, and I think it is an imposition on the yachting public and the people who take a pride in what they own and what they have and who have spent a lot of money in the industry, and I do not think it is a fair proposition to ask them to do a thing of that kind. I think you can carry out your point without resorting to such drastic measures.

Then, outside of that comes the expense of documenting or registering all of these boats, keeping a record of it and seeing that the law is carried out on all of the boats that are registered under this act. And how silly it is to make me, with my little tender that goes 50 or 100 feet from the wharf to my big yacht, documenting it, because they will be as small as 11 or 12 feet long, when the expense is going to be at least a million dollars, in my opinion, to the United States Government. If you want to consider that now, with the conditions existing in the United States—

Mr. HARDY. Your objection, then, boiled down is, first, it will disfigure your boat; second, it would be inconvenient to you; and, third, it would be expensive to the Government.

Mr. LAWLEY. Yes; and, fourthly, it will not help matters as they now exist in carrying out the present motor-boat laws.

Mr. HARDY. Well those are all important if soundly taken.

Mr. GREENE. In other words, you think there is plenty of law now without adding any?

Mr. LAWLEY. Absolutely.

Mr. GREENE. There is safety to life now?

Mr. LAWLEY. Yes.

Mr. GREENE. There may have been some violations, but if there are violations—

Mr. LAWLEY. And there always will be.

Mr. GREENE (continuing). Why let the department find them; is that the idea you have?

Mr. LAWLEY. That is the point I make in this thing.

Mr. HADLEY. What is the law that exists which would supply the need that is expressed in the bill? I do not know and I am asking for information.

Mr. LAWLEY. The motor-boat law of 1910 and 1912. There is little difference in those two bills, isn't there?

Mr. TYRER. 1910—

Mr. LAWLEY. And there is another one—1912.

Mr. TYRER. That is an amendment to 4426.

Mr. LAWLEY. It is an amendment to that. The body of the bill is the same?

Mr. TYRER. Yes.

Mr. LAWLEY. The 1910 bill. And that the department says is a sensible bill and mostly lived up to; but they can not enforce it.

Mr. GREENE. And it is being lived up to more and more each year?

Mr. LAWLEY. Each year; exactly.

Mr. HADLEY. Has the reason why it can not be enforced been covered? I was not at the session this morning?

Mr. LAWLEY. The main point is the owners or whoever is aboard or in command of those boats—usually tramps and young men who get a boat and go off on Saturday to Sunday excursions and things like that—give fictitious names and get by; just the same, for instance, as when you get caught playing poker on Sunday, and get hauled to court, and give the name of John Jones and get by.

Mr. HADLEY. I understand that has been fully covered, so I will not pursue it further.

Mr. LAWLEY. I do not see how this bill will relieve that a particle.

Mr. HARDY. As I understand, you have stated fully your objections.

Mr. LAWLEY. I think so.

Mr. EDMONDS. Isn't he going to say anything on 9412?

Mr. LAWLEY. On 9412 I think perhaps there are others here more interested in that than I am, and I have not studied it particularly, except as to carrying passengers. I am only fearful—I would like to have defined what they mean by licensed master and engineer.

Mr. HARDY. That is in 9412.

Mr. LAWLEY. That is in 9412; he is asking me about 9412.

Mr. EDMONDS. In other words, you want to know exactly what kind of a crew is going to be required?

Mr. LAWLEY. Yes; I want to know whether it is in the interests of the masters and pilots, and things of that kind; that is what I want to know.

Mr. CURRY. I do not think the masters and pilots have anything to do with it.

Mr. LAWLEY. Will it finally come around so that they will have something to do with it?

Mr. CURRY. I am afraid it will.

Mr. LAWLEY. Exactly. And if we have not labor legislation enough in this country now, I would like to know what we have got to do more.

Mr. HARDY. If there is any comment you want to make on that bill, we will be glad to hear you on that.

Mr. LAWLEY. If that is what it is going to drift to, I should be thoroughly opposed to the bill. I think as far as the safety of our passengers is concerned, it is all right. I think that is something we are bound to look after—the safety of the public who use those boats in the way they do and put themselves into the hands of the owners, and that the department should very seriously consider. But if it is going back into the hands of the labor element, I should absolutely oppose it. If you can in any way modify that bill to cover

the requirements of what you consider a competent man to handle that boat, I think it would be a wise bill.

Mr. HARDY. The bill itself says he must be examined covering a knowledge of the rules of the road, ability to distinguish colors, and a general knowledge of motor engines and machinery and a navigation of the waters in which the vessel is to be used.

Mr. LAWLEY. Just cut out the words "licensed engineers" and pilots"; that is the point.

Mr. HARDY. It says shall be licensed after an examination covering those matters as to how to run these vessels.

Mr. EDMONDS. I think Mr. Lawley understands that. Mr. Curry and Mr. Lawley and the department talked about that this morning, and the department is going to look into the connection between the licensed pilot and the other.

Mr. HARDY. What is that?

Mr. EDMONDS. They are going to look into existing requirements as to the provisions made for a crew, and after the department gets through with that we will know exactly what the bill covers and can take the matter up from that point.

Mr. TYRER. The requirement for a licensed engineer and pilot has nothing to do with the bill here; that is in the old law.

Mr. HARDY. You have made no change?

Mr. TYRER. There is no change regarding the licensed engineer and pilot. That is not affected by this amendment in any way. The only officer affected by this amendment is the operator in charge of the motor boat carrying 20 or more passengers for hire.

Mr. CURRY. Under the present law you require a man to know no more than how to run a particular boat. Under this section here he must take an examination on machinery in all classes of motor boats. A man might run one kind of an automobile and not be qualified to run another; and maybe he can run one kind of a motor boat and not be able to run another motor boat of another kind. I think all that should be required is what you do require now, that the man shall understand how to run his own boat; and I think you have plenty of law now on the statute books to cover that. And I believe you are going into a wider field than you intended to in this bill, and that is what you want to look into.

Mr. TYRER. I think it might be of interest, in connection with the numbering bill, to call the committee's attention to the fact, which probably it already knows, that Mr. Lawley is a builder of some of the finest motor boats in the country; so that his objection to this bill might be greater than a man not turning out such a high class boat.

Mr. LAWLEY. Let me say we are now building for the naval reserve a series of boats, or we have just started one, in connection with your troubles which we may have in this country, but I hope will not materialize; but in England they have perfected a type of boat and it is being introduced into this country now. We could not get permission of the Elgin Boat people to use their plans, but we are developing now to very near what they are, a type of boat very similar, so that perhaps by a little experimenting we can get it the same as they do. And there is quite a movement now toward having a power squadron by public-spirited men in Boston and all over the country, I think, and these boats are about 50 feet long, or something

like that. And I do not think it is wise to shove a lot of bills in that are going to be antagonistic to the industry or to the men who are public-spirited enough to go into this thing the way they are doing.

Mr. HARDY. Let me say to you, and ask your suggestion, as well as that of the representative of the department and the members of the committee, if this bill would not permit of such an exemption it seems to me there ought to be an exemption in it of the lifeboats and other boats used for the life saving in connection with ocean-going steamers while they are being used in that service. In other words, I do not think vessels carrying a lot of lifeboats ought to have those lifeboats numbered under any system of ordinary service, and I rather think the bill ought to be framed so as to permit the department to exempt from numbering the auxiliary vessels with the parent vessel or to give them the same number. Now, if the bill is not clear in that respect, don't you think it ought to be?

Mr. TYRER. I am a little doubtful whether those boats would come under this law. They are not used for general navigation purposes.

Mr. HARDY. Ought they to come in it; and if it is doubtful whether they would or not, ought we not to exempt them?

Mr. TYRER. I do not know of any reason, if they came under the law (and of course if it would be necessary that they should carry the name of the parent boat, as all lifeboats are numbered in addition to having the name of the parent boat), why we could not adopt that as our number in the customhouse.

Mr. HARDY. I presume that would be probably your practice; but of course they ought not to be exempted, except when not in the service with the parent boat or on the ocean-going steamer. But if, in order to follow that practice, you must violate the letter of the law, you had better change the letter of the law.

Mr. TYRER. We did not think there would be any difficulty there that we could not handle under the regulations.

Mr. HARDY. You remember Mr. McDonald stated that was one of the objections to the bill.

Mr. McDONALD. This law says so here: "No numbers not so awarded shall be carried on the bows of such vessel." Every lifeboat, whether motor or any other kind of lifeboat, carries a number on the bow with the name of the vessel. This law requires that—

Mr. HARDY. If you will frame a clause that will exempt such vessels as you speak of from the operation of this law and submit it to the committee, which this bill would include otherwise, I think we will take that matter up.

Mr. LAWLEY. Mr. Chairman, I would like to ask how the department feels in regard to the large auxiliary schooners, which have a small power in them that will drive them at from 5 to 8 miles an hour—where they come in under this law?

Mr. TYRER. They would have to carry numbers under this law.

Mr. LAWLEY. Will they?

Mr. TYRER. No; those large vessels are documented.

Mr. LAWLEY. That is right.

Mr. CURRY. May be you can answer a question on which I would like to get some light. Do you know of any accidents caused by a motor boat where life or property was destroyed that the owner of the boat or the person responsible for the accident has not been able to be located?

Mr. LAWLEY. I do not think so.

Mr. CURRY. Does the department know of any such ?

Mr. TYRER. I do not know of any such case.

Mr. LAWLEY. And, incidentally, without having it here now, there is a bill being presented by Mr. Gallivan, from Boston, requiring a device to be installed on every motor boat, on the gasoline tank of every motor boat, under a penalty of \$100. Now, I would like to ask the department or anybody in this room if he knows of any accident from an explosion of the gasoline ?

Mr. TYRER. It never starts with an explosion of the tank.

Mr. LAWLEY. It never started with an explosion of the tank in the world. Now, of course, it might happen, and we have to be very careful, because sometimes they get to going. I am very well acquainted with Mr. Gallivan. He is right in my district there, and I wrote him and asked him where he got his information and what prompted him to put such a bill as that in, because he would be the laughingstock of the whole bunch of yacht owners; and he wrote me that originated in a conversation with Mr. Uhler, and he quoted to me the fact that, owing to an accident which had just happened off the docks in Boston where three fishermen lost their lives on a vessel sunk by fire. He thought himself something ought to be done to prevent such accidents. And that was the outcome, in the form of this bill. Now, accidents do not come from the gasoline tanks, gentlemen.

Mr. ROWE. There is no such bill before the committee, is there ?

Mr. LAWLEY. Yes; it has been introduced.

Mr. GREENE. It is No. 11715.

Mr. LAWLEY. It is coming before you. Now, I do not want to come down here on such a foolish thing as that, because I think the intelligence of the people here ought to be sufficient to teach them that gasoline tanks do not have anything to do with the trouble.

STATEMENT OF MR. GEORGE S. McDONALD, PUBLISHER OF MOTOR BOATING AND MEMBER OF THE COMMITTEE APPOINTED BY THE NATIONAL ASSOCIATION OF BOAT AND ENGINE BUILDERS.

Mr. McDONALD. I am a member of the committee appointed by the National Association of Boat and Engine Builders, and which committee was selected from the legislative committee of the association itself and other members from various organizations of boat owners and from many of the publications connected with the industry. I am publisher of the magazine Motor Boating, and also a boat owner; and I came down here in each of these capacities. My interest here is connected with each one.

At the time this committee was appointed by the national association the opposition that developed seemed to be general to what we call the tag bill or the numbering bill. When the bill was first introduced the opinions of all those connected with the use of motor boats and the building of motor boats, the various organizations in the trade, or owners' associations, yacht clubs, and so on, were asked for by various associations or individuals. And as the publisher of the magazine, we asked for the opinions of our readers, who are located all over the United States. Now, it is a peculiar thing,

but the majority of the members of yacht clubs and a majority of boat owners are in favor of the numbering bill, and I say that frankly. They do not see any reason why a boat should not be numbered. And I have listened to the arguments advanced here for and against the bill, and my own opinion is that the great majority of the opinions on both sides for the bill and against the bill are trivial. I can not see any objections to the numbering of boats, as far as the numbering of them is concerned. I do see objections to the numbering of the boats in the manner suggested; and many boat owners with whom I have talked and many associations are against the numbering of the boats in the manner suggested.

The bill, to my mind, and to the mind of many I have talked with, is defective in that it tries to be too complete; it tries to classify every kind of a boat that is equipped with any kind of a motor as a motor boat, even a boat that is a motor boat for only an hour out of 365 days in the year; and there are many such, and that is no exaggeration. But I believe if certain exemptions were made, and if certain alterations were made in the bill and a little different method of numbering were made, the bill would be a good bill. The object is all right. The object, after you remove all the trivial reasons advanced by the Government and the sponsors of the bill, would seem all right; but most of the reasons advanced are absolutely trivial. This accident question is a laughable one. In connection with our magazine, we get clippings daily from all over the United States. We are supposed to get clippings from any publication in the United States that prints anything in reference to motor boats, and therefore we have a complete record of all the accidents all of the time that the department does not get. There are no accidents to speak of, because a boat is a motor boat. There are far more drowning accidents and there have been far more drowning accidents right over in this little river here where the clerks of the department lost their lives, out of canoes every year; and when you point out two out of a motor boat, it was not because of the motor boat that the accident occurred, and you don't know what it is.

Mr. TYRER. Burning gasoline.

Mr. McDONALD. You take a sailboat. We have a number of sailboats on Long Island Sound. They are racing boats. There are 30 or 40 yacht clubs on the Sound and these boats belong to them. They are sailboats, racing sailboats, and they strip those boats as far as they can from all impedimenta, and they get rid of everything they can in the way of odds and ends on the deck, and they have no life-saving apparatus on board, and even leave their little boat home; but almost every one of them carries a motor to bring them back home after the race is over, if there is no wind and they have to come back 20 or 30 miles; and this little one-horse or two-horse motor is stuck back on a board over the stern. Now, as soon as they stick a motor on that boat, then they have got to comply with this law governing motor boats, being motor boats in the eyes of this law, and they may be only for one or two hours and during two or three such functions in the summer time. And they have to carry this number on the bow and they have to carry their life preservers, and they have got to carry whistles and everything else right along with them all of the time.

Now, the object of the law, as explained by Mr. Tyrer, is to identify the boat, because some boat owners have given fictitious names when they have been boarded and found without the required equipment. Supposing a man does not put a number on his boat and he is boarded. He is notified that he is violating the law and is subject to a fine of \$10. What is your name? James Smith. Where do you live? And he gives them the same fictitious name and address that he gave before, and you have no more recourse than you had in the beginning; you are in exactly the same position you were, because he has no number on it and he does not give his correct name; he is running without a number. And as far as being able to identify them by numbers is concerned, it is ridiculous. And you only have a very few boats in the Government departments that have jurisdiction that ply the waterways where motor boats are. I live in New Rochelle. We have there 300 motor boats that make that their home port, and I live right at the water's side and know a great many boatmen and yacht-club members intimately. I have asked many times if the Government boat has been in there any time this summer to inspect the boats in there. I may be wrong, but I have not seen a Government boat enter the harbor of New Rochelle once since the law of 1910 was passed, and it does not go in any harbors of Long Island Sound that adjoin ours. Take Raritan River, running to Perth Amboy, and right close to New York, part of the harbor of New York, in fact. There are a hundred motor boats or more on that river below New Brunswick, which is the navigable part of the river, and then a winding stream 18 miles long; and on the branches of the Raritan two or three hundred more; and there has never been a boat up there to inspect those.

Mr. TYRER. Yes, last season.

Mr. McDONALD. Once out of seven years. And you take the Connecticut River, the Connecticut below Windsor Locks, or from Hartford down, it is navigable and comes under Federal jurisdiction, and I do not believe there has been any attempt made to enforce the present law on the Connecticut River any oftener or to any greater extent than there has been around New Rochelle and these other places I spoke of. And go down Long Island Sound and go out on the Great Lakes, you will find a condition to exist that these men have never been approached by anybody; that is, the boat owners; their boats have never been examined and no attempt made to look them over, excepting spasmodically, once a year, when the department's boat sometimes goes down South, and on her way South she will overhaul those on her way down. And she can not do any more.

Take Lake Champlain, 165 miles long. I do not think the department has ever made any attempt to examine any motor boat on that lake, and it has got Federal jurisdiction, because it is a Federal waterway, and there are a great many boats there. And the Hudson River, from Yonkers up, with probably a thousand motor boats on it, is ignored in the same way.

In other words, there is no general attempt made, no real attempt made to enforce the present law. Now, the numbering is not going to do any more to them; it is not going to enforce the law any more than carrying out the law you already have; that is not going to make the motor boat owners comply with the present law. As far as the number itself is concerned, if you will exempt life boats on steamers—

I can not see where Mr. Tyrer can get his idea that the motor-boat lifeboat on the ocean-going steamship is any more exempt from the provisions in this law in regard to number than is a motor lifeboat on the steam yacht like the *North Star*, for instance, an ocean-going steam yacht.

Mr. HARDY. That is the reason, Mr. McDonald, I suggested you frame an amendment.

Mr. McDONALD. I suggest, Mr. Chairman, that you exempt lifeboats that are carried as lifeboats that are equipped with motors.

Mr. HARDY. As I understand, under our law for safety appliances we require or permit a certain number of lifeboats to be equipped with motors. Now, those lifeboats, when put down in the water, would be subject, I am inclined to think, to this provision here.

Mr. TYRER. And they carry and are required to carry the name of the parent boat.

Mr. HARDY. Under the law now?

Mr. TYRER. Under existing law; and that number and name could be adopted in the customhouse as the designating number of that boat.

Mr. McDONALD. You would have a whole lot of number ones.

Mr. TYRER. But you would have the name of the boat.

Mr. McDONALD. You can not use the name of the boat. It says here in 9411 no numbers not so awarded shall be carried on the bow of such vessels.

Mr. TYRER. The numbers will be so awarded. We will adopt that as the number of the vessel.

Mr. McDONALD. This is a numbering bill. This is not a naming bill. If you can construe it to authorize the use of names, we can use all our names.

Mr. TYRER. That is a question of regulation.

Mr. HARDY. I would not object to having this understood that it ought not to affect the present law with reference to lifeboats on ocean-going vessels. One suggestion made in some letter I read here this morning is that where the parent vessel carries other vessels you might number them like the parent vessel.

Mr. TYRER. We approve of that.

Mr. HARDY. I think the department says that has been their practice and if this bill interferes with it they will make it clear.

Mr. McDONALD. At the hearing before Secretary Redfield on June 10, when many of us were present and a great many more, we were told what the purpose of this bill was to be and at that time we went deeply into the question of detachable motors and their number and their effect on this. Now out of all the motor boats in the United States, there are at least one half to-day equipped with detachable motors, and they are temporary motors, as somebody said this morning, which can be carried in a suit case; and I have seen at New Rochelle men come up carrying a detachable motor in a suit case, get a boat and attach the motor and go out as a motor boat.

Mr. EDMONDS. This bill exempts detachable motors.

Mr. McDONALD. Only boats 16 feet or less. Many canoes are 18 feet in length and many rowboats are 21 feet. Every one of those racing sailboats I speak of are above 16 feet in length. The understanding we had when we got through with the hearing before Secretary Redfield was that boats under 16 feet in length, whether

with detachable or fixed motors, were to be exempt from this newly proposed legislation.

Mr. EDMONDS. A 21-foot boat is a pretty good-sized boat and would take quite a good-sized motor to run it, would it not?

Mr. McDONALD. No. I can take a 21-foot Whitehall skiff on the St. Lawrence River and put in a one-horse motor and make 6 or 7 miles. They are light, not wide and do not draw much water. They only haul four or five people.

Mr. EDMONDS. Did you agree with the Secretary on 16 feet at that time?

Mr. McDONALD. No, 21 was the agreement at that time, as I remember it, and all boats whether with detachable motors or fixed motors were to be exempt. But when the bill comes through, it is found the only exemption made in it is 16 feet.

Mr. EDMONDS. That would exempt some of these very high-speed boats that run 40 and 45 miles an hour.

Mr. McDONALD. Which one?

Mr. EDMONDS. Under 21 feet.

Mr. McDONALD. No. The hydroplane you speak of and have in mind, the 19-foot hydroplane, is a thing of the past. There are no more of them being built; and there never was over a dozen of them in the United States.

Mr. EDMONDS. Some of those boats go 35 miles an hour. Can not some of the smaller boats under 21 feet go very fast?

Mr. McDONALD. No.

Mr. LAWLEY. I think I built one 21 feet.

Mr. McDONALD. We have some freak boats.

Mr. LAWLEY. There is a boat in existence to-day which will go 30 or 35 miles an hour.

Mr. McDONALD. What is it, a hydroplane?

Mr. LAWLEY. Yes; the *Speeder*, I think it was.

Mr. McDONALD. There are no more of them being built.

Mr. EDMONDS. This present bill of 1910 is a pretty good bill, providing for the lights and everything?

Mr. McDONALD. Yes.

Mr. EDMONDS. You say the inspectors do not get around to New Rochelle, the Raritan River, and other places; yet they made 600 arrests in New York Harbor under that last summer.

Mr. McDONALD. They come there spasmodically around New York Harbor, Graves, and Bay and arrest everything in sight, go aboard of everything in sight; and there is not one motor boat out of twenty that has been examined in 5 or 10 years that has not everything on board.

Mr. TYRER. One in seven.

Mr. EDMONDS. I know; but he says now the boat is not inspected in five or six years, and that they do not carry out the provisions of the law we have given them.

Mr. McDONALD. The Government bill requiring the equipment on motor boats to-day is the most loosely enforced law.

Mr. HARDY. Still you do not know when they are going to have these spasms.

Mr. McDONALD. They only have them in the crowded sections.

There is one of the parts of this bill I do not particularly like—

Mr. TYRER. Mr. Chairman, I think in justice to the department, there ought to be a statement made here in regard to the real facts

concerning inspection. These statements being made here must necessarily be made without any real knowledge of what is being done by the Government.

Mr. McDONALD. I am on the water.

Mr. HARDY. We will hear from you a little later on that, or you can ask any questions you wish to, Mr. Tyrer.

Mr. TYRER. I want to call attention to the fact this bill does not make any provisions of the motor-boat law apply to these small vessels that do not already apply to them. The numbering bill only applies to the numbering of those small vessels with detachable motors, and which are required under the present law to have all equipment; and this numbering bill does not change that.

Mr. McDONALD. Not a particle.

Mr. EDMONDS. Still there was the argument that by reason of a boat going up or down by sail and coming back with a motor on it and having to have life preservers and boats, etc., on it. It is not affected by this bill, at least?

Mr. McDONALD. It is not affected by this bill; it is the number.

Mr. EDMONDS. This bill only adds the number; it does not add anything to the equipment.

Mr. McDONALD. Not a particle. I am simply pointing out—I got off the track a little and pointed out there should be some exemptions from this bill and there should be some from the other bill and suggesting this bill should be put through in the form of an amendment.

Mr. EDMONDS. You rather think there ought to be exemptions in the laws of 1910 and 1912?

Mr. McDONALD. Some classes of boats should be exempt from the laws of 1910 and 1912; and if this bill could be put through as an amendment to the 1910 and 1912 bills, with the additional requirement of numbering boats in a way that would not be objectionable and still would answer the needs of the department for identification purposes and exempt certain classes of boats.

Mr. HARDY. Let me see, Mr. McDonald, if I have your objection to the bill. The first is it disfigures the boats; is that right?

Mr. McDONALD. Yes.

Mr. HARDY. The second is that it ought to be inside of the boats?

Mr. McDONALD. Yes.

Mr. HARDY. And the third is it is no good anyhow?

Mr. McDONALD. No. I believe it is good.

Mr. HARDY. Then I have misinterpreted your presentation.

Mr. GREENE. He said it was good.

Mr. HARDY. I mean if it could not effect anything; the department could not enforce it anyhow.

Mr. McDONALD. It won't help the department enforce the present law one particle.

Mr. HARDY. That means it is no good for the purpose the department wants it. There are three objections—disfigurement, number on the inside, and it won't do any good anyhow?

Mr. McDONALD. No; I won't put it that way, Mr. Chairman.

Mr. HARDY. You say it won't help enforce the law; you admit the law requiring the equipment on vessels is a good law, the law of 1910?

Mr. McDONALD. Yes.

Mr. HARDY. You say that is a fine law, and this is only sought to help enforce that law.

Mr. McDONALD. Yes.

Mr. HARDY. You say it won't help?

Mr. McDONALD. It won't accomplish the object.

Mr. HARDY. That means it is no good.

Mr. McDONALD. No; I say it is good.

Mr. HARDY. I can not reach your conclusion; I can not reach your point if it won't help.

Mr. LAWLEY. It will help us in the matter of taxation sometime.

Mr. HARDY. Isn't there something in back of all this? That may be so, that when you get these numbers we will want some taxes.

Mr. McDONALD. Not so far as I am concerned.

Mr. ROWE. It seems to me almost, Mr. Chairman, that we ought to make them pay \$2 a year for this, so that we could get reasonable inspection, and we could then pay the inspectors.

Mr. LAWLEY. That is the only way you will do it.

Mr. GREENE. You can not sneeze now without being in need of revenue.

Mr. HARDY. It has been that way ever since I have known it.

Mr. EDMONDS. We also need it in the way of preparedness.

Mr. HARDY. Gentlemen, I will tell you I think you are all in favor of this bill when you come right down to it; and it seems to me the expense is very small and the inconvenience very small. As far as I have been able to gather from Mr. Lawley, he objects to it because he might not think, when he transferred one of his boats, to let it be known down at the department that he had transferred it.

Mr. GREENE. I think Mr. Lawley also said you should make it legible.

Mr. HARDY. They said there was some difficulty along that line.

Mr. LAWLEY. I do not think it will be enforced enough to bother anybody. I do not see where your staff is coming from unless you appropriate some money to enforce it.

Mr. HARDY. Don't you think, that rather than encounter one of those spasms, you will go and put a number on the boat?

Mr. LAWLEY. Yes; I think so.

Mr. H. A. PARSONS. Will you put a number on the outside of the boat and do away with the inspection?

Mr. HARDY. I don't know; you will have to ask the inspectors about that. I think the spasm will come on every once in a while.

STATEMENT OF MR. OTTO F. BARTHEL, DETROIT, MICH.

Mr. BARTHEL. You have heard from the salt water, so probably a little of the fresh won't do any harm.

Mr. EDMONDS. Will you state your business, Mr. Barthel, or what you represent?

Mr. BARTHEL. I am just in the sport from the pleasure point of view only. I have been in the boat-building business at times but am entirely out of it now and am a patent attorney by profession. But I merely speak from an interest in the sport and no business connection or anything of that kind whatsoever. And I am a member of the committee of the Inter-Lake Yachting Association on this question, which is composed of all the clubs on Lake Erie, Lake Huron, Lake St. Claire, the St. Claire and Detroit Rivers and their tributary waters.

It seems to me I heartily indorse Mr. Lawley's comments on the fact we are suffering rather from too much law and not enough enforcement, than from a lack of legislation. It seems that we have plenty of that. And a short time ago a member, I believe from your Attorney General's office, addressed our board of commerce and made just that kind of a statement; and as an illustration, I will cite you one or two of his statements. He stated, I believe in the State of Colorado, that it was an offense punishable at law for one to drive a bull on the street at night without attaching a red lantern. Another illustration he gave was that two gentlemen who happened to be in a hotel were discussing this same question and one of them stated they could not go through the day without breaking some kind of a law. "Well," the other gentleman said, "I will just take you on that; I will just risk \$5 on that proposition, and we will meet at 6 o'clock and see whether we have gotten through the day all right." So when 6 o'clock came along and the other gentleman did not show up in the lobby of the hotel and he wanted to know what was the matter, he went up to his room and knocked on the door and asked if he was there. And he said yes, and let him in, and he found the man in bed and he threw back the sheet and said, "Why, you are sleeping in a bed in which the sheets are not 56 inches long; you have already violated the law."

And it is the same way here. We have so many laws we do not know where we stand; we are constantly violating the law because we do not know what the law really is. And it is the same proposition with the motor-boat legislation. Here is a man who thought that by going to bed he would be perfectly safe when he went to bed, and yet he was found sleeping in a bed with a sheet that was not 56 inches long.

Mr. HARDY. The Attorney General gave you that illustration of a violation of the law?

Mr. BARTHEL. Both of those were given to me by the Attorney General's office in addressing the Board of Commerce of Detroit in the last three weeks.

Another illustration of the numbering proposition that came to my mind, and that happened just across the river from us in the Province of Ontario, Canada. They have an automile law there, and, as long as you gentlemen have referred to the automobile quite frequently, I just want to call this point to your attention: They have a provision in that law very similar to this one (that no numbers not so awarded shall be carried on the bows of such vessels) except that there it is on automobiles. It happened there was a grocer in the city of Windsor and, like grocers do, he liked to advertise a little bit and he put his telephone number on the side of his delivery wagon, and the first thing he knew he was arrested for having a number on his car and they fined him for putting a number on that wagon—his telephone number—because it stated in the law of the Province of Ontario that no number shall be put on the car except the automobile-license number. And there is some agitation at the present time in the Province on that very point, and the law will no doubt be amended by reason of the popular agitation.

Those are simple illustrations, and that question may come up in connection with the lifeboat proposition and having a double set of numbers and make it illegal as in the other case.

Then the matter of taxation has been referred to here, I believe. I think that is a serious proposition, because I think personally (and I am speaking not from any manufacturing interest or anything, but just the sportsman's interest) if this measure of listing these boats is put in effect, it will lead to nothing else than a system of taxation eventually, just the same way as the automobile license number leads to a system of taxation at the present time. Every man who owns an automobile has had the pleasure of having the assessor send him a little sheet of paper each year containing a list of securities he holds, business, etc., money invested in business, and it is all gotten from where— from the office of the secretary of state, where the automobiles are listed.

Mr. BURKE. Do you object to the automobile owners paying their share of the taxes?

Mr. BARTHEL. Not at all, if equally distributed.

Mr. BURKE. You wish to abolish all taxation, then, because taxation is not exactly and scientifically equally distributed?

Mr. BARTHEL. I say under the present working of the tax law I do not think it is just. I am a man and have a family and I think the exemption is too low, because where you have a three or four thousand dollar exemption it does not leave a man any leeway at all who gets that kind of an ordinary income.

Mr. BURKE. You do not claim that the numbering of these motor boats will add to the taxes of the owner, do you?

Mr. BARTHEL. I am simply saying what the possibilities are; what it may lead to.

Mr. BURKE. Is it your idea that the numbering of these motor boats will lead to the assessors of property discovering more taxable property?

Mr. BARTHEL. Certainly.

Mr. BURKE. Lead to their discovering more property for taxation?

Mr. BARTHEL. Certainly.

Mr. BURKE. Why should not the motor-boat owners pay a tax?

Mr. BARTHEL. On the present tax list they are taxed now.

Mr. BURKE. You mean under the present income tax law?

Mr. BARTHEL. I am against any tax which is not equally distributed.

Mr. EDMONDS. I think you are getting a little wrong there, Mr. Burke. He thinks this license law will eventually lead to taxing the motor-boat owner.

Mr. BURKE. Why shouldn't the motor boat be taxed?

Mr. BARTHEL. They are taxed at present as personal property.

Mr. BURKE. Personal property is taxed in the different States.

Mr. HARDY. The point he makes is it will lead to a discovery of them.

Mr. CURRY. Here is what I think: Originally automobiles were numbered for the purpose of identification. It did not cost the automobile owner anything to file his number with the secretary of state in the different States; it cost him about \$2 to get his number on his machine. All automobiles pay a property tax; the owners of all automobiles pay a tax on the value of the automobile. They pay that everywhere. But nearly every State in the Union, since the numbering proposition has been put into operation, taxes the automobiles in addition according to the horsepower—a dollar a horsepower per year. That is an additional tax.

Mr. BURKE. In view of the fact that they wear out the roads more than any other vehicle, don't you think it is just and equitable that they should pay an additional tax for road purposes?

Mr. CURRY. Possibly the motor-boat owners imagine that the States, having the numbers of those motor boats available, will tax the motor boats so much a horsepower for narrowing the water in the streams.

Mr. EDMONDS. I think you are wrong, Brother Curry. I think it is this: That these gentlemen are afraid the Democrats, in the present desperate condition of the Treasury, will find an additional means of taxation by taxing motor boats.

Mr. HARDY. I thought we were going to hear that; but what I understood the witness to say was that these records would lead to the discovery of these sources of taxation and of the discovery of the actual existence of the motor boats.

Mr. BARTHEL. It will be used for that purpose eventually.

Mr. HARDY. A good many of them might not be given in unless there was a record somewhere; and with the record they could all be found and they would all be there; and that is where Brother Burke came in to know why they should not be taxed.

Mr. HADLEY. What is the point about all this taxing of motor boats; is the Federal Government going to assist the States in collecting any taxes?

Mr. HARDY. The witness has just stated he thought this would later be followed with a tax; and I think, back of that there is something in that.

Mr. BARTHEL. We are taxed at present by law, in the municipality or State, whichever it may be, as personal property. I am simply illustrating that as a possible further operation of the present rule, simply the expedition, you might say, of something in the future. It is not the case of trying to avoid taxes, because we are being taxed now on those things, as a personal property tax; but there is the possibility of the branching out of those laws and legislation, etc.

Now to get closer home, I am an ex-commodore of one of the clubs, numbering about 600 members, located on Belle Isle, and there is another club of probably two or three thousand members. And between the two places which are, I would say, from three to five thousand feet apart, there is a public bathhouse. The clubs have a membership of probably close on to three or four thousand members. Each of those clubs run a vessel from the city to the island, just across the stream, probably 3,000 feet at the outside, and one of those clubs has a boat of about, probably, 65 feet. She just comes under the law. She charges no fare whatever; it is included with the yearly dues of these members. The other club charges a 5-cent fare, or six tickets for a quarter. There is a smaller boat, 48 feet long and between 12 and 13 feet beam. Those two boats, in the course of a year, will carry close to 50,000 people, and one of those boats would come under the law, the smaller one of the two, the 48-foot boat, because she charges a fare. The other boat, which is the 65-foot boat, would not come under the law because she does not charge a fare, as I understand the proposition in connection with the question of personal use.

Now those two boats have been in operation in the neighborhood of 10 years, possibly not quite that but close to it. In that time

there has never been an accident to my knowledge on either of those boats, although they carry close to 50,000 people per year. Not one accident. Those boats, however, have been instrumental in saving at least, in the 10 years, 25 or 30 lives by reason of their plying back and forth, from canoes capsizing, suicides jumping from the bridge and being picked up, and things of that kind. I could safely say at least 10, if not 25, people have been picked up in that time. Now that illustrates the inequality of the law. In the one case, the larger boat, not charging any fare is exempt; in the other case, the smaller boat, charging a fare, comes under the rule. And both of them to a large extent, or neither one of them, have had any accident that I know of in that time and yet have been instrumental in saving a large number of lives in that period and have carried an excessive number of passengers, loaded to the brim.

Mr. EDMONDS. While you are on that: This new bill amends 4464 by putting in "boats carrying passengers for hire."

Mr. BARTHEL. Boats carrying 20 passengers or over.

Mr. EDMONDS. And this bill covers larger boats, and they will be inspected just the same as the smaller boats.

Mr. HARDY. That is the bill we reported?

Mr. EDMONDS. Yes.

Mr. BARTHEL. Now, there was another point in connection with our particular location at Detroit. We are located on a public park. It is owned by the city of Detroit. We pay \$1 per year rental or lease, and we have to comply with the rules and regulations of the park and boulevard commission, the island being part of the park system of the city. Therefore our club, being located above the bathhouse, the current of the river floating down, the park commissioner has laid down certain rules and regulations, and has obtained from the War Department a harbor line around the island within which he has jurisdiction and has been upheld by the local courts there, because we fought the question out there, and he was sustained; that is, there was a large number of houseboats, launches, and power boats, and things of that kind that had toilets on board their boats, and he contended that was injurious, and therefore required them to move out beyond the harbor line. Now, this is one regulation that the park and boulevard commission has in charge.

Then there is an international waterways commission covering that same question in regard to the discharge of sewage from steamers passing up and down the river between the United States and Canada—the Detroit River. Now, this is an international question again that you are going to run into. And then again, we have a harbor master whose house is located on the island, and he has a fast launch, and he follows up all the cases of accidents, and when a storm comes on he goes around and notifies all boat owners a squall is coming, and tries to avoid accidents.

Mr. EDMONDS. What part of the bill would interfere with international arrangements?

Mr. BARTHEL. I just want to show there is too much regulation; that is the point I am making, with the harbor master, with his jurisdiction; the park commission, with its jurisdiction; the International Waterways Commission, with its jurisdiction; and then we have

the collector of customs man, with his regulations; and have the immigration inspectors there, with their regulations, watching for the shifting back and forth of the immigrant population—Chinese, and so forth; it is all transmitted by boats—and smuggling, and things of that kind. So you have regulations in that particular location probably more than at any other point in the United States. And there are international complications that are going to come on. Suppose a motor boat from Canada comes over into the waters of the United States and has not a number; what is the situation?

Mr. EDMONDS. We are only making this bill for the purposes of inspection, and we do not inspect Canadian boats and do not care what they do.

Mr. BARTHEL. I know, but by reason of the United States waters, carrying business and things of that kind, the United States boats go over in Canadian waters. It is only probably 2,600 feet at the widest point and twelve or thirteen hundred at its narrowest, and there is a constant passing back and forth on the border line there.

Mr. EDMONDS. As a matter of fact Canadian boats come under Great Britain's regulations for passenger boats, and every passenger-carrying boat is required to have a license no matter how many passengers it carries. Section 6 of their regulations provides:

6. Certificate for motor launches plying in the summer, during daylight and in fine weather.

No matter what the size of the boat is, it has to have some regulation. I do not know what the regulations are, but they have regulations.

Mr. BARTHEL. I know we go out to the club and probably always have a dozen boats and things of that kind, so that the question comes up and we have to satisfy five different sets of regulations governing boats in the river. There are five different sources: The International Waterways Commission, the harbor masters, the park and boulevard commission, the collector of customs, and the immigration officers; and are we going to be subject to the inspection and seizure from all of these different sources? Every man intends to be honest; no one intends to evade the law or avoid the payment of the \$10 dues or whatever the assessment is—say it is just a fine; but the question is, must men who are not dishonest at heart or anything of that kind—and an accident may happen—you may have children on the boat with you and one of them may take a life preserver and drop it overboard and there may be a little sea running, and you will not think it is worth while to pick it up and you go along, and the first thing you know; Tom Keene, the collector of customs, he is watching—Tom is down on the dock watching every Sunday; he is on the job; he knows the boat; he don't need any numbers; give him the name of the boat and he will tell you; he knows right away because he is right there amongst them all of the time. There is the point. I do not believe numbering is going to do any good.

The inspectors will remember the characteristics in the right kind of a system; there is the proposition. You know what that boat is; you are going to carry a picture of that boat in your mind and you will catch it sooner or later. And it is easy to change the numbers on the boat. It happens right now, somebody steals a motor boat and simply by erasing one of the letters in the name it will spell a

different name. You have perhaps seen illustrations of that kind with the name "Packard" at some of the shows if you have been to the Follies, simply by erasing a few letters; and with the word "Hello" which you may have seen done in the vaudeville shows, a person comes out in an automobile with a license tag turned upside down and it says "O Hell." And as a general proposition, if a person really means to evade the law, they are going to, numbers or no numbers. But you are not lessening the difficulties at all; you are dealing with people who feel it is necessary to live up to the rules and regulations just as they stand at the present time; and for that reason I think there is plenty of legislation at the present time to carry it out; that is, I mean if it is effectively enforced. That is the point I am leading to, and personally I would disapprove by any means the raising of that fine to \$100 on anything of the kind. If the law is to be enacted, it should be enacted uniformly; that is, your letters should be 4 inches, just the same here as it says in the other law, and your letters should be carved on the boat, on the deck beams, inside of the ship, just the same as in the other law. There should be no difference whatever, but there should be uniformity, so that everybody understands and no "ifs" and "ands" about this, no "ifs" and "ands" about that, but the same thing on every kind of a boat.

My great objection to the law is that it adds a lot of restrictions and things which are not uniform throughout all the merchant-marine law. Why let a boat of that kind be numbered outside any more than a large boat. The man can not determine whether they are complying with the laws or not until he goes on board of her? There is the proposition. He can not tell whether it has six or eight life preservers or anything of that kind. He has got to go on board to inspect the boat.

Mr. BURKE. Supposing that vessel has such speed that it gets away from the inspector and you notice the number and you can trace it up; but, otherwise, without a number you would be unable to trace it up.

Mr. BARTHEL. If anybody asks me about a boat making such speed that she can get away from mine, I should say no.

Mr. BURKE. You are probably fortunate in having a very fast boat.

Mr. BARTHEL. An inspector knows the same thing; because boats are not so thick as all that; there is not such confusion.

Mr. EDMONDS. If the committee find this is absolutely necessary, don't you think the bill is drawn up as leniently as possible and there is a chance of getting your money back?

Mr. BARTHEL. In things of that kind I think it should be drawn very leniently; but I do not think it should be any more stringent because the other law only makes a \$10 fine.

Mr. EDMONDS. We are trying to make it as lenient as possible and yet accomplish what we want to do; we want to get hold of these men who are evading the law, and in order to do that we are going to number the boats, if the committee agree, of course; and in doing that we want to be as lenient as possible, and I think this bill is very lenient myself.

Mr. BARTHEL. I agree with you. As long as it is uniform with the others, I think it is lenient. But I do not believe there ought to be a hundred-dollar fine there. We want the conditions of the law the

same, and if the other has a \$10 fine in there, then it should be \$10 in this.

Mr. EDMONDS. I think you agree that with the conditions in the country in the past in regard to motor boats and things of that kind, we have been very lenient, in view of the fact that they have high speed and crowd in the harbors where the large shipping is—that we have been very lenient at all times; and we do not require very much to have a man know how to run the boat and keep his lights lighted, and things like that. We don't require very much.

Mr. BARTHEL. We all live up to that law.

Mr. EDMONDS. There is no very hard requirements for a man running a motor boat.

Mr. BARTHEL. You seem to raise the question of speed. My idea is that speed leads to safety rather than danger. You will find that all railroads running at the higher rates of speed have, I believe, less accidents in proportion to the number of passengers carried than they had before.

Mr. EDMONDS. I would agree with you that to have an inspector after a fellow, speed would lead to safety.

**STATEMENT OF MR. ROBERT E. POWER, CLEVELAND, OHIO,
EDITOR OF POWER BOATING AND CHAIRMAN OF THE
INTERLAKE COMMITTEE.**

Mr. POWER. I am editor of Power Boating and chairman of the interlake committee.

Everything has been said, gentlemen, and you have been very lenient and very kind to all of us. Unfortunately, I have objections to the numbering bill from the Buffalo Launch Club, of Buffalo; the Inter-Lake Yachting Association of 24 clubs and about 5,900 active members—all pleasure yachtsmen and not commercial boats at all; also some data from Toledo.

I thought the committee in its consideration of this bill would be glad to have the information which we could furnish of the number of boats in operation from the ports on the Lakes, and so I have two or three letters giving that information, which I will file with you, gentlemen, for further reference.

Mr. HARDY. Just select those you think are most pertinent, if you wish them to be printed in the record, and hand them to the stenographer.

Mr. POWER. Yes; I have them here, and they contain some data from the pleasure-boat end which we thought might be of value.

(The letters above-referred to are as follows:)

CLEVELAND YACHT CLUB,
Rocky River, Ohio, March 28, 1916.

Mr. R. E. POWER,
Shoreham Hotel, Washington, D. C.

DEAR SIR: As chairman of the delegates for the Interlake Yachting Association, representing all the yacht and boat clubs on Lake Erie before the Merchant Marine and Fisheries Committee, I wish to place the following general information concerning the Cleveland Yacht Club and other clubs of Cleveland before you.

The Cleveland Yacht Club and the Lakewood Yacht Club, now combined into the Cleveland Yacht Club, have been in existence more than 30 years and have had a total membership of over 3,000 members during that time, and out of that membership only one life was ever lost—that party being Mr. Eddy Pease—the conditions of

which you are acquainted with, and know that other than direct yachting was the cause.

Each year at Rocky River, out of thousands of fishermen and pleasure-boat renters who belong to no organization, we have generally from one to three drownings, but invariably by novices doing foolish stunts with rented canoes or else having suicidal intent. Regular frequenters of the water always use reasonable precaution, and among this class accidents and deaths are almost unknown.

In the Cleveland Yacht Club we have nearly 200 boats enrolled, combining sail and power, being about 1 to 3, and combining the Cleveland Boat Club, the Lakewood Boat Club, the Cleveland Power Boat Club, and the many pleasure craft about Cleveland that have no club connections I am safe in saying there are over 500 pleasure craft in Cleveland.

A few of these boats are held at large values but the large number are owned by men of moderate means and wage earners, and nearly 50 per cent of the number are owned by mechanics and day laborers.

These men include their boats on their tax duplicate and generally at a higher valuation than they could sell them for, and they as a body wish to protest against other forms of taxation on something already assessed, and do not feel that it is right or just to impose other heavy taxations and restrictions that will ultimately drive them away from the sport they love.

Each winter we conduct a school of navigation, free to our members under the United States power squadron, and we find this very helpful in gradually lifting up the standard, which in the minds of the professional navigator, is lower than they seem to think it should be, but with us we are not nor do we expect to be professional, nor do we care to be subservient to the demands of the professional and absolutely oppose any move that seems to indicate that the move is to commercialize our pleasure.

All of us have sufficient of common sense and judgment not to take chances and risks in unsafe hulls or go unprepared for emergencies, and we claim that the present laws are sufficiently stringent, when properly enforced, to safeguard the reasonable conditions that are liable to exist. Further legislation denies us of the present pleasures.

Hoping the committee will be given a proper hearing and that the Merchant Marine and Fisheries Committee will keep in mind that your committee are representing several thousand yachtsmen on Lake Erie who are earnestly awaiting the results of their decisions in these matters, either for or against their pleasure and the ultimate success or death of yachting, I am,

Yours, very sincerely,

F. O. VAN SICKLE, *Secretary.*

BUFFALO LAUNCH CLUB,
Buffalo, N. Y., March 24, 1916.

Mr. ROBERT E. POWER,
Editor of Power Boating, Cleveland, Ohio.

DEAR SIR: This is to advise that the Buffalo Launch Club is vigorously opposed to the bill designed to cause the registration of power boats and the licensing of power boat operators.

There are 70 power boats in the fleet which represents this club and which are owned and operated by a like number of our members. All records obtainable in Buffalo and along the Niagara frontier indicate that only one accident in connection with the use of power boats has occurred in the past few years, i. e., in which human life was injured.

Upward of 600 power boats are operated in Buffalo and the immediate vicinity, and as the records of the local board of medical examiners show that only one accident, an explosion of gasoline, has occurred in connection with the operation of this large fleet it is obvious that the proposed regulations are superfluous and absolutely unwarranted.

Power boats owned and operated in Buffalo and neighboring ports are approximately as follows:

Buffalo:	
Pleasure boats.....	400
Commercial boats.....	25
Tonawanda:	
Pleasure boats.....	90
Commercial boats.....	10

LaSalle:	
Pleasure boats.....	75
Commercial boats.....	10
Niagara Falls, pleasure boats.....	25
Total.....	€85

We firmly believe that any further regulation of power boating will be unfair to the followers of this health-giving pastime. Present regulations covering this class of boats in Buffalo and vicinity are, indeed, adequate for all purposes. The provision of proper equipment for these boats is enforced by the United States customs inspectors, and there is no doubt that these officials report few, if any, boats that do not conform to the law.

We trust that you will spare no effort to bring about the defeat of the proposed measures, and we are sure you will have the hearty support of every power boat club in the country.

Yours, very truly,

BUFFALO LAUNCH CLUB,
DAI H. LEWIS, *Commodore.*

TOLEDO, OHIO, March 26, 1916.

Mr. ROBERT E. POWER,
Power Boating, Cleveland, Ohio.

MY DEAR MR. POWER: Your letter of March 24 came to me a little late, and therefore I am unable to give you absolute figures on the number of power boats in the city of Toledo. Roughly, you might estimate it as follows

Toledo Yacht Club.....	50
Toledo Power Boat Club.....	85
Riverside Boat Club.....	70
Maumee River Yacht Club.....	40
Ottawa River Yacht Club.....	35
Total.....	280

In addition to this, you can easily add about 50 fishing craft and about 250 small power boats not connected with any club.

During the past two years I know of no serious accidents having occurred to any boats on Maumee River or Bay.

With very best wishes.

I am, sincerely,

HENRY W. HESS.

INTERLAKE YACHTING ASSOCIATION,
Detroit, Mich., March 24, 1916.

Mr. ROBERT E. POWER,
*Chairman of Power Boat Legislation Committee,
of Interlake Yachting Association, Cleveland, Ohio.*

DEAR MR. POWER: I am informed that Commodores Otto F. Barthel, of Detroit, F. W. Wakefield, of Vermillion, Ohio, and H. W. Parsons, of Cleveland, of our committee on power boat legislation will be in Washington to attend the hearings on the bills to be taken up by the Committee on Merchant Marine and Fisheries on March 28-30. Commodore Templeton, of Detroit, is not able to be with you at the hearing although he is especially interested in the matter owing to his position as president of the Great Lakes Waterways Association.

The Interlake Yachting Association has twenty-four (24) active clubs in cities from Buffalo to Detroit, inclusive, with about 5,000 constituent members and at least 600 motor yachts in their fleets which would come within the provisions of the proposed laws. As the proposed laws, if passed, would operate to the detriment of power boating as a sport the interest being taken in the action of the Committee on Merchant Marine and Fisheries regarding the provisions of the laws as now framed, by the yachtsmen in our clubs, is very great.

On behalf of our association I urge you and your committeemen to make a strong representation to the committee at Washington to consider the proposed laws carefully before recommending them for passage. In our resolution passed at our annual spring

meeting at Sandusky, Ohio, on March 4, of which you have a copy, we protested against the provisions as now written in the proposed laws. You will be able to point out to the Committee the unnecessary and highly restrictive features which were discussed at our meeting, which were so much opposed by so many of our leading members who are interested in power boating as a sport.

It seems there is a widespread interest in the laws to be considered at the hearing next week, judging from correspondence I am receiving daily.

Several clubs in our organization have already passed resolutions protesting against the objectionable features contained in the proposed laws. From the tone of letters and from the unusual activity on the part of individuals and clubs it certainly seems that the legislation now proposed is the most radical legislation regarding power boats that has come to the attention of power-boat yachtsmen. They seem to be up in arms about the matter. They think their pleasure and freedom as amateur yachtsmen are to be almost entirely taken away from them. They want proper regulation and good government, but they do not want to be put in the ocean-liner class. They do not want anything but fair consideration for their sport, which would surely be killed, or nearly so, if restrictions as contained in the proposed laws were imposed.

Conservatively estimated from latest information I have, there are something like 5,900 active yachting members in the clubs of our association, with several hundred more who can not be termed yachting members. Each and every one of the members wish you and your committee success in making your representations to the committee at Washington sufficiently strong to secure power-boat regulations for power-boat yachtsmen, and not ocean liner or towboat regulations, if new laws of any kind are necessary. We wish you good luck, and will anxiously await the verdict of the committee regarding "our sport."

Very truly, yours,

CHAS. D. LYNCH,
Secretary Interlake Yacht Association.

We rather feel, of course, as mostly interested in pleasure yachting, that power boating and the use of these boats is just a recreation, a pastime, and it is a very healthful and enjoyable sport, just like going out and playing baseball and tennis; and the records would seem to show that there are no more accidents from the use of power boats than there are from the use of parks in the ordinary sports and games that people enjoy out of doors. Of course, in our business, in the publishing business, we are in touch with a great many people. And you will be surprised at how much enjoyment, how much pleasure, people get out of their boats. And it is the poorer class that get the pleasure, because they take their families off to spend their week ends. And very often in a great many ports, in equipment, we have noticed particularly, it is all a question first of recreation, and the next question he puts to us is the money he can afford to put into his little boat; and we are rather watchful of anything making it much more embarrassing to him in any way, or it might cause him to feel that he was being subjected to legislation. But it is a fact that when Congress takes action, you know it frightens a man pretty much. He thinks something awful is going to happen if Congress passes a bill which affects his little hobby.

I do not believe there is anything more to say. Mr. Lawley, of course, is one of the oldest builders in this country. He has been building boats and knows the conditions, and he has stated some of the objections which you might meet. The experience we have had on the Lakes, at least to our knowledge, in spite of the fact, as Mr. Tyrer says, there have been one out of every seven boats inspected which have been found deficient—I think we could qualify that a little bit in this way: If that is true, then he has inspected but a small proportion of the boats that are in operation, because I do not be-

lieve it is fair to say that 15 per cent of the people who own power boats and operate them are deficient in the equipment required. Is that what your testimony stated?

Mr. TYRER. That is right.

Mr. POWER. Do you think that is true out of 250,000?

Mr. TYRER. One out of seven of the inspections made showed violations of the law.

Mr. POWER. How many inspections did you make?

Mr. TYRER. That I do not know. We take them as they come.

Mr. POWER. It seems to me the committee might very well inquire how many inspections are made.

Mr. TYRER. It is easy. I think there are about 35,000 inspections.

Mr. POWER. Thirty-five thousand?

Mr. TYRER. During the last six months.

Mr. POWER. It is fair, I presume, if I am not taking too much time, to say that with 250,000 to 300,000 boats, quite a large number have not been inspected; and the possibilities are, and I know it to be true—we know it to be true up our way—where boats are being operated that whenever the man understands the law, or has any knowledge of it, he never hesitates to put his equipment on. Through our clubs and our associations they are always instructed the minute a man joins a club or buys a boat. A great many newcomers come in, and a man may come in to-morrow, and he is always told what to carry and the other owners take an interest in posting him so that he will have the safety appliances needed. It is also carried by the manufacturers in their catalogues, and a majority of them now carry this law in their catalogues which are distributed broadcast. And the general tendency of boat owners, manufacturers, and every one concerned, is to observe this law to the best of their ability. And you will find, gentlemen, whatever action you take, you will have people with you because they are the right kind of people, and we think they are among the best people in the United States.

Mr. HARDY. I want to compliment you gentlemen in this matter and to say to you that we think you have displayed the best spirit of any of the people who have come before this committee.

Mr. LAWLEY. I would like to ask Mr. Tyrer how many arrests were made in the last six months or the last year?

Mr. TYRER. Between July 1 and January 1, we found 5,551 violations of the navigations laws and of that number I think probably between 4,500 and 5,000 were motor-boat violations.

Mr. LAWLEY. What did you do with them; that is what I want to get at; just tell them to go about their business and do it again?

Mr. TYRER. No. I think it may be said in the majority of cases we put on the penalty of \$10, that is, unless it was a second violation. In cases of second violation a heavier fine would be put on. We averaged \$5 or \$10.

Mr. LAWLEY. I have yet to learn of an instance in the city of Boston, where it has been talked of, or from any one among the different motor-boat owners of any fine or any arrest being made.

Mr. TYRER. That is remarkable inasmuch as Boston was the busiest port last year.

Mr. LAWLEY. And I really think if some drastic measure or some penalty was exercised two or three times, the whole thing will be stopped.

Mr. ROWE. And more elaborate inspections.

Mr. LAWLEY. You will have less inspections if you will make an example of somebody two or three times and pull them up to the limit.

Mr. HARDY. Mr. Lawley, we do not any of us want to be made examples.

Mr. LAWLEY. I will take my share; you can inspect my boats as to the equipment on board, and if you catch me I will be glad to pay the bill and have it advertised.

Mr. CURRY. There have been some inspections on the delta of the Sacramento. There was one violation of the law discovered by the department out there and Mr. Cook, the owner of the boat was hailed before the collector of customs and he told the collector of customs he had rented that boat to Maj. Rand of the War Department six months before and it was under the War Department that the violation took place. And there is the only case where they found anything in the last two or three months, and that was a violation of a rented boat under the War Department.

STATEMENT OF MR. F. W. WAKEFIELD, VERMILION, OHIO.

Mr. WAKEFIELD. I think I can read the writing on the wall. I think we are going to have a numbering bill, and I want to ask the inspector if a violation of the law will not always be found by an inspection of the boat, or if he will take every Tom, Dick, and Harry's report of the boat? What I want to guard against more than anything else is spite work by these little fellows, and they are little fellows, and sometimes they are run over. The big fellows crowd us, but what do you take for proof of violation? If it is by inspection of the boat by United States officers, I shall be satisfied; but if every Tom, Dick, and Harry can write a note to the inspector and say a certain boat violated the law, without swearing to it, or something of that kind, I think we will be imposed on in a good many cases.

Mr. HARDY. You will admit we can not write anything into the law as to who the officers will believe and who they won't believe.

Mr. ROWE. We have the same difficulty now.

Mr. TYBEE. We have the same difficulty happen now right straight along. We get repeated statements of violations of the law, but never attempt any move whatever until the person making the charge submits a sworn affidavit. Then the person incurring the penalty is given an opportunity to answer that affidavit before we make any move in the matter in any direction.

Mr. WAKEFIELD. That satisfies me. There is just one more point in this bill and that is: Now my home port is a fishing village; it is used for nothing else but fishing and pleasure boats. And I have been operating a motor boat for pleasure for 10 years. During that time there has been no accident from any power boat; but we have had serious loss of life from the canoes and small rowboats, and I want to call attention to that point. I think you are getting off the track in leaving those small boats out.

Now as the mayor of the village for four years, we tried to pass a law restricting the use of the canoes on the navigable waters. We found we could not do it because it was under the jurisdiction of the United States, and we still have occasional loss of life out of canoes and small rowboats, but we never do out of the power boats at all.

Mr. HARDY. You would not want us to go into that in connection with this bill, would you?

Mr. WAKEFIELD. I do not think you are going far enough; I think you are missing the object. It is small rowboats and canoes where the loss of life comes in. People without any experience in canoes and rowboats go out on Lake Erie when there is a southwest gale blowing, when the man who navigates a boat knows better than to go out. Yet these innocent people go right out; and the first thing you know they are out in danger. I have had to go to their rescue several times myself. And that is where the trouble is and where the loss of life comes in. It does not come in where you are trying to regulate and trying to govern. That is not where the loss of life comes in.

What I understand you are trying to do is to save life, and all the laws are passed to save life; and I say you are missing the object. It is the little boats and canoes and rowboats that cause all the trouble. I had to call for the life-saving crew myself for a canoe with a young man and a young lady in it who had gotten caught in a southwest gale; and we had to get the life-saving crew from 10 miles away. It just happened when all of our boats were out of commission; and the same thing might happen to-day with the college people coming to our town and going out in the small boats every nice day. The college is 20 or 30 miles inland, and they are commencing now to come to our little village and rent these little canoes and these small rowboats; and they are the ones that lose their lives. We have not lost a life in the power boats in 10 years' time.

There is one thing further I wish to say, and that is when you pass this law I am pretty sure you will have your 7 per cent of violations. In other words, I do not think you will accomplish your purpose, because through the lack of inspection.

Another thing, I think the average speed of all power boats, taking them all together, will be less than 10 miles an hour.

That brings me to bill 9412. I think you are missing the point in that one in dodging the small boat. At the present minute we have a small boat in our port that ought to be inspected by the United States Government. There is no one else with any jurisdiction over that boat. As soon as the passengers come to that little town they will simply fill that boat right up. And I do not think it is safe, myself. You say carrying more than 20 people. I say 19 people are just as valuable as 800 or 900. You will have the *Eastland* disasters and the *Slocum* disasters once in a while, but the little boats will have to be taken care of. I think you are missing the object in cutting out the little boats that carry passengers for hire, just the same as the big fellows. To me the value of the life of one is just as great as the many.

STATEMENT OF MR. A. L. JUDSON, NEW YORK, N. Y., PRESIDENT AMERICAN POWER BOAT ASSOCIATION, CHAIRMAN OF THE LEGISLATIVE COMMITTEE COMPOSED OF 150 CLUBS.

Mr. JUDSON. I am president of the American Power Boat Association and chairman of the legislative committee composed of 150 clubs all over the United States and about 25,000 members.

I think I can say that the object sought to be accomplished by this legislation is approved by our association. But we are opposed to the bill as it is drawn at present, for this reason: If it is intended to enact this bill into law, we suggest and believe that the numbers will accomplish more on the inside of the boat than on the outside of it, if it is sought to carry out the provisions of the existing law. For the reasons stated by all the other speakers practically, no boat can be inspected without the inspector going on board. The fact that he must go on board to find out whether this boat has a number or not will show that he has visited it. Then there is some way you will have of checking up your inspector.

If it is intended by this bill also to have a list of all of the motor boats in the United States plying the Federal waters on file in Washington somewhere for some purpose, the number can be found just as well on the inside of the boat as on the outside of it. If, however, the object of having the number on the outside is simply to find out whether the boat is violating the rules of the road or not, then you should have a large number of traffic cops all over the place where motor boats are numerous, with the authority of the Government to hold up their hand and say, "Now, you stop; you have gone on the wrong side; you did not obey the signal of the boat approaching you," etc.

I can not see any other object to be accomplished by having a number on the outside; whereas if you put the number on the inside, it will insure the inspection of that boat by the inspector; and in order to accomplish that the Government ought to put at the disposal of the Department of Commerce sufficient funds to do so.

Mr. HARDY. Let me ask you, in that connection: Suppose you have a boat which is violating some of the rules prescribed by the act of 1910 or 1912, and that boat comes in collision with another vessel which is observing those rules, and that boat knows nothing of the vessel except its number. It reports to the service and the service then has a means of tracing that vessel, does it not?

Mr. JUDSON. That is a very good suggestion, Mr. Chairman; but when two boats come into collision they are usually pretty well damaged, or damaged sufficiently so that they can not get away, and if any boats are around anywhere they are picked up and taken in.

Mr. HARDY. That might be; but they might not come into collision, but come so near it that the danger was great and the owner of the boat who was obeying the law would like to report the man who had not.

Mr. JUDSON. Yes. I think those cases, however, would be so rare it would be outweighed by the disadvantages of the numbering on the outside.

Mr. HARDY. If those dangers are great now they may be corrected; but I want to find out the disadvantages of putting the number on there.

Mr. McDONALD. At present the collision proposition does not enter into this at all. There is no penalty for any violation of the rules of the road to-day.

Mr. TYLER. Yes; the act of June 7, 1897, applies to motor boats and steamboats.

Mr. HARDY. That is a penalty on the captain?

Mr. TYLER. \$50 on the captain and \$200 on the vessel.

Mr. EDMONDS. I have heard complaint on the Delaware of the vessels coming up there. We have a narrow channel, and the captains say those boats dodge around so that sometimes they have extreme difficulty in preventing collisions because they do not know what the man is going to do.

Mr. TYRER. I have no doubt, and the department feels that will be avoided by putting a number on them.

Mr. EDMONDS. You think if you have a number on the motor boat the man could be cautioned, and you would say here, "You want to know the rules of the road after this and not do that again." I think that would be true.

Mr. JUDSON. It may be there are many good purposes served by having the number on the outside.

Mr. HARDY. That is the point I am making for having the number on the outside, and the expense is barely nominal.

Mr. JUDSON. The expense is trivial.

Mr. HARDY. And the annoyance is trivial, too?

Mr. JUDSON. Yes, sir.

Mr. HARDY. Don't you think you had better incur that little or no expense and that little or no annoyance for even a few good purposes than to oppose it?

Mr. JUDSON. If the numbering proposition is to be carried out, I believe you are not going to get any good at all from the bill; but as far as I am concerned, I am willing to go to any expense in my boat to see the laws complied with.

Mr. HARDY. It seems to me that it might be a good idea to number them on the inside and outside both; it would be no disfigurement to put it on the inside, and yet it might aid, in a sense, in the enforcement of this law and to put it on the outside, too.

Mr. JUDSON. I am thinking in connection with this numbering bill—I come from New York, where the violations are probably greater than they are anywhere else; and I venture to say that 10 per cent of this 15 per cent is found around New York City. I do not know how near I am on that, but I mean the boats around New York City, and all around the coast of Jersey, and around there. Mr. Power does not hear it in his locality, and he does not begin to realize the situation we are up against down there, in connection with the lawless citizens who do run around on Sundays in motor boats; and we want those fellows controlled as much as you do. We think they ought to be. And we realize, also, there are a larger number of men, I think very much in the majority, who have motor boats, who live up to the law, who would favor this numbering bill if it will accomplish what is sought to be accomplished; but we do not believe it will in its present condition.

Mr. HARDY. Wouldn't you suggest adding to it by putting a number on the inside?

Mr. JUDSON. I do not think it would be necessary to have it in both places.

Mr. HARDY. If we keep it on the outside, and it would be better preserved on the inside from what has been said here.

Mr. JUDSON. It would be visible on the inside.

Mr. HARDY. But then, even if it would get dim on the outside, if he wanted to board that vessel he could go and get the number.

Mr. JUDSON. You have drawn as a parallel the numbering of automobiles and motor boats. I think there is no parallel to be drawn there, because I think there is very much of a necessity of putting numbers on the automobile, which grew out of the desire to license and to charge a license fee from the automobiles to keep the roads in repair over which they run, and putting the numbers on the automobiles was for the purpose principally of seeing that each automobile paid its license when it was required.

Mr. HARDY. Yes; and to catch them when they ran somebody down, too.

Mr. JUDSON. Oh, of course, it serves all those purposes at the same time, but the principal reason was to be sure you got them for failure to pay the license fee. But you do not get one from the motor boats yet. Perhaps you may some day, but until that day comes don't put one on the outside.

Mr. EDMONDS. As far as I have talked to the members of the committee, nobody ever thought about the taxing part of it. It was the safety proposition.

Mr. JUDSON. I am very much obliged for your suggestion.

Mr. TYRER. Mr. Chairman, I would like to say from the standpoint of the Government, that the letters on the outside of the boat are very important in this case: We find a man who is violating the law; he is reported to the customs house and fails to pay his penalty. The vessel is liable for that penalty and we have to find the boat. And if we should have to board every boat and go to some inside place to look for the number, it would be like looking for a needle in a haystack in order to find that boat again. That was one of the important purposes of putting this number on the outside, is to be able to find the boat violating the law.

Mr. EDMONDS. Without boarding the whole number?

Mr. TYRER. Yes, sir.

Mr. HARDY. I think if you will get together and talk it over, you can come to some agreement.

Mr. LAWLEY. Mr. Tyrer, as a matter of fact, every boat over 20 feet in length has a motor on it, or the great majority?

Mr. TYRER. The great majority.

Mr. LAWLEY. Almost all of them?

Mr. TYRER. Almost all of them. But the trouble is——

Mr. LAWLEY. Let me say that if the *Octoroon* over here ran into your boat or very near ran into it, if there is a collision they are generally traced right off, because there are enough men around there who make no bones about it; and the boats now are numerous, men can hardly get drowned now without somebody coming to the rescue.

Mr. TYRER. If the department has before it the fact that the *Octoroon* incurred a penalty, we have no place to go as to who knows the boat. We have some place somewhere a vessel by that name that has incurred a penalty and we are looking for the owners.

Mr. LAWLEY. No registry anywhere in your records?

Mr. TYRER. No registry anywhere in our records; no record of any of these undocumented boats anywhere. So that while we may have the name "*Octoroon*" we do not know where it is to be found; and if we found a boat by that name we are not sure we have found the right *Octoroon*.

Mr. EDMONDS. I know of a young man down on the Potomac who changes the name of his boat every time he changes his girl and he has had seven names to it to my knowledge in five years.

Mr. HADLEY. In order to preserve the order of the hearing, before the objections are closed, I have a couple of protests which I would like to call to the attention of the committee. I was not here at the beginning of the session, on account of other committee work. I have one that goes to 9411 from the Everett Motor Boat Club at Everett, Wash., in my district, and they submit a resolution along the general lines stated here, and make a suggestion in connection with the resolution to this effect; also expressing the wish of club members that in lieu thereof (referring to the numbering bill) the opportunity be provided, by congressional enactment, for registration of all such power craft in United States waters, as affording boat owners a long needed and much desired protection and securing to Government agents the powers needed to make effective the provisions of the navigation laws.

Then there is a comment upon that bill by the secretary of the Everett Motor Boat Club to the effect that the registration mentioned in the motion was considered equally as efficient as the marking, and as the latter would mean a disfiguring of all the handsome power yachts now on our waters, they hope we will think favorably of their opposition, and so forth.

(The communication above referred to by Mr. Hadley is as follows:)

EVERETT MOTOR BOAT CLUB,
Everett, Wash., March 20, 1916.

HON. LINDLEY H. HADLEY,
*Committee on the Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.*

DEAR SIR: At the regular meeting of the Everett Motor Boat Club, held March 20, the membership discussed the objectionable features of the proposed legislation requiring marking of motor boats by letters and numerals, and the following motion was carried, unanimously:

"That the secretary be instructed to address to each Member of the Senate and House of Representatives from this State, a protest in the name of the club, urging them to vote against House bill 9411, which provides for a system of marking motor power boats by means of letters and numerals, and also expressing the wish of club members that, in lieu thereof, the opportunity be provided, by congressional enactment, for registration of all such power craft in United States waters, as affording boat owners a long-needed and much-desired protection and securing to Government agents the powers needed to make effective the provisions of the navigation laws."

The registration mentioned in the motion was considered equally as efficient as the marking, and as the latter would mean a disfiguring of all the handsome power yachts now on our waters, we hope that you will think favorably of our opposition and endeavor to have proper legislation enacted.

Yours, truly,

JOHN NELSON, *Secretary.*

There is another letter here which I have not answered, having been received to-day and I have not had the opportunity.

Mr. HARDY. If you later want to insert it in the record, just call it to the attention of the clerk.

Mr. HADLEY. This letter I refer to now is from the Puget Sound Purse-Seine Fisherman's Protective Association of Tacoma, written by Frank Berry, secretary, and I think, while it does not identify the measure, it has reference to 9412, although I have not given the

letter credible examination. Omitting the premises, the letter refers to the bill in a general way, that we require an examination——

Mr. HARDY. That is 9412?

Mr. HADLEY. Yes; of every operator at the office of the steam-boat inspector at the nearest point. The letter then reads:

There are about 400 boats used in the purse-seine class that would be affected on Puget Sound by this proposed law and were it in force not more than 10 per cent of the fishermen could qualify and be able to take out licenses. This would mean that they would be forced out of business and their livelihood taken from them. The lengths of the fishing boats used by the purse-seine fishermen vary from 40 to 65 feet and therefore any law affecting boats above 65 feet would not apply to or hurt the fishermen.

They have passed a resolution at their meeting to this effect.

Mr. HARDY. I think maybe they are laboring under a mistake and you can present it to them at your leisure.

Mr. HADLEY. Yes; I will look it up. I want to present it at this time in order to preserve it in the hearing; because I have not verified it under the terms of the bill.

Mr. HARDY. It may be printed with the others.

(The communication above referred to by Mr. Hadley is as follows:)

PUGET SOUND PURSE-SEINE FISHERMEN'S PROTECTIVE ASSOCIATION,
Tacoma, Wash., March 15, 1916.

Hon. LON H. HADLEY,
Washington, D. C.

DEAR CONGRESSMAN: The Puget Sound Purse-Seine Fishermen's Protective Association met last Saturday, March 11, 1916, at Seattle, and at said meeting the attention of the members was called to several laws now before Congress that threaten the welfare of motor-boat men. One law in particular requiring that every work boat, no matter what size or occupation, must carry a licensed operator aboard and that these operators must be qualified, not in the old way, but by a strict written examination which they must take at the office of the steam boat inspector at the nearest point.

There are about 400 boats used in the Purse-Seine class that would be affected on Puget Sound by this proposed law and were it in force not more than 10 per cent of the fishermen could qualify and be able to take out licenses. This would mean that they would be forced out of business and their livelihood taken from them. The length of the fishing boats used by the Purse-Seine fishermen vary from 40 to 65 feet and therefore any law affecting boats above 65 feet would not apply or hurt the fishermen.

Our association, at this meeting, passed a resolution instructing the secretary to vigorously protest against this law or any other similar law having a like effect.

We therefore respectfully request you to use all honorable means to work for and defeat the passage of this or any similar law affecting the rights of fishermen.

Sincerely, yours,

FRANK BERRY, *Secretary.*

Mr. CURRY. I would like to have put in the record, if the information can be furnished by the representative of the department, what increase of the inspection service and customs service would be necessary to put this bill into practical operation if it is enacted.

Mr. TYRER. Mr. Chairman and gentlemen, we have gone into this thing pretty carefully. The bill has been under consideration for about three years. That was the first thing we considered, was the matter of costs. One of the purposes of this bill is to reduce the time of the inspection of boats, because it will enable us with our present facilities to inspect more boats in the same time; that is, to cover more territory. The principal time that we now expend in making the inspection is in getting the name and address of the owner. And that, as I stated, is the irritating part of making these inspections. Now that will all be obviated when the number of the boat is visible.

So far as this law itself is concerned, the law would go into effect six months after it is passed, and during that time we propose to have

distributed as widely as possible circulars covering the requirements of this law; to bring them to the attention of the people through motor-boat publications, newspaper publications, and posting up in post offices and through all of our own offices, and in that way to bring it to the attention of the people so that when the law went into effect six months after it is enacted, when application is made to the collector of customs for the number of the boat we would perhaps send a printed letter with two printed cards to the applicant for that number. The applicant will be instructed in the printed letter which accompanies the cards how to fill out those cards.

We will enclose an envelope for the return of the cards to the customhouse filled out and on one of them will be inserted by the customs officer the number that is awarded to that boat; that card will then be filed according to the number that is awarded to that boat; the other card having the name of the man will be filed alphabetically by name. When the number is awarded the collector of customs will send another printed notice and a card to the man, inserting on that the number that is awarded to the boat. This printed notice will contain full printed instructions as to how it is to go on the boat and what equipment is necessary to be carried by a boat of that particular size. That will involve in the customhouse the addressing of two envelopes, the filling in of a number and the filing of the two cards. We figure that is the entire clerical work connected with the enforcement of this law in the customhouse. Of course in the beginning of the work that will be work that will come in a bunch and most of it will be done in six months and there will be continuing work after that, but not very heavy; but this work is no greater and will be no greater, except perhaps in the rush season, than the time now spent in the same customs offices in trying to locate people who give fictitious names. So that we expect the actual clerical work of enforcing this law will not cost the Government one additional cent; at the same time it will enable us to go a great deal more work with the same facilities we have now.

Mr. CURRY. How often do you inspect these boats?

Mr. TYRER. Under the system we now have the department has an inspection boat running along the Atlantic coast twice a year once on the way up and once on the way back—once on the way south and once on the way back. We have two boats running on the Atlantic. Then we have 62 navigation inspectors. Those inspectors are doing good work. They reported 1,032 violations of the law last year. Then we have the customs officers. They are charged with the enforcement of the law. In addition to that, we have the whole Coast Guard Service. That service is working right along the same line.

So that we have four inspection services. And we are attempting to have the Committee on Appropriations give us another boat just at present, the ultimate plan of the department being to have five inspection boats—two on the Pacific, two on the Atlantic, and one on the Mississippi River and tributaries. Then, if we have about two or three thousand dollars allotted to the collector of customs to hire boats at places where we would not need boats all winter, we believe we can get a satisfactory enforcement of the law, provided we have this means of identifying the boats. I believe this bill will

develop the efficiency of our inspection for us; and, so far as the enforcement of the law itself is concerned, it is no harder to require a number on the boat than it is a lifepreserver on the same boat.

Mr. CURRY. You would not have any set times for inspecting those boats—once a year, or once in three years, or three months, or anything of that kind?

Mr. TYRER. We have to work all sorts of schemes now so that they will not be expecting us.

Mr. HARDY. It would be very bad for you to have a stated time.

Mr. TYRER. We have inspections, and then apparently go off, but will come back the next morning; and all sorts of schemes are worked to get around the people being prepared for us.

Mr. CURRY. Do you think they all ought to be inspected?

Mr. TYRER. As Mr. Lawley stated a few minutes ago, I think the department is wasting time inspecting boats that belong to the regular organized yacht clubs.

Mr. CURRY. That is what I think.

Mr. HARDY. A man who takes pride in his boat is not going to violate anything of that sort; but we still have to have a law.

Mr. TYRER. The United States power squadrons are cooperating with us, and various yachting organizations throughout the country are cooperating with the department; and I think real beneficial work is being done through those organizations and other such motor boat publications as Motor Boating and Power Boating; and they are doing great work. They are keeping before the motor-boat owners all the time the necessity for this equipment.

Mr. HARDY. Are there any other points you wish to present to the committee, or any other questions to be asked by the committee?

Mr. CURRY. Did I understand you to say that more than one department of the Government is doing this inspection work?

Mr. TYRER. The Coast Guard Service of the Treasury is working and helping us on this.

Mr. CURRY. After they inspect a boat, do they make a report on it?

Mr. TYRER. Oh, yes; the report goes to the collector of customs.

Mr. CURRY. That it has the proper equipment?

Mr. TYRER. No; not that it has the proper equipment; they report only the cases where there is a lack of equipment.

Mr. HARDY. Do they then report the number of inspections they make, so that it can be seen from that how many were properly equipped?

Mr. TYRER. Yes, sir.

Mr. POWER. There was a great deal of complaint last year. We received complaints from our readers by mail to the effect that after they had been inspected and had passed they were boarded several times during the season and that they had explained to the inspectors they had complied with the law and showed them their equipment; and they wondered if some method could not be devised like on steamboats, where they are inspected once a year. Is not that true?

Mr. TYRER. No; they have a regular annual inspection and then periodical inspections.

Mr. POWER. In other words, a gentleman owning a yacht, who is a very responsible citizen, he has all of the equipment necessary, and

he should not be put to the constant annoyance from inspectors. And of course that takes time and costs money to our Government.

Mr. TYRER. I am very glad Mr. Power brought that out. If we have those boats numbered, the inspection officers will be able to keep a record of the inspections they make, so that they won't waste time inspecting the same boat twice.

Mr. HARDY. And they can not do that in any other way than by a system of numbering?

Mr. TYRER. I do not see any other way of doing it.

Mr. CURRY. I do not see why you could not give them a certificate of inspection. If they are liable to subsequent inspection, why can you not give them a certificate of inspection?

Mr. TYRER. The trouble is, a man will have to-day three people on board and three life preservers, and to-morrow he will have four but the same three life preservers.

Mr. CURRY. We will have to employ the whole United States to prevent that and to inspect them every day.

Mr. McDONALD. You are getting near the heart of it when you say that. You can not inspect this thing.

Mr. TYRER. Oh, it is impossible to inspect every boat on every trip, because we would have to have 250,000 inspection boats and inspectors for every boat that is navigable. But we are accomplishing that practically. If a man is penalized to-day, he is not going to be penalized to-morrow; if he knows they are in the neighborhood he is going to have the equipment on his boat.

Mr. JUDSON. I would like to suggest that possibly if you intend to pass this bill, as I have no doubt you will, the boats might be called documented vessels after they have made this registration, for one very good reason, that documented vessels at the present time are not subjected to the vagaries of the various officials of localities in the various States. We have the Lowell commission in Connecticut and the experience there of an attempt by that State to regulate motor boats. Now, if motor boats can be included in the exemption that regular documented vessels have from local annoyance of all kinds, after having once put their numbers on or been inspected, and protection by the United States Government--if that amendment could be put in the bill I think we would be very glad indeed to have it.

Mr. HARDY. Let me make this suggestion to you, that that would be a new field of inquiry we would be going into and we would have every State along the coasts wanting to be heard from.

Mr. TYRER. It might be stated also that every member of the crew would be entitled to attention in the Public Health Service hospitals.

Mr. HARDY. You mean in the Federal hospitals?

Mr. TYRER. In the Federal hospitals, inasmuch as that is provided for by Congress in the case of documented vessels.

STATEMENT OF HON. C. M. McARTHUR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON.

Mr. McARTHUR. I have just received some communications from my county about bills H. R. 9411 and H. R. 9412, and some objections to the bill; but I have not had the time to go over this matter. These communications just reached me a few moments ago and I

would like to have time to prepare what has been sent to me and send a copy to the committee.

Mr. HARDY. I expect we have the same thing. If you will do that and file it with the clerk, it will receive the consideration of the committee.

Mr. LAWLEY. I do hope if you bring in those bills, as I presume you will, that you will seriously consider numbering those vessels on the inside. I am afraid if you do not you will have a strong protest from the New York Yacht Club with its influential members who do not like to have their boats marred up by numbers; and I think you will avoid all that if you can put them on the inside, and I do not see why you do not obtain your whole purpose.

Mr. TYRER. What percentage of the New York Yacht Club vessels are over 16 tons? Those are documented, all right.

Mr. LAWLEY. The boats this applies to—I will read the bill; it covers lifeboats, launches, and cruising launches, and all sorts of things; they have all got to be numbered under this bill.

Mr. TYRER. That is not the boat itself.

Mr. LAWLEY. It is not the boat itself; it has nothing to do with the documented *North Star* or Mr. Vanderbilt's yacht or anything like that. Commodore James Dore has four boats and they are all beautiful mahogany boats; and I do not see why they could not all be numbered on the inside.

Mr. CURRY. Those boats are now all named and numbered, are they not?

Mr. LAWLEY. No, sir; they are not numbered: they have the name of the boat on the backboards.

Mr. CURRY. That is what I mean.

Mr. LAWLEY. But that is movable and they are liable to be lost overboard, and temporarily lost until another one can be made; and if you have the same number on your boats inside, just the same as the big vessel itself has it, I do not see why it is not accomplishing the object.

Mr. CURRY. Do not the lifeboats on the yachts have the name of the yacht on the lifeboat with the number, like *Lerling No. 1*, *Lerling No. 2*, *Lerling No. 3*, and so on?

Mr. LAWLEY. You have on your merchant marine.

Mr. CURRY. But they don't on the yachts?

Mr. LAWLEY. They do not on the pleasure boats.

Mr. CURRY. They do not?

Mr. LAWLEY. No, sir. We have "18 cubic feet" and "180 cubic feet" and on the mahogany boats that is on the thwarts, you know, and "18 persons"; "20 persons," and "50 persons," as the case may be in a red letter on a dark background. I have come as near not obeying the law as possible, because they do not like to see gold letters even on the mahogany thwart; and I have gotten as near the mahogany as I dared and still be able to get by.

Mr. CURRY. I do not see any harm and I think there is a whole lot of good in putting the name of the parent boat on the lifeboat.

Mr. LAWLEY. It is usually on the boat; the name of the parent boat is on the boat somewhere.

Mr. CURRY. That is what I asked you, and you said no.

Mr. LAWLEY. It is on the life preservers and it is on what we call a "backboard," that you rest your back against when you sit against cushions; and that is movable and could be lost in case of capsizing.

Mr. HARDY. As I understand, the object of this law is not to apply to life-saving boats on the big vessels at all; that is not the intention of it.

Mr. TYRER. Not for the lifeboat pure and simple.

Mr. HARDY. Lifeboats used in connection with the big vessels?

Mr. TYRER. Kept on the davits.

Mr. LAWLEY. We have lifeboats now with all the big boats with motor power in them. I do not see where they are going to cut any out with the motor in them. Sometimes the crew take those boats ashore for supplies and things of that kind.

Mr. TYRER. That same boat has a motor in it all the time.

Mr. LAWLEY. In a movable shape.

Mr. McDONALD. Those boats are lifeboats part of the time and the greater part of the time they are tenders, used to carry people back and forth and to bring things out to the vessel.

Mr. HARDY. They should be numbered, too.

Mr. CURRY. Why shouldn't they name the boat instead of numbering, as I said before *Lerling No. 1*, *Lerling No. 2*, etc., on there instead of these numbers?

Mr. TYRER. It seems to me simply a matter of regulation, a matter which the department could attend to very easily.

Mr. HARDY. I do not think that would comply with this bill unless the department recognized it in their certificate.

Mr. TYRER. Certainly.

Mr. LAWLEY. Put it where it is inside and not mar and disfigure your nice boats. You would not want to see a number posted or painted or anything else on a nice mahogany boat or a teak wood boat like they have in the New York Yacht Club; would you, honestly, Mr. Tyrer?

Mr. TYRER. That is one of the prettiest boats I ever saw.

Mr. LAWLEY. Never mind about it being the prettiest boat; you would not like to have that marred up, and that is the way the owners feel.

Mr. TYRER. There are not many of those boats in the United States.

Mr. HARDY. The trouble about this is it is only a question of fashion.

Mr. LAWLEY. It is not a fashion. You do not use your pianos to stand on while you are hanging pictures on the wall.

Mr. HARDY. No; but I notice they all have something on them.

Mr. LAWLEY. I merely take that because I do not see how it meets the object of your bill if you do do it.

Mr. EDMONDS. If you saw the color of the automobile license in Pennsylvania this year on my pretty car, you would do some kicking.

Mr. HARDY. But in fact you have gotten used to it and don't mind it.

Mr. McDONALD. If you take into consideration what Mr. Lawley recommended, giving the lifeboats or tenders the name of the parent vessel in the case of the larger yachts and in the case of the ocean-going steamers, and so on, why it would only be fair to apply the same ruling to the smaller-sized motor boats, which are not documented under 65 feet in length, and still are large enough to carry one or two boats on the davits.

Mr. HARDY. What about that, Mr. Tyrer?

Mr. TYRER. There is no objection to that.

Mr. McDONALD. That any boat carried as part of the equipment of the parent boat should carry the name of the parent boat.

Mr. HARDY. As I understand Mr. Tyrer, that can all be arranged by the department under this bill by giving a number to those subordinate auxiliary vessels with the name of the parent boat, No. 1, No. 2, and so on; that you can cover that under this bill; and, as I understand, that will work in harmony with your ideas.

Mr. McDONALD. No; I do not see how they can do that, because this boat has a number as well as a name.

Mr. HARDY. Suppose you and Mr. Tyrer talk that over and make clear the plan.

Mr. CURRY. I think the bill will have to be changed to meet that objection. I do not believe you can put a name with the number on the boat under this bill.

Mr. HARDY. I do not see how that very measure that is here would not be complied with, for instance, if the yacht had on its lifeboats, printed somewhere on it, the name of the yacht, and then No. 1, No. 2, and so on.

Mr. CURRY. I do not believe even the system suggested by Mr. Tyrer, of having serials and letters and numbers, could be put into operation under this bill; I think it would have to be numbers and numbers only.

Mr. HARDY. It may be that the bill ought to be examined very closely with reference to those two questions.

Mr. CURRY. I think he had better take that up and look into it and see how that is.

Mr. HARDY. I do not know whether they have provided for the different methods of numbering or not.

Mr. LAWLEY. We can not escape the automobile question. You sometimes see "C. B. 154," and numbers like that on the automobile tags.

Mr. H. A. PARSONS. If they are going to number these things, why can not they have the number carved in?

Mr. HARDY. Is there anything further, gentlemen?

Mr. JUDSON. Mr. Chairman, I think there is one thing that ought to be mentioned in connection with 9412 and that is it provides for a written examination for license to be taken by the engineer and pilot. I understand, particularly on the Pacific coast, some of those boats may be a hundred or two hundred miles from the nearest collector's office, and under that bill it would be necessary for that man to make the trip of a hundred miles down and a hundred miles back to take a written examination to get a license to run a boat.

Mr. EDMONDS. A written examination is not required.

Mr. JUDSON. Yes, it is; a written examination.

Mr. EDMONDS. It does not say "written"; it says an examination covering knowledge.

Mr. CURRY. I do not believe that section has any business in the bill at all. They have plenty of examination at the present time under the present law.

Mr. JUDSON. In that connection I want to say as to the present license, I understand a man gets a license simply by sending his name and address to the department and he receives a certificate that he

is a licensed engineer and pilot, or whatever it may be. And he has a certificate from the Government simply by sending his name and address. I do not think a man ought to be certificated under those conditions.

Mr. EDMONDS. That is true that he simply sends in his name and address and gets a license, but if he does not observe the law the Government takes it away.

Mr. JUDSON. If a man has not any ability to run a boat the Government should not issue a certificate and say that he has.

Mr. EDMONDS. This section D says:

The operators of such vessels * * * shall be licensed by the local inspectors of steam vessels after an examination covering knowledge of the rules of the road, ability to distinguish colors, general knowledge of motor engines and machinery and of the navigation of waters in which the vessel is to be used.

It does not say anything at all about a written examination.

Mr. JUDSON. One of the bills did.

Mr. TYRER. It is equivalent to a written examination.

Mr. HARDY. I think I used the expression "written examination," in one of the questions I asked.

Mr. HADLEY. It would have the same practical effect.

Mr. TYRER. It would have the same practical effect.

Mr. JUDSON. He would have to go a long distance.

Mr. HARDY. This is applicable to vessels on the water, and those are supposed to be vessels not a very long ways from home; and certainly at some time during the year they would have a chance to take that examination.

Mr. EDMONDS. And it only applies to vessels carrying passengers.

Mr. CURRY. On the Pacific coast we have 3,200 miles of coast line and we have just passed a bill through Congress creating two districts out there, one at San Francisco and one with headquarters at Seattle; and I think we have a board of local inspectors at San Francisco and Portland, and possibly the Sandwich Islands and also at St. Michaels and Juneau, in Alaska, and a man would have to go 1,000 or 1,500 miles to be inspected under this bill.

Mr. HARDY. That is our local inspectors bill we had up the other say.

Mr. CURRY. Yes; and I do not think it would be right to compel a man to take a trip of 500, 800, or 1,000 miles to go down and be inspected as to whether he can run his own boat.

Mr. HARDY. Don't those inspectors go from place to place?

Mr. CURRY. If the United States Government wants to send a man 500 miles and pay his fare up and back and his hotel bills to inspect a 30 or 40 foot boat and see that the man who owns it knows how to run it, all right.

Mr. HARDY. I do not believe anybody ought to run those vessels who are carrying passengers for hire.

Mr. JUDSON. He can not do it now.

Mr. HARDY. What Mr. Judson said just now was that they did give certificates without any examination. That is useless.

Mr. JUDSON. That ought to be taken away, sir.

Mr. CURRY. That may be true in some fashion, but it is pretty hard to get a certificate at home; and if a man makes one mistake it is taken away from him.

Mr. JUDSON. I think he ought to be made to furnish some evidence in writing from some people who know him that he is all right.

Mr. CURRY. He ought to be compelled to furnish as much evidence that he can run his own boat as the owner of an automobile does that he can run an automobile.

Mr. McDONALD. A bond has to be furnished in New York. You do not have to take an examination, and any member of my family, my wife or any member of the family, under the laws of the State of New York, can operate my automobile.

Mr. HARDY. I think it is generally required you have to reach a certain dignity before you can expect to be certified to drive an automobile.

Mr. McDONALD. On this matter there is something that has not been thought of. Take Alaska. There are a great many motor boats in Alaska, and a great many of them are being used to carry passengers for hire. And, as I understand, there is only one collector's district, at Juneau, in charge of Capt. Whitney. And what is the distance from Juneau to the Aleutian Islands? It is 1,500 miles to the Aleutian Islands, and I have a friend up there who is the superintendent of one of the mines, and he is an intimate friend of Capt. Whitney's, and Capt. Whitney has furnished a great deal of information in regard to motor boats up there. And this man would have to go 1,800 or 2,000 miles to Capt. Whitney at Juneau, to his headquarters, to get a certificate and to pass an examination. And there are no more competent boatmen in the world than those men in Alaska, up around Puget Sound, and up around the Elizabeth Islands here in Massachusetts, and around Marthas Vineyard. And a man has usually got to go some distance there, but not so far as in Alaska—only over to Bedford.

Mr. HARDY. Don't they have any of those boats coming to Alaska?

Mr. McDONALD. Some of those customs boats run down as far as Seattle. You take the *King & Wing*. I think she was the schooner that rescued one of the Arctic explorers last winter that Peary's captain went with, Robert Bradley, and the whole expedition was lost. The *King & Wing* is a passenger-carrying boat. She goes up through the Bering Straits up into Bering Sea, and she carries produce and supplies, passengers, and so on. That man comes down every three years, and then goes up to where the whalers hang out and stays there over two winters and comes down every third winter.

Mr. HARDY. But those navigators have no certificate of efficiency or competency, or anything of the kind?

Mr. GREENE. He was born on the water.

Mr. HARDY. I know he was born on the water, but do they not get a certificate of efficiency or competency, and the Government ought not to give any kind of a man that certificate.

Mr. McDONALD. I do not say that; but I say there should be some method of getting to this man; that the steamboat inspectors should go to them.

Mr. EDMONDS. Have you a boat on the Pacific now, Mr. Tyrer?

Mr. TYRER. Not in our service.

Mr. EDMONDS. But these men go around to Alaska?

Mr. TYRER. The Coast Guard people, you mean.

Mr. EDMONDS. The Coast Guard people, and you make your inspections that way, do you not?

Mr. TYRER. Yes.

Mr. EDMONDS. And I saw somewhere he made inspections at St. Michaels and all the way down the coast. Is not that so?

Mr. TYRER. Yes. We allotted one year, I think, \$1,100 for the hire of the boats to make inspections.

Mr. EDMONDS. He does that every year and he could make the inspections?

Mr. TYRER. Yes; he could make the inspections; that is, to a certain extent; it is not thorough at all.

Mr. HARDY. Under this bill how would this man operating up there on the Alaskan coast be able to secure any kind of an examination without coming 1,500 or 2,000 miles?

Mr. TYRER. It is the practice for the steamboat inspectors to take a trip all over Alaska and they have to make definite dates when they will be at certain places.

Mr. HARDY. And they could then be examined.

Mr. TYRER. They could then be examined.

Mr. HARDY. I did not know what the solution was.

Mr. TYRER. That is fairly well taken care of all over the United States. These inspectors travel around in their districts for the purpose of giving examinations and inspecting vessels and doing that sort of work.

Mr. HADLEY. Would there be any opportunity to get a license without inspection, unless he comes along?

Mr. TYRER. No.

Mr. HADLEY. Unless he comes along it would have to be deferred or else go a distance of 1,500 miles.

Mr. TYRER. That would be true.

Mr. HADLEY. He makes a trip once a season and except for a days or two he would be present in a given locality there would be no way of getting it?

Mr. TYRER. Yes, sir; because it is all in the control of the department in the enforcement of the law and the enforcement of the penalties and all those things. They give full weight to all those things.

Mr. HARDY. In other words, they are not quick to punish a man to the full limit of the law if the man has a reasonable excuse?

Mr. TYRER. Not if he has a reasonable excuse.

Mr. HARDY. But you must have some requirement of the law?

Mr. TYRER. You must have law.

Mr. CURRY. Don't you think you have enough law provided you have this numbering proposition?

Mr. LAWLEY. Give him an easy one, Mr. Curry.

Mr. GREENE. We will call on the head of the department and see what he has to say about it.

Mr. TYRER. I want to say that the head of the department is heartily in favor of the numbering bill.

(The following letters were offered for the record by Mr. Curry:)

SACRAMENTO BOAT CLUB,
Sacramento, Cal., March 24, 1916.

Congressman CHARLES F. CURRY,
Washington, D. C.

DEAR SIR: The directors of the Sacramento Boat Club at a meeting last evening discussed the matter of House resolution 9411, known as the tag bill, introduced by Joshua W. Alexander under date of January 19, 1916.

It is the unanimous opinion of boat owners that the requirements of this bill would work a very great hardship upon the owners of motor boats which are operated solely for pleasure. Some of these boats are very expensive, and the owners take great personal pride in them. They do not wish to see their boats disfigured by a plate consisting of large figures. They do not feel that the safety of navigation is preserved by the provisions of this bill. They feel that the existing laws are adequate to cope with the situation.

As an instance of the hardship this bill would work, it was mentioned that perhaps the owner of a small motor launch would be compelled to display in figures 3 inches high or more, say, the number 257628. The pride of the owner of the boat would be very seriously offended by such a useless display of figures.

We trust that you will use your utmost endeavors to defeat this bill and any similar legislation.

Thanking you for your courtesy in the matter, we are,
Very truly, yours,

SACRAMENTO BOAT CLUB,
T. W. MADELEY, *Secretary.*

Hon. CHAS. F. CURRY.

DEAR SIR: We, the undersigned citizens, respectfully enter a vigorous protest against House bill 9411.

We feel the present laws relating to motor boats are fully adequate if properly enforced, and we earnestly ask you to use your best efforts toward defeating this bill.

Very respectfully, yours,

Merrit Gibson, David W. Humphreys, G. Charles Ade, J. D. Harnes,
J. T. O'Brien, F. C. Kaelber, August Weber, Wm. L. Samler, W. J.
Plum, H. J. Grace, C. E. Lehmann, C. S. Laring, Louis Barth, Fred
Walter, J. F. Fletcher, Thos. Carnell, T. I. Caffrey.

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**TO REGULATE THE OFFICERING AND
MANNING OF VESSELS**

HEARINGS

BEFORE

**THE COMMITTEE ON THE
MERCHANT MARINE AND FISHERIES**

HOUSE OF REPRESENTATIVES

SIXTY-FOURTH CONGRESS

FIRST SESSION

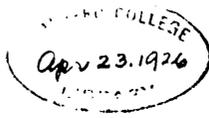
ON

H. R. 8036

APRIL 6, 1916



WASHINGTON
GOVERNMENT PRINTING OFFICE
1916



Interstate Commerce Commission

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

for another year before they can qualify for a higher license. Even when they qualify for this license they do not at once secure the positions for which they are working and may have a number of years even to serve as deck hands before they are assigned to a position as a pilot or master. The result is that these men, when they finally do arrive at a position where they are earning from \$100 to \$125 per month, have been so long in this service, got so thoroughly imbued with that line of work, that they are disqualified for any other line of employment and also by that time they are most of them married, have families to support, and are not at liberty to begin in some other line of employment, and the result is that they are at the mercy of their employers.

They know that they can not go out and succeed in another line, and they have to accept the best they can get. I know in many instances they have come to me and complained about the conditions under which they are working, but they are almost trembling with fear that word of this will get to their employers, fearful that they will lose their positions and will be unable to secure employment for themselves.

The conditions on railway boats are much better than conditions on the individual boats. The boats operated by the smaller companies are most of them operated by a single crew, and under the Steamboat-Inspection Service these vessels are not allowed to operate more than 13 hours in any 24. As a matter of fact, this rule is violated continually, openly, and these vessels operating with but a single crew operate 12, 13, 14, 15, and frequently 18 hours per day. These men have no redress.

Now, if this bill were to provide for an eight-hour day, it would be a hardship on the owners, because the vessel, at the end of the eight hours might be out on the water some distance from the pier, and therefore it would be impossible and impracticable to change the crews at that time. And, furthermore, these individual boats would have to have two crews for each vessel, which would increase the expense of operation to almost a prohibitive degree, or would in some cases. By providing for 56 hours per week the men could work their 13 hours every day—I would not say more—for several days and when that 56 hours is completed then that crew could be relieved and those men could have a day or a day and a half off to make up the overtime which they had been working. This would enable the shipowner to do away with the necessity of having two crews for each vessel, but to have an extra crew for three, four, or five vessels, and this extra crew could be shifted from one vessel to another and would not cause very much additional expense to the owners.

I have spoken about the hardship under which these men exist. During the past few days I have been reading over a large number of letters which I have received from members of the Masters, Mates, and Pilots Association. These letters are merely repetitions of the pathetic tales of drudgery, working under such conditions that they have scarcely any time to spend with their families. And, furthermore, the worst condition of all is that their salaries are such that they are unable any more than to maintain themselves and their families during the time they are employed, and after a life of toil on these vessels, when they become too old to work, if they have been

able to lay aside enough money to buy their little home they have been exceptionally fortunate. Most of them do not leave more than enough to bury themselves.

I thank you.

STATEMENT OF CAPT. WILLIAM J. MURRAY, 181 EAST NINETY-SECOND STREET, NEW YORK CITY, PRESIDENT UNITED HARBOR, NO. 1, MASTERS, MATES, AND PILOTS' ASSOCIATION, NEW YORK CITY.

Capt. MURRAY. Mr. Chairman and gentlemen, I am interested in the same section of this bill as the previous speaker. I represent some 2,000 men in the harbor of New York. I am to-day employed as a pilot, doing practical duty, by the city of New York.

I started in this business as a boy 13 years old. My uncle owned a steam tugboat in the harbor of New York, and when I went to him for a position, asked him to put me in a position where I could work up and eventually be a captain or pilot or something similar, he advised me against it. He said, "This is a dog's life." He said, "Men who work in this business have a dog's life. They have no time with their families. You go back and go to school and get some position that a white man should work at." Those were the words of a steamboat owner to a member of his family.

We have received appeals from the wives and children of members of our association, protesting against the deplorable conditions under which their husbands and fathers have to work. Conditions to-day in the harbor of New York and the railroads, as was said by the previous speaker, are such that a man goes to work with some railroad companies at 6 o'clock in the morning and he stays on until 6 o'clock at night, without a bite to eat or a hot cup of coffee—enough to keep him going through the day. Until recently those boats were supplied with a cook and a dining room, but to-day these have been taken from them.

A man leaves his home at 4.30 in the morning and gets back at 7 o'clock at night. He never sees his children by the daylight in the winter months. When he gets home he is so tired that there is nothing else for him to do but to go to bed. And in the summer time he doesn't even get enough sleep; his average day's sleep is four hours a day. He can not get any more sleep with the noise and turmoil of the outside world with everything in operation. That man goes on and repeatedly it has been stated men have fallen asleep at the wheel; and the men are asleep a part of the time when they are on duty, consequently putting the lives and the property of other people, whose men are awake, in jeopardy.

It has been said, Mr. Chairman, that it is impossible to work within the 13-hour law and carry on your business successfully. That statement has been made by a number of steamboat owners. That bill was passed before this honorable body to fix a maximum number of hours under which a man in our profession could work. But still, in the harbor of New York, that 13-hour law has been grossly violated, but the men are afraid to put their names to an affidavit; and you see we are compelled to do it or otherwise lose our positions.

Those are conditions that actually exist to-day, and I stand here, gentlemen, with the documentary evidence to prove my contention

that that law is being grossly violated and the men are afraid, for fear that their future means of livelihood would be put in such a position that they could never work at the steamboat business again. The 13-hour law was placed on those books to give our men a chance. Before that law was there the men had to work 18 and 20 hours a day, as every man in this room knows, and to-day, with the log book taken off the boat, there is no means by which you can find out just the amount of hours that those men work. Men have appealed to us, and when we asked them to sign an affidavit, have said: "I am afraid; we want the association to do something for us." But we can not do it simply because we can not get them to sign affidavits.

We have a few here, and I have a number of letters here which I want to offer in evidence to the committee, and not to be read, but that you may read them when you are in executive session.

I will speak now of the boats that work six hours on and six hours off 365 days in a year. Those are boats engaged in towing mud in Long Island Sound and in sand towing in the district which I represent. Those men can not get off those boats when that boat lays up under any consideration without violating the statute laws of this country and putting a deck hand at the wheel, an unlicensed and unskillful man at the wheel, to take their place in order that they may go home and take a bath and see their children.

It may be argued, Mr. Chairman, that we will be unable to furnish men to fill these positions in the event of the passage of this bill. I would like to go on record as stating that in a great many cases, in the harbor of New York, there are licensed men working on boats where they are not required to be by the United States inspection laws. Those men could be used in active service in positions which this bill tends to make. There are men, due to the intolerable conditions that exist in our business to-day, who have gone to work in munition factories, who have gone to work as checkers on piers, and in every other kind of position where they could get \$15 a week they would sacrifice the difference in order to be able to spend some time at home with their families, and, Mr. Chairman, that is all there is in this life, for a man to have a home and live decently, and I appeal to you gentlemen to pass this bill in the name of humanity and for the sake of those men who have these unearthly hours to work under, and for the sake of lives and property of the vessels, for no man is capable of doing his duty and doing it right if he has to work these hours.

I have had to do them myself. I was captain of a tugboat of the Morgan Line in New York City, shifting steamships and shifting lighters, and I was dizzy headed from turning around—in one slip and out the other. That is a true statement, gentlemen. I was dizzy headed. I have stood back dizzy headed from shifting, and anybody here who knows that line knows the caliber and the capability of those boats.

I was captain of an excursion steamer in the port of New York, where I had three hours' sleep from Sunday morning at 8 o'clock to Tuesday morning at 9 o'clock, and that happened since the 13-hour law has been passed in 1911. If I refused, what would be the consequence—somebody else would take my job; and I would be afraid to protest because my chances for getting another position would be so small that you could imagine where I would land.

Now, gentlemen, in conclusion, I hope that you will realize the actual conditions, and I offer these letters in support of my contention, to show that there is a public demand among our men for a decent living amount of time for which to be employed.

I thank you.

**STATEMENT OF MR. EUGENE F. MORAN, 17 BATTERY PLACE,
NEW YORK CITY, PRESIDENT NATIONAL BOARD OF STEAM
NAVIGATION.**

Mr. MORAN. Mr. Chairman and gentlemen, I might state we have here opposed to the bill seventy-odd gentlemen, representing most every section of the country, as well as most every condition of marine interests, but I might say for the committee that we are not going to call on all of them.

We have outlined seven or eight to be called, but before introducing those who are going to talk I might refer briefly to the statement made by Mr. Stiles and Capt. Murray. I regret that both did not agree. Mr. Stiles stated that the conditions on the railroad boats were somewhat better than exist on the individual boats, Mr. Murray taking an opposite view.

There is another matter which I take exception to in Capt. Murray's remarks, and that is that the men get no relief. Capt. Murray will agree with me that a man employed by my company, and a member of his association, is hired for no other purpose but to relieve the captains for 24 hours in each week.

I might talk briefly about the violation of the physical condition, particularly as it refers or as it is referred to in section 2, page 4 of the bill, as applied to that particular tug operating on Long Island Sound. These boats some 15 or 20 years ago carried a crew of 10 men, consisting of 2 engineers, 2 in the pilot house, 2 deck hands, 2 firemen, and a cook. A few years later that complement of men was increased to 2 engineers, 3 firemen, an oiler, 3 deckhands, 1 cook, and 2 in the pilot house, making 12. Shortly after that, or within the last few years, it was made 2 engineers, 3 firemen, 1 oiler, 3 deck hands, and 3 in the pilot house, made necessary by a second mate and 1 cook. Under the conditions in this particular section, if this law should be enacted, it would require 3 engineers, 3 in the pilot house, 3 oilers, 3 deck hands, 3 firemen, a cook, and a mess boy, making a total of 17 men.

When these boats were built they had a lifeboat capacity for 10 men, which would be about 100 cubic feet. Under the present conditions they would have to carry 180 cubic feet of lifeboat capacity. They won't accommodate that; you can not get that lifeboat capacity on those tugs. You would have to reconstruct the tugs, as well as the entire sleeping accommodations and everything else.

I wish to refer briefly to the matter of wages, which was referred to previously. They say they are not paid enough. They come down here and they ask you gentlemen to put more men on the boats. They have recently issued in New York a schedule of wages, making an increase under present conditions of from 25 to 30 per cent, and besides that they ask us to put on additional men.

I would now like to call Mr. Walter B. Pollock, of the New York Central Railroad Co., who will talk on railroad tugs and ferries.

STATEMENT OF MR. WALTER B. POLLOCK, MANAGER MARINE DEPARTMENT, NEW YORK CENTRAL LINES, NEW YORK CITY, N. Y.

Mr. POLLOCK. My remarks, Mr. Chairman and gentlemen, will be confined to section 4 of House bill 8036, which, if enacted into a law, would limit to 56 hours per week the number of hours to be worked by licensed men on steamboats in inland waters, which takes in New York Harbor; and I want to state, regardless of any contradiction to the contrary, that it would be impossible to secure a sufficient number of licensed men, either in the deck or engineering departments, to put tugboats and steam lighters in New York Harbor on an eight-hour working schedule.

Furthermore, it would be impracticable for us to change our crews every 8 hours, and that is evidently conceded by the advocates of this bill, because the bill provides that a man may work not to exceed 13 hours in any one day, which, to my mind, contemplates working as we do on the ferries in New York Harbor. The crews work 12 hours and lay off 24 hours, which is the equivalent of an eight-hour working day.

I think that Capt. Stiles said that the men have to work 12 hours per day for 365 days in the year. Our men—and we have 25 tugboats, the New York Central Railroad Co., in New York Harbor—work 72 hours per week. In other words, we give them one day off a week, and one week's vacation in the year. It has also been stated that these men get up very early in the morning and work all day long without anything to eat. The men on our tugboats in New York Harbor have three square meals a day on their boats, and when some time ago it was suggested that we discontinue our cooks, the crews were unanimous in the request that we continue the cooks so that they might have their breakfast, luncheon, and dinner aboard the boats.

Mr. HARDY. Is that furnished by the company?

Mr. POLLOCK. The captain is the commissary. In other words, there is 50 cents per day deducted from the wages of the men, covering subsistence. They get their three meals a day for 50 cents; and very good meals, too, for I have eaten many of them. That is paid by the captain. The captain acts as commissary, but the company pays for the steward.

It was also stated that the wages are barely sufficient for the men to live. I leave it for you gentlemen to determine. Our maximum wage scale for a captain on a tugboat is \$152 a month, the minimum \$140. In other words, the first year we start a man at \$140, the second year we give him \$146, the third year and thereafter \$152. The engineer is paid a minimum of \$135 and a maximum of \$146, depending largely upon the type of engine.

But the point that I wish to emphasize is that there are not a sufficient number of licensed men—I speak now particularly with reference to the port of New York—to enable the boat owners to crew their boats on an eight-hour working basis, notwithstanding any statement that may have been made to the contrary.

I thank you, gentlemen.

Mr. MORAN. Mr. Chairman, our next speaker will be Mr. W. E. Bernard, representing the Philadelphia and Delaware River boats.

STATEMENT OF MR. W. E. BERNARD, PIER 75, NORTH WHARVES, PHILADELPHIA, PA., REPRESENTING THE VESSEL OWNERS AND CAPTAINS ASSOCIATION, AND INLAND NAVIGATION ON THE DELAWARE RIVER.

Mr. BERNARD. I will particularly say that my remarks will be short, and if the committee will permit, we will present a brief to the committee for consideration, giving our objections in detail. A great many of the protests of those I represent have been already presented to the chairman of the committee and to some members of the committee.

The greatest hardship that this bill will impose is section 4, which is the 56-hours-a-week provision. I will bring to the attention of the committee the hardship that has been spoken of by Capt. Murray; also the hours that a man works in the vocation that he has followed, and I think it is well understood that any vocation, whatever a man may be engaged in, the time he consumes going to and from his place of employment should not in any way be taken into consideration in the number of hours that he is employed. The vessel owner or anyone else having a position has got to go from his home to his work, and when he has finished his work he has got to go home.

Now, in the operation of the single crew, with reference to the accusation made by Capt. Murray that the 13-hour law is being continually violated and that conditions are most deplorable, I will bring to the attention of the committee the conditions that exist on a line of four boats entirely on inland waters. These boats operate on a single crew. Four members on two of the boats, and five members on the other two, operating within the 13 hours, and I propose to give to your committee the average time, and the time employed of those crews for one year, of 313 working days. On no Sunday in the year were these men employed, and in 313 days their gross time from the time they reported on the boat for duty until they were ordered off the boat for one day was 11.39 hours.

You must bear in mind that on inland waters we are controlled entirely by tidal conditions; that is, 5 hours flood tide and 7 hours ebb tide occurring twice in 24 hours. In going into creeks or inland rivers it is necessary for that tow to be operated on the flood tide, taking the advantage of the rising tide to reach the point of destination to which the cargo or boat is to be towed. On their return they come out sufficiently ahead of high water to get back to the point of starting. The distance that you travel with the tide increases of course with the miles that you may run. It is high water, we will say, at Philadelphia at 12 o'clock, and 20 miles from there would give us an hour later high tide. Going with the tide, or ebb tide rather, we meet the flood tide an hour earlier. The winds, of course, control the tide, and sometimes there is not sufficient water to reach the destination. The crew is there and can not get away, and they wait until the next incoming tide to continue their work. In that way there may be a violation of the boat returning to her home. Owing to having no sleeping quarters to take care of the crews, it being entirely a single-crew boat and only for day operation, the most time that is violated over the 13 hours is that coming back to their wharf. There are locker accommodations on the boat that would take care of the men just for the one night, owing to having been caught on the

tide, as we say, or through some stress or misguidance, getting out of the channel, getting ashore, or something like that that would delay the boat.

This statement will show you that the net operating time, actual working time, employed in one boat is 9.11 hours, another 9.27 hours, another 9.4 hours. Now, gentlemen, that is for one entire year, and I think that is proof conclusive to your committee that the men are not being overworked on the inland waters; yet the proponents of this bill ask us to put on another additional crew to operate the boat over the 8 hours.

The operation on inland waters is one of a peculiar nature. We can get licensed officers that can navigate the bay—the upper Delaware and the lower bay—very readily in some instances; but in most instances we have had boats tied up waiting for licensed officers who knew inland operation. These men have to grow up in the service. They really have to go into places where the dew over night will make a channel. Those men have got to learn, and if it was not for nature, during the spring, summer, and early fall and the growing, as we call it, of splatter docks along the banks of the rivers we would not know how to get into some of these places. Of course, where the channel is used, the growth of these splatter docks is cut down. We can not get men to fill these positions, and I speak the honest truth, because in my own employ I have had a boat tied up three and four days a month owing to the sickness of the captain of one of those boats and the inability to secure a licensed man who knew the channels in which we employ our boats.

We have to come under the ban of that 56 hours. The average time I have shown does not exceed 10½ hours a day. We would have to employ eight men to take care of those two boats for 16 hours' work. We could only use that extra crew for four of those hours, because our operation could only be in daylight. After night-fall creeks are not safe places; there are no marks from the Lighthouse Board to show you anything in these creeks, and it is purely a matter of the men getting to know and learning every little tree and nook from which he can get his bearings. Consequently, we are up against the proposition that we must employ those men, which I know in the port of Philadelphia are not available. We can not get enough. We have to telephone the associations asking for a man, and we can not get them, can not get men that are suitable to navigate those boats, now we are brought in under the ban of this rule, and consequently would have to employ two crews for 16 hours and can not work them over 12 or 14 hours actual work.

Mr. Stiles made a remark that the bill called for 56 hours in 1 week, or not more than 13 hours in a day, with the purpose or intention of working possibly 4 days of 13 hours, which would be 52 hours, leaving 4 more hours to work that week, and having an extra crew to take charge of those boats for the balance of the week. As I have explained to this committee, this is entirely daylight work, and we could not make those changes to correspond with the extra crew, but we must keep that extra crew entirely on pay—if we could get the men for that purpose—and we feel that even though this is enacted, and contradicting the hardships by producing evidence here of the time of employment, that we would be unable to secure the men to fill the positions that would be made.

I thank you.

Mr. GIBSON. I understood you to say, Mr. Bernard, that that was a tabulated list of the working hours on four boats?

Mr. BERNARD. Four inland boats.

Mr. GIBSON. And you are offering it here as evidence in opposition to this bill. Those are not the only four inland boats in the United States sailing on inland waters?

Mr. BERNARD. No; they are not the only four boats sailing on inland waters.

Mr. GIBSON. But you say that that shows conclusively that there is no hardship on any boats. It only shows for those boats—three or four or four or five boats on inland waters?

Mr. BERNARD. I could only tabulate those coming from my daily records. I get a daily record that is compiled by the captain of each tugboat of the time that he arrives for duty in the morning, the service that he performs during the day, and the time that he ties up. The work of other people in the same class of work which I represent on the Delaware River is considerable. We have a great tonnage on the Delaware River in the sand and gravel that is dug from the bottom of the Delaware, and this work is all done under the same conditions and with the same class of boats as these four of which I am giving you the time. I think that the owners of those boats could give you a tabulated statement and it would not exceed the average time which I have given you for those four boats.

Mr. POLLOCK. May I add to my statement that if this bill should be enacted it would require the employment of 112 additional licensed men by the New York Central Railroad Co.?

Mr. MORAN. The next speaker in opposition to the bill will be Mr. Fred B. Dalzell, of New York, representing the New York Harbor towboats.

(The following statement was filed by Mr. Bernard:)

PHILADELPHIA, PA., April 4, 1916.

The COMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, D. C.

GENTLEMEN: In reference to H. R. bill 8036, "To regulate the officering and manning of vessels subject to the inspection laws of the United States," same to amend that section 4463, Revised Statutes of the United States. The present law, Revised Statutes, 4463, was amended by act approved March 3, 1913, and at the time called "the Hardy Act," which made it necessary for the employment of additional licensed deck officers on ocean and coastwise vessels carrying cargo and passengers, as well on coast tugboats, and on the small class of bay tugs operating to and from ports along the coast.

Since this act of March 3, 1913, several conferences have been had between vessel owners and the Steamboat-Inspection Service, also between the Secretary of Commerce, showing their inability to comply with the act, and the department has records of several thousand dollars in fines being imposed for violations, owing to lack of licensed officers to fill the positions; this especially on coast tugboats, owing to lack of proper quarters to suit the licensed officers and inability to do different on this class of boats; and on producing satisfactory evidence to the Secretary of Commerce very nearly all of fines were mitigated, yet at present time we are at times unable to get the licensed officers, still it is the desire of the Marine Engineers Association to still further burden us by asking for the passage of H. R. bill 8036, thereby causing us 100 per cent more trouble, as well the department of Commerce, in the matter of fines for its violation, and we do not feel as if this bill, if enacted into law, will offer any better safety to life and property as the extra licensed officers required by the present law shows; that on coast steamers and tugboats this extra officer is unable to stand a watch at all times, as he is not licensed for the inland waters that the vessel navigates during her trip from port to port, and only serves when navigating on the ocean, conse-

quently is of no material benefit to the master, or to the safe navigation of the vessel, and the present law should be amended so as to relieve owners of the burden and trouble to secure something that does not improve the safety of the crew or vessel in its operation.

The present Revised Statutes, 4463, was further amended by the "seamen's act," effective November 4, 1915, as to requirements for "certificated lifeboat men," and we do not see the necessity for such requirements on coast towing vessels, no more so than on whaling and fishing vessels, as the officers and crew of coast steamers and coast tugboats not carrying passengers are efficient men and better able to man a boat than some of the so-called "certificated lifeboat men," and feel that this class of vessels should be exempted from the present law as well as the proposed legislation.

Section 4 of bill H. R. 8036 applies to the operation of harbor vessels, which at the present time are operating with a single crew under the ruling of the local inspectors, when navigated not more than 13 hours out of the 24 hours in any one day, and the requirements of this section 4 would compel an additional crew on these vessels operating in the harbor, and from experience know that there would not be sufficient licensed officers to fill the positions required, and, owing to the limited quarters for crews, most of the harbor tugs could not furnish accommodation for other than the one operating crew, and, even on such boats that have crew accommodations, a crew off duty would not be willing to remain on board while the boat is in operation, consequently would not be available when the 8 hours of the operating crew was up, and on such boats that are operating 24 hours in a day it would be necessary to employ three crews, according to the requirements of this bill, thereby increasing the demand for licensed officers, which in the present condition it is impossible to secure, and if this bill is enacted into law you can readily see the increased cost of port charges for all vessels coming into this and other ports.

We have refrained in our objections so far to say anything as to the increased cost of operation if this bill is passed, as you can readily see that same would be considerable, and the only return we can expect to reimburse owners would be to tax the public for the extra costs, and admit this a much easier proposition than that of securing the licensed officers to fill the positions required, as well as to get proper quarters to satisfactorily house the men, and feel that this bill H. R. 8036 should not pass in its present form, and should be so amended not to include coastwise cargo-carrying vessels, or coast towing vessels, or bay towboats, as to the additional licensed deck or engineer officers, and that section 4, page 5, lines 20 to 24, inclusive, and page 6, lines 1 to 16, inclusive, be entirely eliminated. We consider this the best solution, and ask your committee to so consider, thereby rendering a valuable public service, as well as relieving an unnecessary burden from the merchant marine and the general towing interests of the entire United States.

We remain, very truly, yours,

THE NATIONAL BOARD OF STEAM NAVIGATION,
By N. L. CULLIN, *Secretary-Treasurer.*
W. G. BERNARD, *Chairman Legislative Committee.*

STATEMENT OF MR. FRED B. DALZELL, NEW YORK CITY, N. Y., REPRESENTING THE NEW YORK HARBOR TUG- BOATS.

Mr. DALZELL. Mr. Chairman and gentlemen of the committee, the ground has been fairly well covered by previous speakers, and I think perhaps I could best tell you how the individual tug owners, so called, in New York, operate their boats. To save time I will confine myself to the manner of carrying on the business of an individual towing concern, so called, and ours is only one of many doing a similar business.

We operate at present 10 harbor tugs, doing a general towing business confined to the harbor only. We operate under a law commonly known as the 13-hour law. To use a homely expression, our business is like unto that of a livery or garage business. Clients employ us when they need our services, and only then. When not employed, our crews get plenty of rest, good food, and much opportunity to read the daily papers. If we are unfortunate enough not to

be employed during the 13 hours, our tugs are laid up for the night, the officers go to their city homes and rest for the night. When Sunday comes, if we have no orders for work, our tugs are laid up for the day and the crews' pay goes on just the same. Let me say at this point, however, that since the European trouble we have not had much daytime unemployed, owing to the great amount of commerce coming to this port and the great congestion existing in this harbor.

We operate on the tides. The tide rises and falls twice in each 24 hours. During the summer months we can operate on two high waters. During the winter months only one. For example, when it is high water at 6.30 a. m., we can assist a steamer drawing 30 feet of water from her berth to the stream on that tide. When this operation is finished, our tugs come to the pier and lay sometimes three or four hours doing nothing until we are given another operation to perform. If the day is sufficiently long to permit of daylight, we can again perform a similar operation at 7 p. m.; then we are finished for the night. If the day is short, we can only perform a service at the high water. We can never foretell at what part of the harbor our tugs will be at a given time, because they have no fixed steady employment.

Let us assume, then, that House bill 8036 is enacted into law. Our licensed officers would have to change watches once within the 13 hours—one set of officers would work 8 hours, while the others would work 5 hours—but the unlicensed men would be required to work 13 hours. This they positively would not do, and we should be put out of business.

Our tugs are so constructed that they have no accommodations for more men than are required for the 13 hours' service. The question then arises, Where are the officers to change watches, and when? Our 10 tugs being engaged at various points in the harbor, with no possible chance of their being at a given point at a given time when they are in the act of operating.

The extra cost of these additional men we will not consider, for the reason that we could increase our rates to cover the extra cost to us; then, in turn, the vessel owner must increase his rate for carrying the necessities of life, which cost must be added to the commodity and in the end you know who pays the bill.

If I have made myself understood, I would consider these reasons which I have presented alone would be sufficient to show you the impracticability of the operation of this law as applied to the kind of business to which I have referred, but the great and most important obstacle is where are we to get the additional men. In our small fleet alone we would require 30 extra licensed men, masters, mates, and engineers, and there are approximately 600 tugs in New York Harbor. The men do not exist.

I wish you could see, and be with us as an employer, some of the licensed mates to whom we have to intrust the lives of others, as well as our valuable property. You would wonder how they are ever granted licenses by any Federal officer. The average New York harbor tugboat master is a most scientific man indeed, and I do not know of a master who possesses the necessary qualifications for the kind of services required of them who is out of employment to-day at this

port. If this statement is true, I hope that you will not consider this bill worthy of being advanced to the floor.

I did not think when we came here that it would be necessary to tell any personal or private experiences, but the wonderful plea of Capt. Murray about his doing so much work that he would become dizzy headed almost makes me feel sorry that, if it is true, I am a party to the employment of 56 or 60 men, and that I am the cause of them getting dizzy headed from the result of work. I know they often get dizzyheaded from other causes and sources, but not from overwork.

He speaks of the fear the men have of complaining to their employers about long hours. I did not know until to-day that such a fear existed on both sides, because we are in mortal fear of ever reporting one of our masters for inadvertence upon his part for the reason that if we do we do not know where to get another. For instance, one of my captains, the last day of this past month, when I increased the wages of these men—masters from \$125 a month and their board to \$135 and their board, which adding the board which we pay makes \$150 a month—that afternoon after we gave this increase the boat was on the way to the place to lay up for the night at 6 o'clock. For some reason unknown to the employer, the mate was not on board, the cook announced supper was ready as the boat was approaching her dock. Five minutes more and the captain would have steered his boat in the dock and tied her up, but on the announcement that supper was ready, he went to the galley for his meal, leaving the tug in charge of an incompetent deck hand, and she ran into the stern of a barge and did \$700 worth of damage. The tug was in the control of an incompetent deck hand, when the mate should have been there, or the captain at least should have stayed at the wheel.

We could tell many experiences of hardship, but they are not from the masters' standpoint; they are from the owners', and we dare not report it, because we do not know where to get another man to take his place.

I will make this statement now to Mr. Stiles and Capt. Murray, that if they have two competent captains for the kind of boats I operate and they will send them to my office to-morrow I will employ two of them.

Mr. MURRAY. Mr. Dalzell, you lay some stress on the fact that it would be impossible to have those crews relieved, due to the fact that the boats are never at any given point at a certain time. Is it not a fact that the provision as drawn up in section 4 of this bill provides 56 hours a week, and does not hold a man down to a strict 8-hour day? That was our reason for incorporating that part in there to give that chance. Could you not work your boat that way, and then give the men the balance of the week in order to recuperate, as is the intention of this bill?

Mr. DALZELL. I understand the object of this bill is to prevent just such trouble as you had, namely, by overworking a man you make him dizzy headed. Mr. Stiles's argument is that you can let one crew work 12, 13, or 14 hours, and then let them lay off two days. I tell you that the more time you give a man off the more mischief he gets into, and the less competent he is to resume his work when the time comes.

Mr. MURRAY. I object to the misstatement of Mr. Dalzell.

Mr. BURKE. You will have an opportunity of answering when your time comes. We do not want any argument now.

Mr. MORAN. The next gentleman who will speak in opposition to the bill is Mr. E. A. Burnsidés, Point Pleasant, W. Va., representing the western and southern steamboat interests.

STATEMENT OF MR. E. A. BURNSIDES, OF POINT PLEASANT, W. VA., REPRESENTING THE WESTERN AND SOUTHERN STEAMBOAT INTERESTS.

Mr. BURNSIDES. Mr. Chairman and gentlemen of this committee, I listened with a good deal of astonishment to the horrible tale of conditions recited by Capt. Murray in New York Harbor. My business is on the western rivers and we have no such conditions there at all. Our men get their regular wages. We stand 6-hour watches with double crews.

I, like Capt. Murray, went on the river when I was a boy about 15 years old, and I have been at it ever since. I have stood long hours. After I got my license as master and pilot I stood often for 18 to 24 hours a day, and I did it voluntarily. On our boats we carry double crews. Those crews stand 6-hour watches.

In our particular service we assemble our tows at the mouth of the Kanawha River, which empties into the Ohio at Point Pleasant, W. Va. While we are assembling our tows the officers off duty have time to go home, if they live in that vicinity. If they live away, of course they can not go home. When the boat is cleaning boilers when they are off duty, they can go home then, or they can get that time for recuperation.

Our boats are built with limited cabin or crew quarters to accommodate just the two crews. When our boats were built, we thought we would add an additional room in the cabin for the benefit of the owners. At the present time the owners' room is occupied by the crews, too. Now, they add to our crews when the sleeping quarters are already all taken up, both forward and aft.

I got my license as pilot and master a day or so after I was 21 years old, and I have been employed ever since. I have not lost a day. In our particular company our officers were all trained, with one exception, from young men up. We put them on our boats as boys, and we have made pilots, mates, and engineers of those men, and those men are in command of our boats at the present time. It is just the same way with the men in our mines.

Our wages in some instances run more than the wages in New York Harbor; some run less. We pay some of our men by the year, especially the principal officers, the captains, mates, and chief engineers. The other men get work on an average about nine months in a year.

We have in our section of the country a great many small boats, small towboats and packet boats, operated in daylight only, and the business conditions are such that they can not stand the hardship and expense of additional crews. If this bill is enacted into a law, it means that they must go out of business. Talking with the captain of one of those towboats the other day, he told me if he had to put on two crews he would have to go to the bank and tie his boat up, that he could not stand the expense, because his particular boat and

the others in that section were not making enough money to pay the extra crews.

In our business, also, the principal part of our business is mining coal, and we transfer it in our own ships. We have a great many miners in our employ who have been there 15, 20, and 30 years, and I will say this, we have very little trouble with our men anywhere.

I have in my hand a petition signed by quite a number of our western river men, those in our locality, which I would like to present to this committee to be read later on by them when they are in executive session. This was signed voluntarily by those men. As soon as they had heard of a petition being up, they came in and asked to sign it. They heard something about this bill in some way.

Mr. BURKE. One question. You mean the men on your boats or the men employed in your mines?

Mr. BURNSIDES. The men employed on our steamboats and the men employed on the steamboats of other owners. The miners had nothing whatever to do with it. I just brought that in to show—

Mr. VAN DYKE. Who drew up the petition?

Mr. BURNSIDES. I drew it up.

Mr. VAN DYKE. And it was in your office when it was signed?

Mr. BURNSIDES. Oh, no; it was taken by the men around among themselves.

Mr. VAN DYKE. But you drew up the petition yourself?

Mr. BURNSIDES. Yes, sir; with some certain additions and amendments added by the men.

Our men have no particular hard hours. Our boats often lay up for a fog, high winds, or other delays incidental to towboating. While they may be on duty, there is no hard work attached to it. Our boats are in operation from 9 to 10 months in the year. There has never been any question at all about wages among our crews. We have voluntarily advanced the wages of our men from time to time, as we felt they were qualified to get it and qualified to do the work.

Mr. BURKE. How many such men do you employ on your boats?

Mr. BURNSIDES. Of officers, we carry 2 pilots, 2 mates—or, rather, a mate and a watchman who is as good as a mate—2 engineers. In the deck crew we carry 4 firemen and 10 deck hands.

Mr. BURKE. How many such boats do you operate?

Mr. BURNSIDES. We operate three such boats. We also carry an additional man whom we call a cub pilot, a striker, a young fellow who is on the boat to learn. We carry in the engineer room a striker engineer, who is also on the boat to learn. We turn out a new engineer and a new pilot about every three years. As soon as one gets a license, we give him a place, and if we can not give him a place he goes out and gets a place with some other company.

Mr. VAN DYKE. Do the cub pilots draw wages?

Mr. BURNSIDES. Yes, sir; they get a dollar a day from the day they go on the boat.

Mr. MORAN. And board.

Mr. BURNSIDES. Oh, yes, and board. We feed all of our men. We have a cook house, and it is well patronized. On the towboats the men get their three square meals a day. They get lunches at 9 in the morning, 4 in the afternoon, and at midnight.

I wish particularly to interest this committee in the condition of the smaller boats, the small towboats and the small packet boats which will be put out of business. These men were not advised in time, and therefore they are not represented. I am acquainted with a great many, and I am speaking on their behalf because they are not here. I know, as a fact, that most of those fellows will be put out of business, the boats will be put to the bank, and they will have no recourse, because there will be no sale for the boats, and they will lose their property.

In our particular district we have not enough competent qualified licensed officers to put on three crews. I mean by that men who are trained and experienced in our particular line of work. I tried to get from the inspector's office before I left a list of all the licensed men in our district, but they did not know just where the men lived, and therefore they could not tell me just how many men we represent in our particular district; but the inspector himself—one of them—told me that there were not enough qualified men in the district to put on three crews; that is, competent men whom I would want to put in charge of our boats, either in the pilot house or the engine room.

Mr. GIBSON. May I ask a question? I understood you to say that if this law becomes operative, or if this bill becomes enacted into law, it will put the boats on the banks and tie them up?

Mr. BURNSIDES. Quite a number of them; yes, sir.

Mr. GIBSON. Can you tell me whether there are any boats in your locality doing any more than paying expenses—evidently you are all poverty-stricken down there?

Mr. BURNSIDES. Oh, no; not quite, sir.

Mr. GIBSON. I have not known of a boat in the United States that is paying expenses. If there is, I would like to know it. Another statement you just made in closing was that you went to the office of the inspectors and they told you there were not enough qualified men to fill these positions?

Mr. BURNSIDES. Yes, sir.

Mr. GIBSON. Engineers or others?

Mr. BURNSIDES. Yes, sir.

Mr. GIBSON. I want to make note of that particularly. Undoubtedly these same inspectors have issued certificates to these men, and if these engineers are not qualified to hold these licenses certifying that they can operate all these kinds of boats, those inspectors had no business to give them a license.

Mr. BURNSIDES. They were licensed as engineers, but they have not the special training that is required on towboats.

Mr. GIBSON. An engineer is an engineer, is he not?

Mr. BURNSIDES. Oh, no.

Mr. BURKE. Oh, we do not want any debating. A question and a debate are something different.

Mr. BURNSIDES. A packet pilot and a packet engineer is one thing and a towboat pilot and a towboat engineer is different from the packet. They may both be qualified, but they have to have different training and one can not do the other's work.

Mr. MORAN. The next speaker will be Mr. Howard Higgins, of the Dominion Steamboat Co., speaking for the coastwise interests.

STATEMENT OF MR. HOWARD HIGGINS, REPRESENTING THE OLD DOMINION STEAMBOAT CO. AND THE AMERICAN STEAMSHIP ASSOCIATION, 17 BATTERY PLACE, NEW YORK CITY.

Mr. HIGGINS. The previous speakers have covered this subject so thoroughly and so fully that I will ask the privilege of submitting a brief covering our objections more in detail, if that is agreeable to the committee.

I would, however, like to say a few words in connection with the way steamboats are operated in other countries, which may throw some light on the statement of Mr. Gibson about Capt. Dollar. Capt. Dollar is not here—I wish he was, he could answer for himself—but there must be some good reason why Capt. Dollar when the war is over will again place his ships under the English flag.

There is one subject at present that practically all agree on, that is the subject of a merchant marine. We have our different views as to preparedness and tariff and everything else, but we are practically all agreed as to the merchant marine. We need a merchant marine. There is no argument, no question about that. When one is seeking success in a certain line of endeavor, the logical and the first thing to do is to hunt up somebody who has been successful in that line and to study their methods. Great Britain has been, without doubt, more successful on the sea than any other nation. She has twice the sea tonnage of any other country. The position of the British nation to-day is a proof that she has been successful with her merchant marine. Had she not had a merchant marine, she might not be on the map now.

I am not familiar with the question of deck officers and pilots and all that sort of thing, so I won't attempt to talk on that subject, but I do know a little about the marine engineer. I am one myself, or have been. It may surprise you gentlemen to hear that Great Britain operates here entire merchant marine with but two grades of licenses. The British Board of Trade only recognizes three grades, one of which is honorary, and two compulsory. In our service, under the rules and regulations of the United States Steamboat-Inspection Service, we have 16 different grades of engineers that are necessary to operate a service which, compared to Great Britain, is a very small affair.

On a vessel of 100 gross tons or over, navigated on routes of 24 hours or more, three licensed engineers are called for, irrespective of the size of the engines or the power; provided the vessel is of any size, if she goes to sea for 24 hours, she must have three men. The *Mauretania*, of the Cunard Line, a ship of over 30,000 tons and 70,000 indicated horsepower, can legally operate with two licensed engineers. All the British Board of Trade says that ship must have is two men. Now, we are asked on a vessel of 100 tons to put three. The bill on a vessel of 1,000 tons or over calls for four licensed engineers, that is irrespective of horsepower, irrespective of the amount of machinery, irrespective of her service—just so she is 1,000 tons. Now, she must have four licensed engineers, if she is in the coastwise ocean service.

The *Olympic*, gentlemen, the largest vessel afloat—46,000 tons gross register, 50,000 horsepower—can legally operate under the laws of the British Government with two men. On a vessel of 1,000 tons we are supposed to have four. Is there any wonder that Great Britain

has been successful? Is there any wonder that she has the greatest and biggest merchant marine in the world? If we want a merchant marine—if that is the thing we ought to have; if it is a good thing for us—is this the way to get it? Did Great Britain get her merchant marine by laws of this nature? Will we get one by laws of this nature? It seems to me, gentlemen, that is a question for Congress to decide.

I thank you.

Mr. GIBSON. Mr. Chairman, I will try to confine myself to a question. I would like to ask Mr. Higgins a question. You are superintendent of the Old Dominion Line?

Mr. HIGGINS. Yes, sir.

Mr. GIBSON. How many engineers do you carry on your vessels?

Mr. HIGGINS. It depends entirely upon the vessel and the service it is in.

Mr. GIBSON. The smallest vessels.

Mr. HIGGINS. One on the smallest vessels.

Mr. GIBSON. That is a towboat?

Mr. HIGGINS. No; we have one freight and passenger vessel that only has one engineer.

Mr. GIBSON. How long a run is that vessel engaged in?

Mr. HIGGINS. She is engaged in a run of about 13 miles.

Mr. GIBSON. A pretty busy job?

Mr. HIGGINS. Not a busy job at all.

Mr. GIBSON. One more question, Mr. Higgins. Do you approve of allowing foreign vessels coastwise privileges?

Mr. HIGGINS. That is a question for Congress to decide. That is entirely too big a question for me to handle.

Mr. GIBSON. You were an engineer at one time in the Morgan Line?

Mr. HIGGINS. Yes, sir; I had that honor.

Mr. GIBSON. How many engineers did you carry on each vessel at that time?

Mr. HIGGINS. I should say, engineers, about five or six.

Mr. GIBSON. Take one of the biggest vessels?

Mr. HIGGINS. On one of the biggest ones we had 19 engineers, 4 of whom had to be licensed. As a matter of fact, we had 16 licensed engineers, if I am not mistaken. That is 25 years ago now, and my memory might be a little hazy.

Mr. GIBSON. That is all I want; just roughly.

Mr. HIGGINS. And that ship under the English flag could operate with two engineers.

Mr. GIBSON. How many did it operate with under the British flag?

Mr. HIGGINS. She wasn't under the British flag.

Mr. GIBSON. Take the *New York* or the *Paris*.

Mr. HIGGINS. Why, they have different ship requirements.

Mr. GIBSON. I know; but you are not answering my question. How many did they carry under the British flag? Is it not a fact that they carried 15?

Mr. HIGGINS. Under the British flag, I could not say.

Mr. GIBSON. I was told so by the engineer on it. You say that the *Mauretania* can legally operate with two engineers, which is quite right, probably. Their certificate calls for two engineers. Do you know how many engineers the *Mauretania* carries?

Mr. HIGGINS. I do not. I am just simply talking about the law. I am talking about what the British Government compels these ships to have.

Mr. GIBSON. Do you know how many the *Titanic* had when she was lost?

Mr. HIGGINS. When the *Titanic* went down there were supposed to be 21 engineers. How many they were carrying I have no means of knowing.

Mr. GIBSON. She carried 36, according to the statement of William Alden Smith, United States Senator from Michigan.

Mr. HIGGINS. I do not know how many she carried.

Mr. GIBSON. You brought out the point that they were only compelled to carry two engineers?

Mr. HIGGINS. I brought out the point that the British Government requires that ships only carry two men. Am I correct in my statement?

Mr. GIBSON. That is the number of certificated men.

Mr. HIGGINS. Yes, sir; the British Government did not compel the *Mauretania* or the *Titanic* to have more than two licensed men on their ship.

Mr. GIBSON. Would you sail on the *Mauretania* with only two licensed men?

Mr. HIGGINS. Mr. Chairman——

Mr. GIBSON. I will sit down, Mr. Chairman. I see the question is not answered.

Mr. MORAN. The next speaker in opposition to the bill will be Mr. J. B. Francis, representing the Ohio River steamboat interests.

STATEMENT OF MR. J. B. FRANCIS, REPRESENTING THE OHIO RIVER STEAMBOAT INTERESTS AND THE KANAWHA RIVER IMPROVEMENT ASSOCIATION.

Mr. FRANCIS. I am a member of the committee representing the Kanawha River Improvement Association, and represent individually the Iron Creek Fuel Co., operating river boats between Huntington, W. Va., and Cincinnati, Ohio.

Mr. Burnsides has very fully covered our situation. We are operating under similar conditions. Our individual company is operating towboats exclusively, carrying tows and barges from Huntington to Cincinnati and intermediate points. The members of our association are engaged not only in towboat shipments, but in general packet lines, passenger boats on the Ohio River, and general freight boats on the Ohio River. Some of these boats run night lines between the Kanawha River and Cincinnati, tie up during the day, and go back the next night. Our boats running from Huntington to Cincinnati for the return trip require about five days. They are operated practically continuously for 10 months. The locks on the river are not sufficient to give a continuous stage.

We pay our pilots and captains from \$135 to \$150 a month and their board while they are on the boats; that is, continuously while the boats are in operation. The engineers receive about \$125 to \$140 a month. We grade them according to the kind of men we get.

We only carry two crews. They have six-hour watches each—six hours on and six hours off. Our boats were only built for two crews;

we have not cabin room for any more than the ones we carry now in addition to the licensed men. Of course, we carry the usual complement of deck hands, roustabouts, etc. We have kitchens and dining rooms where the men are served their regular meals three times a day, daymen and nightmen.

We can not operate those boats on the 13-hour-a-day system and change crews, because we do not know where we will be at any time. We start down the river from Huntington and when we get to Cincinnati we leave our tow there and maybe we wait three or four hours, and come back, or maybe we wait a day or two before coming back. That crew has to be continuously on the boat. The boats operating from Pittsburgh to Cincinnati on the Ohio River require about 10 days for the round trip. If we have to operate on a 56-hour-a-week schedule, we would have to at all times carry two idle crews, and we will have to rebuild our boats. It will mean that there are two crews there with nothing to do.

The trip from Pittsburgh to New Orleans, operated by boats of the same character, requires from 30 to 40 days for the round trip. There is no place for these men to get off and wait; to work 56 hours and lay off 3 days out of the week or 2 days out of the week. They can not visit their families; they have to stay with the boat, and it means that they are idle on the boat for that length of time.

Our Government is spending a great amount of money improving the Ohio River and its tributaries; that is a good thing. It gives us a chance to compete with the railroads on the river. It gives us all the year round work for our boats.

The work on our boats, of the engineers and pilots and the captains, is no more strenuous than work on a railroad as engineer, conductor, or fireman, and they are allowed, if they so desire, to work 16 hours a day and 10 hours off. Our men work no longer than they do. We have a hard time competing with the railroad companies under present conditions, and if we are compelled to carry another crew, while we can compete probably, the business will not be as attractive.

Naturally, if we have to put three crews on, we can not pay our licensed men as much as we pay them to-day. We do not think our men want this. We think they would rather earn a larger wage and have the benefit of the use of their time as they see fit; and while they are on the boat most of them would just as soon be working as sitting idly by waiting for their watch to come.

Mr. VAN DYKE. I want to ask this gentleman who compared his workmen with those on the trains, the engineers and trainmen: You know the regulations relative to the engineers and trainmen, and so on, as to their standard workday—five hours or 100 miles for engineers and 155 miles for trainmen?

Mr. FRANCIS. Yes.

Mr. VAN DYKE. Your interest in this bill would only be confined in so far as the inland rivers are concerned, is it not?

Mr. FRANCIS. Inland rivers; that is all.

Mr. KINCHELOE. Is it not a fact that practically all of the boat lines on rivers, whether they are towboats or passenger boats, or passenger and freight boats combined, have a certain starting point and a certain termination?

Mr. FRANCIS. Yes.

Mr. KINCHELOE. For instance, your boat runs from Huntington, W. Va.—

Mr. FRANCIS. To Cincinnati.

Mr. KINCHELOE. Is it not a fact that you carry all your crew on those boats?

Mr. FRANCIS. We do.

Mr. KINCHELOE. Is it not a fact that one of your boats may land in Cincinnati this morning, and may not leave there until to-morrow night?

Mr. FRANCIS. Yes, sir; that is true.

Mr. KINCHELOE. The time of leaving might be indefinite?

Mr. FRANCIS. That is true.

Mr. KINCHELOE. Is it not a fact that they are doing nothing at that time?

Mr. FRANCIS. That is true.

Mr. KINCHELOE. And if this law passed and it applied to river boats, you would have to provide additional room for another crew?

Mr. FRANCIS. We certainly would.

Mr. KINCHELOE. And would you not have to keep two idle crews on there all the time?

Mr. FRANCIS. At all times; yes, sir. Last week, I might explain, the river was up to flood stage on the Ohio. We had a boat at Huntington, and the river was so high we could not navigate safely with the tow, and we were tied up there for five days. The same situation was true at Cincinnati. That happens frequently. When storms come up or ice is on the river and it is not safe to operate them, we tie up to the bank wherever we happen to be.

Mr. KINCHELOE. And they only work in 8-hour shifts?

Mr. FRANCIS. Six-hour shifts.

Mr. KINCHELOE. Some do in eight.

Mr. FRANCIS. Ours work six.

Mr. MORAN. The next speaker is Mr. George H. Wooley, representing the Boston towboat interests as well as the coastwise interests.

STATEMENT OF MR. GEORGE WOOLEY, OF BOSTON, MASS., REPRESENTING THE BOSTON TOWBOAT INTERESTS AND THE COASTWISE INTERESTS.

Mr. WOOLEY. I do not know that I can add anything to what the previous speakers representing the towing interests have said in opposition to the bill.

Our business in Boston for harbor boats is peculiar, while it resembles Philadelphia in a great measure, where we have to work on the tides and also have bridges to contend with, several of the bridges having closed hours from 6.15 in the morning until 9.15. The tide starts in the vicinity of 6 o'clock in the morning. We have to go to work at half past 4, and then back down through before the bridge is closed, and the boat goes back to the pier and lies idle until the next job comes along—sometimes a period of several hours.

At other times they are working fairly continuously during the day. This work does not average over 11 hours. Sunday work is eliminated as much as possible. I think in the total number of boats operated in Boston Harbor it is safe to say that 80 per cent of them are tied up on Sunday and on holidays and a portion of the day. It

has been the custom of our company and other companies to give the men Saturday afternoons as far as possible, consistent with the work. The men are paid a monthly wage, besides working on a commission basis. They average around \$125 a month and board, which is furnished by the owners.

There is a scarcity of competent towboat men, as one of the previous speakers said. A towboat captain is one of the most skillful men there is in the marine business, and the majority of the harbor tugs already carry two licensed deck officers, a captain, and a licensed mate and pilot. The licensed mate and pilot is qualified to do certain things, but his qualifications are limited. While he holds a license, a license does not make a man any more than a coat makes a man. He is not fit to do the general handling of the boat, or anything more than light work. There are positions for men, competent men, as soon as they receive their licenses and show that they are qualified to become masters. But even operating, as one of the speakers, Mr. Stiles, suggested, for 13 hours a day until the 56 hours are up, it would then be almost impossible to secure men and keep them on board simply to work the other two days.

As I said, the previous speakers have covered the ground. The towing interests are almost identical in the different ports, with the exception of the detail of bridge work. In my estimation it would be practically an impossibility to secure competent licensed men to operate boats on any different basis than they are now, and that is 13 hours a day.

I thank you.

Mr. MORAN. Our next speaker, Mr. Chairman, is Mr. F. A. Bishop, of New York, representing the passenger steamboat lines.

**STATEMENT OF MR. FREDERICK A. BISHOP, OF NEW YORK,
N. Y., PRESIDENT OF THE IRON STEAMBOAT CO.**

Mr. BISHOP. I will confine my remarks, Mr. Chairman and gentlemen, to section 4, relative to requiring the summer excursion steamers to carry two sets of crews; that is what it would mean.

The Iron Steamboat Co. operates summer excursion steamers from the latter part of May until about Labor Day, or a week after Labor Day. Our schedule between Rockaway and Coney Island takes about 12 hours. We have in the pilot house a captain, pilot, and a quartermaster. They work in shifts, taking the boat from point to point; and while they are all on the boat for 12 hours, none of them perform 12 hours' work.

We have in our engine room a licensed assistant as well as a licensed engineer, and these men work in alternate shifts. Our firemen work in the same way. We employ five licensed officers on each boat. We have 8 boats, and that means we would have to get 40 additional licensed men.

Our boats are beam engines, or sidewheelers, and it would be utterly impossible for us to get the men in New York Harbor to operate the boats. When this bill was brought to my attention, knowing that our men had been with us for many years, and that I have never received any complaint from anybody of being overworked, after consulting with some of my fellow officers, and, I might say, against their wishes, I determined to ascertain for my own

satisfaction whether or not the licensed men in the employ of the Iron Steamboat Co. were in favor of this bill or not. Therefore, on the 14th of March, I addressed a letter to the superintendent of the company, calling attention to the fact that this bill had been introduced by Judge Alexander on January 6, and quoting section 4 of that bill, closed my communication to him by saying:

It is my desire to ascertain at the earliest opportunity whether the licensed officers in the employ of the company are satisfied with existing conditions, or whether they are in favor of this bill being enacted into law. You will therefore please take up the matter with them and report to me in writing the number of captains, engineers, mates, etc., spoken to, and the number of each grade in favor or against the bill. Kindly omit names from your report.

Under date of the 27th of March I received a letter from Supt. Wright, in reply to my request of the 14th, as follows:

I beg to advise you I have spoken to one captain, six engineers, two assistant engineers, and eight mates in our employ, and find they all are satisfied with present conditions, and do not think that boats such as we operate should come under the provisions of this bill.

I will say the reason I addressed that communication to the superintendent is that at our Edgewater shops we are overhauling our boats, and the licensed men employed there come in contact with the superintendent.

After receiving his reply and finding there were no men at Edgewater who were dissatisfied, I addressed a communication, under date of March 27, to 23 of the other captains, pilots, etc., who were in the company's employ last season, with this closing paragraph:

It is my desire to ascertain at the earliest opportunity whether the licensed officers in the employ of our company are satisfied with present existing conditions, or whether they are in favor of this bill being enacted into law. You will, therefore, please fill in the inclosed blank and return same to me in the stamped envelope.

I got a form up: Your full name; your address; your present position; the number of years you have been employed; when you first entered the service of the company, and in what capacity. On the bottom of that form sent to those captains, mates, etc., it states:

If, for any reason, you do not care to express an opinion about this bill, do not hesitate to so state, as my only desire is to ascertain whether or not you think this bill should apply to our boats.

Two only were in favor of the bill, both pilots, one of whom had been in our employ for two seasons and the other had been in our employ on and off for six seasons.

Against the bill were 1 superintendent, 26 years' service; 8 captains, 1 of 17, 1 of 20, 1 of 21, 1 of 28, 1 of 30, 1 of 32, 1 of 33, and 1 of 34 years' service; 8 engineers, 1 of 6, 1 of 7, 1 of 21, 1 of 22, 1 of 23, 1 of 24, 1 of 25, and 1 of 35 years' service; 7 mates, all of whom have been in the company's employ from 9 to 33 years; and 3 pilots, 1 of 3, 1 of 7, and 1 of 21 years' service.

Our captains have gone up from the deck, our engineers have gone up from the fireroom.

It is very evident the employees of the Iron Steamboat Co. have not got "dizzy in the head," or, if they had, they would have come to me and told me about it; and I do not see any reason, gentlemen, why a bill of this kind should be made to apply to boats in summer excursion season—passenger boats or anything of that kind.

Our season is about 110 days, and our captains, engineers, and assistant engineers are on the pay roll for six full months. Last year we were tied up 30 per cent of the time on account of weather conditions. We pay our captains \$175 a month for six months, engineers \$125 for six months, assistant engineers \$90 for six months, and they work 110 days and get three square meals a day as well as a lunch after they tie up at night. We pay our mates \$60 a month and keep them on for 12 months, and they act as roustabouts during the time we are not in operation. So I think there is one set of licensed officers in New York City that are not complaining about their condition and who are not in favor of the bill.

STATEMENT OF MR. H. R. ODELL, JR., OF NEWBURGH, N. Y., REPRESENTING THE CENTRAL HUDSON STEAMBOAT CO., OF NEWBURGH, N. Y.

Mr. ODELL. Mr. Chairman, I represent the Central Hudson Steamboat Co. We run a passenger and freight service between New York and Poughkeepsie and Kingston—a night service and some trips in the daytime, as well as a day freight and passenger service between Newburgh and Albany. We operate five boats on the New York line and two on the Albany line.

On some of our steamers we have a master, who is a pilot, and two pilots; while on other boats we have a master and one pilot. Our longest run, the New York run, is 90 miles. Our steamers could make that run in less than seven hours if they went right straight through, but we make several landings where we put on and unload freight, so that the time consumed in that run varies from 10 to 15 hours sometimes.

In order to comply with this law, we would be compelled to put on additional officers, who would simply stay in the pilot house while we were laying at the docks, or stay in the engine room. As I understand it, a steamer is navigating from the time she starts from the initial point to the time she gets to her destination. You are not allowed to deduct the time you are laying at the dock. Fully half of our time is at the docks, and I do not see why we should be compelled to put on additional crews, who would be supposed to navigate the boats; but, owing to our business, the boats are not being navigated.

Another thing, our captains stand watch. According to this law they would not be able to do that, because the captain or master of a boat, it seems to me ought to be around all the time. Now, according to this law, we would be compelled to have three captains. Their ship's papers have to be made out in the name of a master. It would have to be made out in the name of one of these men. I do not know whether we can work that or not. I do not see how it could be done.

We also select our captains from our crews, for their ability to handle the boats properly, how to land them, to run them through in thick weather, and I do not know that we have got double the number of men in our employ, or whom I could pick up, that I would be willing to put in charge as captains, or second captains, or third captains on these different steamers. I think it is practically impossible to find the number of men necessary to comply with this law.

I have a little record here of the time of the operation on our Albany boats through the month of November. The total time consumed on the run for one day as an average through the month was 10 hours and 55 minutes. Her running time was 7 hours and 53 minutes, and the time spent when she was not running was 3 hours and 1 minute. That was making 26 landings on that run. As to the other boat, the time consumed was 12 hours, average running time was 9 hours and 13 minutes, and the time consumed at landings averaged 2 hours and 52 minutes.

It would be necessary for us to put another pilot on those boats. The work certainly is not too hard for them, but to comply with this law we would have to put another pilot on each one of those boats and relieve the captain of standing his trick. Whether we would have to put another captain on I do not know, but it certainly looks that way to me. While we have the room on the boats, every room we have for the crew cuts down on our earning capacity.

We feed our men. We serve them four meals a day, three meals during the day and a midnight lunch. We have had no complaint about the hours that our men work. They sleep on the boat. A good many of them have homes away up the river from there, and even when they are laying there a day they do not go home; they stay on the boat.

It is bad policy, it seems to me, to have two full crews sitting around on that boat doing nothing. At the present time, on the boats where we have two pilots, those two pilots are in the pilot house all the time while the boat is running. We therefore have two men competent to handle that boat in the pilot house. If this bill passes, probably we would have only one pilot and a quartermaster. The other pilot we would have to put to bed or something.

It is the same thing with the engineers. Our two engineers are on duty there in the furnace room, and we consider that our boats are better handled and more safely handled at the present time than they would be if we had only one licensed officer and one unlicensed officer there.

Mr. MORAN. The next speaker in opposition will be Mr. James C. Gorman, of Baltimore, Md., representing the Atlantic Transport Co.

STATEMENT OF MR. JAMES C. GORMAN, OF BALTIMORE, MD., REPRESENTING THE ATLANTIC TRANSPORT CO., DOING A TOWAGE AND LIGHTERAGE BUSINESS.

Mr. GORMAN. Anything that I shall have to say, Mr. Chairman, will dwell entirely upon section 4, since our business in the towboat line is only for harbor work.

As I read the bill, it is a proposition for an eight-hour-a-day service, and although it refers to licensed officers, unquestionably it carries with it the entire crew. You can not expect an unlicensed man to work a greater number of hours than a licensed man.

It occurs to me that the word "watch" in this article as applied to harbor boats is a misnomer. A watch presumably is a continuous service, and I submit there is no such thing in harbor work as a continuous service. Harbor boats are employed for the work which they may have to do, as orders come in from time to time, and consequently there are periods in the day when these boats are unem-

ployed; that is, they are made fast to the dock awaiting an order from their owners for some specific service. Such being the case, a watch is not continuous, because the men on the boat are presumably, and I think I can say actually, doing nothing during the time that the boat is fast to the dock.

Now, in our particular business—and I can only be expected to speak on that—it is the towage of lighters and car floats about the harbor of Baltimore for the Pennsylvania Railroad Co., and very occasionally for the Baltimore & Ohio. The other work that the boats do is of an individual character for individual clients as they may come to us. But out of this whole work I would imagine that 70 per cent of it is our own work, because we are towing our own scows and own car floats about the harbor.

Now, this work, as a general rule, is greatest in the early morning and about the close of the day, so that if we were to attempt to take eight hours out of each day, we should have an insufficient number of hours in which to perform the work necessary to be done. The movement of the freight which we handle is principally for ocean-going steamers, loaded in the morning at the docks of the railway company, moved over in the night or, rather, in the evening or afternoon of the day, to these steamships and when this freight is loaded, it has to be moved. It would not do on our part to say that 3 o'clock has arrived and we can not move it until the following morning. That would mean a serious delay to the steamship people who were waiting for the cargo. Likewise would it mean a serious delay to any railroad freight that we might be handling, such as bananas, of which we have a considerable amount of towage with our barges for the Pennsylvania Railroad Co. They must be moved on time.

And if we were to attempt to work 13 hours in one day, it would be a difficult matter to regulate that during the remaining days of the week. And suppose we work 13 hours every day, we should have only 4 days' work in the week, leaving us the other 2 days—I shall not deal with Sunday just now—on which, according to this bill, we could not employ our own men; that is, the men who are at present in our service. It would be imperative that we have another lot of men to take the places of the 8-hour men for the 2 days in question. Either that or the boats must remain idle.

As a matter of fact, I was surprised when I heard this bill had been introduced. I only heard of it about 48 hours ago. Not one word of complaint is coming from any of our people about it. We operate seven tugboats and eight crews. We operate eight crews because one of these boats is made use of at night. Sometimes the boat has a good deal of towing to do at night, but principally we have her out at night for the safety of the property on our tugs and floats. It is necessary always to keep a tug out at night. I think I can safely say we do no Sunday work. We bring a boat out on Sunday solely for the purpose of looking over our properties, but, at the same time, if there is a lighter to be moved there is no objection; and for that work our company pays the men extra for whatever time they serve.

I can only view the bill from this one standpoint: In our case it means an increase certainly of about 50 per cent of the operating costs of our service. Now, although the bill provides for 13 hours and although the existing law contains the provision for 13 hours, our

men are not worked 13 hours. They work, I should say, from 11 to 12 hours; very rarely 12.

I thank you very much, sir.

Mr. GIBSON. Is it not a fact that when your employees report at your office they are there if you want to use them?

Mr. GORMAN. Unquestionably.

Mr. GIBSON. And they are there if you have occasion to use them, and it is your privilege to use them if you want to?

Mr. GORMAN. Undoubtedly.

Mr. MORGAN. The next speaker, Mr. Chairman, will be Mr. W. M. Harris, of the Delaware Transportation Co.

**STATEMENT OF MR. W. M. HARRIS, OF PHILADELPHIA, PA.,
SECRETARY AND COUNSEL FOR THE DELAWARE TRANSPORTATION ASSOCIATION.**

Mr. HARRIS. Mr. Chairman and members of the committee, my situation in life at the start was somewhat like my good friend Capt. Murray's. I had a father who was a tugboat captain. He told me when I asked him whether or not I could not stay on the boat and become a tugboat captain—he said, "Son, get off." I am rather sorry he gave me that advice, because Capt. Murray has been evidently so successful and has become a good tugboat man and such a successful speaker; whereas, on the contrary, I stayed ashore and became a rather poor lawyer. I am rather sorry he gave me that advice and that I did not stick to the tugboat.

The association I represent is composed of tubgoat owners, excursion steamers, and passenger steamers in the port of Philadelphia. I might say that, so far as I can see, the Philadelphia engineers are evidently satisfied with this arrangement that exists at the present time, because they are not represented here to-day. There is no one as far as I can see, who is here from Philadelphia standing for this bill or any of its parts. If there were a great question involved in this bill, I think that the boat owners of Philadelphia or the boat owners of New York, for that matter, would be very glad to meet these gentlemen more than halfway. As far as I can see it is simply a question of adding one more to the great number of bills and legislation that the vessel owners and vessel interests have had to contend with in late years. I do not believe there is any great public demand involved in this bill. There is, on the contrary, a great deal of inconvenience which will result from its passage.

You have here the inconvenience of getting capable men to take these positions; you have here the inconvenience of finding suitable places for those men on those boats. And I represent as counsel in Philadelphia a number of those sand boats that are engaged in carrying sand barges. They are now loaded up to their full capacity for equipment with regard to carrying those men and the imposition of any more men on those tugboats would be a hardship. I am speaking with regard to their taking proper care of these men, aside from the monetary consideration involved. In considering the expense, those are things which go to the whole tenor and nature of a bill, the hardship involved as against the cutting off possibly of a few hours in the employment of a number of men. They have a limited sphere as far as I can find out in New York.

Now, following out the suggestion brought out by Mr. Higgins about getting more legislation and getting overburdened with legislation which steamship interests and allied concerns are now engaged in trying to obey, we have had in late years, as I say, some legislation passed by Congress which, as far as Congress has been able to ascertain, has not been followed in the operation and execution of those laws. I have in mind the seamen's bill which was passed by Congress and which in a great many of its provisions has been entirely set aside by the Department of Commerce and Labor, who recognized its inefficiency and its insufficiency in covering a great many points.

Mr. BURKE. Can you tell us any part of the seamen's law that has been set aside by the department you mentioned?

Mr. HARRIS. I refer to its operation in a number of instances, sir.

Mr. BURKE. My question is what particular part of the seamen's law has been set aside by the Department of Commerce or the Bureau of Navigation?

Mr. HARRIS. I am not able to refer to any particular part; I am speaking about the whole tenor of the act. Because I believe that the gentlemen here will agree with me also that the Department of Commerce and Labor realizes that the act itself is entirely too stringent and does not meet the requirements of commerce and of navigation. I would refer especially to an act of Congress that has been set aside by the executive department, and that is the act of Congress which made the remittance of 5 per cent of the customs entering in American vessels.

Mr. BURKE. But, my friend, that is not part of the seamen's law.

Mr. HARRIS. That is not part of the seamen's law, but it goes to show, sir, that legislation that is being passed now, or some of it, at least, is so ill suggested that another department of the Government does not see fit to exercise the law passed by Congress. And that leads me to suggest, sir, that instead of the overburdening of navigation and the overburdening of commerce with legislation which is more or less one-sided, legislation would be welcomed in the form of corporation, as far as I myself particularly am concerned, through a shipping board that would consider these subjects from the standpoint of correlating and combining the legislation in the form of a code giving full consideration to all the facts and giving full consideration to every conceivable part of the law, rather than as it is now, where we have legislation which is burdening upon commerce and burdening upon navigation.

I thank you.

STATEMENT OF MR. CHARLES R. STEWART, OF JERSEY CITY, N. J., REPRESENTING THE ERIE RAILROAD CO. AND NEW YORK FERRIES.

Mr. STEWART. Mr. Chairman and gentlemen of the committee, the ground has been pretty well gone over by those in opposition to the bill, and I do not know that there remains much for me to say; but I do want to take exception to a few of the remarks made by Capt. Murray regarding the deplorable condition of the towboat men in the port of New York.

I have had charge for the past 10 years of a marine department composed of some 600 vessels of different kinds, 20 tugs, 10 ferry boats, and several lighters. During that 10 years the increase in pay of all hands has been nearly 50 per cent. Our tugboats are all carrying more men than they are certificated to carry, but not in the pilot house or the engine room; that is, not pilots and engineers, for the simple reason that, while the boats have become larger and more capable, the duties of these particular men have become less, and the additional work has fallen upon the deck hands, firemen, oilers, the float men, etc. We have not a tugboat to-day that is not fitted with modern steam steering gear; and if the steam steering gear on one of those boats gets out of order, a valve needs packing, another adjusted, it is necessary for the boat to lay to and wait until I send a machinist to do the work.

In the case of the engine rooms we carry two firemen where the boat is certificated to carry one, and we carry an oiler who we try to get of sufficient intelligence to replace the engineer in the event of anything happening to him.

Now about the hours of labor. The tugboat men employed by my company are supposed to be the double-crew boats on duty 12 hours. They come in the morning at 6 a. m. and remain until 6.30, getting their breakfast. They are then assigned to certain duties. Wherever they happen to be at 12 o'clock, the boat invariably lays there 30 minutes to allow them to get their dinner. That likewise applies to their supper between 5 and 6, and at 6 o'clock at night they are relieved. Now, it is quite true, as Capt. Murray says, that those men do require a considerable time to go home. The Erie Railroad does not prescribe where their men shall live. They are very free with their passes to their employees and I believe some of our men live as far away as Newburgh, to which point they get free transportation for themselves and their families.

In the case of our steam lighters, we operate eight. They run no Sundays; they run no holidays. Their actual running time in any day of the 365 during the year is not over four hours. We are about to be presented with a wage scale, I understand, from the marine engineers, who would like to have a little in addition to the 50 per cent we have given them in the last 10 years. In that wage scale I notice that two of the boats that are working for my company under charter are to receive a pay of approximately \$10 more per month than they are getting now; but when the same boats are not working for the Erie Railroad Co. they are permitted to run for approximately \$15 per month less.

In the case of the river towboat lines we have on the Hudson River probably two or three of the largest towboats in the world; that is, I am speaking as to power. This scale of wages that is about, I might say, to be wished on us, calls for a wage of \$15 to \$20 a month less on the largest of those tugboats in the world than it calls for on a small, one-cylinder, high-pressure tugboat operated by the Erie Railroad Co.

Now, Mr. Chairman, it is cases of that kind that we take exception to. We believe in a square deal. We give our men a square deal to-day and I do not believe there is an employee of the Erie Railroad Co., a captain or an engineer, who would come in my office and say: "Mr. Stewart, there is justice in this bill." There is not one. The

most desirable positions in the steamboat business, I suppose, in the port of New York and other similar ports are in the employ of the railroads. I suppose if it became necessary for us to get additional men (and we would need them very badly if this bill is enacted into law) I could not fit up three additional tugs—that is, in addition to what we have already in the service—in a week, if I tried my best, with the men that are available. We perhaps could get some of the men employed by those who can less afford to lose them, because we offer better inducements.

I desire to say a word now, Mr. Chairman, about what is necessary for the railroad company to put up with to secure a qualified tugboat captain. Notwithstanding the fact that I was advised by the Steamboat-Inspection Service at one time that I was to take on any man who held a license that he was competent of doing the work, I figured to make a competent or fairly competent captain on the Erie Railroad that a cost in damage of \$25,000 is conservative. And I can prove it; I can prove we have not made a captain, and we have made every one that we employ—we have not made a one that has cost us less than \$25,000. I want to say further, Mr. Chairman, that if this law was enacted and it made it necessary for me to engage approximately 20 more captains, I do not think we could afford to stand the cost of qualifying them.

I thank you, gentlemen.

(Thereupon, at 1 o'clock p. m., a recess was taken until 2 o'clock p. m.)

AFTER RECESS.

The committee reconvened pursuant to the taking of the recess. Mr. KINCHELOE. Mr. Chairman, Representative Rouse is here. He desires to make a short statement and to file some protests to the bill to be inserted in the hearings, and he has to go over to the House and I would like to have him heard right now.

The CHAIRMAN. Very well.

STATEMENT OF HON. ARTHUR B. ROUSE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF KENTUCKY.

Mr. ROUSE. Mr. Chairman and gentlemen of the committee, I filed with the chairman of this committee day before yesterday a telegram I had received from Capt. J. T. Hatfield, of Covington, Ky., one of the largest coal operators and steamboat men in our State, protesting against the passage of this bill.

I have received this morning a telegram from Mr. Oscar F. Barrett, who is the head of the Barrett Line of steamboats and barges, of Cincinnati, protesting against this bill; also a letter giving his reasons for his protest. I have also received a letter from Commodore F. A. Laidley, general manager of the Louisville & Cincinnati Packet Co., protesting against the passage of the bill.

I would thank you very much if you would include these protests in the hearings.

The CHAIRMAN. That protest is especially against section 4 of the bill, is it not?

Mr. ROUSE. It is against the bill, and I would be inclined to vote against the bill in its present form because these gentlemen so advise me.

(The telegrams and letters submitted by Mr. Rouse are as follows:)

ARTHUR ROUSE,

Congress Hall Hotel, Washington, D. C.:

The following is a telegram sent to David H. Kincheloe:

"We earnestly protest against the passage of House bill No. 8036, which has reference to three crews on steamboats in western rivers. The passage of such a bill would be destructive to present transportation lines and undoubtedly would prevent the development of communities along the banks of the western rivers. It is not practical and is without benefit either to the public, the boat owners, or the employees. Its passage would make useless a large expenditure of money by the Government for the improvement of inland waterways. If you can help Butts and I any we will be pleased."

J. T. HATFIELD.

CINCINNATI, OHIO, *April 4, 1916.*

Congressman A. B. ROUSE,

Washington, D. C.:

We desire to enter our most strenuous objections to passage of H. R. bill 8036 as being entirely unneedful and an added burden to operators of inland vessels, with no possible benefit to operators, licensed officers, or shippers; in fact, just the reverse. Under present and past conditions boats do not average 16 hours running time out of 24 with double crews aboard for past month. March shows boat averaged 13½ hours' running time with double crew aboard per 24 hours, balance of the time being tied up at bank with crews idle, owing to bad nights or bad condition river, fog or wind. Furthermore, there is lack of efficient licensed officers under present laws, notwithstanding boat owners afford every inducement for young men to prepare themselves for licensed officers. We trust you will use your best efforts to defeat this bill.

OSCAR F. BARRETT.

BARRETT LINE,
Cincinnati, *April 4, 1916.*

Hon. A. B. ROUSE,

Washington, D. C.

DEAR SIR: As an individual steamboat owner and member of the National Board of Steam Navigation, also a member of the Ohio Valley Improvement Association, I desire to enter my protest against favorable recommendation by the committee on House bill No. 8036. We enter this protest because there is no need to change in conditions pertaining to the officers of river boats as proposed by this bill. Since the expressions we have had from officers on our boats, and from other boats, there is satisfaction on the part of all concerned. Furthermore, under the present conditions of labor the hours are certainly not excessive. The average running time of a river boat is not over 16½ hours per day, since fog, bad weather, etc., necessitate the boat to remain at the bank for considerable time, and this allows extra time for recreation and rest for the officers and crew.

According to the log for the month of March for one of our busiest boats, the average time of this boat consisted of 13½ hours per day. This boat carried the full complement of officers and crew, or what we call a double crew.

Not only is this change unnecessary, but if the proposed bill is favorably recommended and passed by the House and Senate the changes proposed will be very detrimental to the river business. In the first place, nearly every steamboat on the river would be compelled to add four additional licensed officers to their crew. Under the present conditions some of us find it very inconvenient and a source of a great deal of worry and trouble to procure the services of enough competent officers to carry on our business. If this bill should pass and four additional licensed officers were required on each boat it would be practically impossible to get licensed officers. Under these conditions in the packet business the lives of the passengers would necessarily be entrusted to officers whose experience was insufficient, and whose skill was way below the average.

If this bill is aimed to eliminate steamboat accidents, it is failing in its one great purpose, and not only failing but making steamboat accidents more probable by compelling steamboat operators to employ incompetent officers. By this argument

we are not finding fault with those authorities who issue license to applicants, because by any examination incompetent men will be able to receive their license.

Furthermore, if this bill is passed and an increased complement of officers is made necessary, it is obvious there will be crowded conditions in the sleeping quarters of the officers, as it is impossible for the steamboat builders to provide larger quarters and better accommodations for their officers.

All of these arguments are as nothing in comparison with the fact that the purpose of this bill will kill the effectiveness and the benefit of the millions of dollars which have been spent and will be spent in the improvement of the river. This money was spent with the idea that it would facilitate river transportation, thereby decreasing the cost of distribution of commodities manufactured in this country and possibly destined for foreign markets. This House bill would lay such a great burden upon the small steamboat owners that they would practically be forced out of business, while the larger operators would feel the increased burden and their competition would be cut to a minimum, leaving them the field for monopoly if they can stand the increased burden. However, this is not the end of the burden imposed by this bill. It is almost proverbial that the entire burden is not directly borne but the ultimate consumer is the one that pays the price of the initial burden. This bill would lay the burden of increased expense upon the operators through forcing the operator to raise his freight rates, laying the river business at the mercy of the railroad competition, and that tonnage which is carried under conditions imposed by this bill would necessarily raise the price of the finished product to the ultimate consumer.

Is it possible that a Congress that has as its policy national preparedness, which pretends to foster rapid, inexpensive, and efficient transportation of commodities, a Congress that will appropriate several million dollars for river improvement, thereby proving that it wants to see those natural highways of transportation used to great advantage, is it possible that this Congress will pass a bill like this (H. R. 8036), which will seriously cripple those agencies that alone can justify the expenditure of money for river improvement?

I can not urge upon you too strongly that you use whatever influence is in your power to defeat the aforesaid bill.

Trusting that you will give this cause that consideration which it demands, that action which your conscience dictates, I remain,

Very truly, yours,

OSCAR F. BARRETT.

BARRETT LINE,
Cincinnati, April 4, 1916.

House bill No. 8036 should not be passed, for—

1. There is no need of a change in conditions as pertains to the bill, in that (a) licensed officers are satisfied, (b) the hours are not excessive.
2. The proposed changes will be detrimental, in that (a) there are not enough competent officers; (b) crowded sleeping quarters will result; (c) It will counteract the benefits of the money spent on river improvement, because (1) The small steamboat owner will be at a disadvantage; (2) It will necessitate higher freight rates.

LOUISVILLE & CINCINNATI PACKET CO.,
Cincinnati, April 4, 1916.

HON. ARTHUR B. ROUSE, M. C.,
Washington, D. C.

HONORABLE SIR: Your attention is referred to H. R. bill No. 8036, limiting time of licensed officers employed on steamers on inland waterways to 56 hours per week. This will about finish the steamboat interests, as at the present time and for the past several years the steamboats have not made any money. Rail competition to river points and gasoline boats have about killed what little trade they had, and now to inflict the expense of a larger crew on the steamboats will finish them. May I ask you to use your influence to defeat this bill and save the lives of the steamboats that are now in existence?

Respectfully, yours,

F. A. LAIDLEY,
General Manager.

Mr. MORAN. Our next speaker, Mr. Chairman, is Mr. Fuller, of New York, representing the Merritt & Chapman Wrecking Co.

STATEMENT OF MR. CHARLES H. FULLER, OF NEW YORK, N. Y., REPRESENTING THE MERRITT & CHAPMAN DERRICK & WRECKING CO.

Mr. FULLER. Mr. Chairman and gentlemen of the committee, I have the honor to be the attorney for the Merritt & Chapman Derrick & Wrecking Co., of New York, and although I am a lawyer I am not going to inflict a speech upon the committee. I believe in a hearing of this sort a committee desires more particularly to hear directly from the business men whose interests are at stake rather than indirectly from attorneys who come here representing these men.

I merely wish to register a strong protest on behalf of my clients, the Merritt & Chapman Derrick & Wrecking Co., against section 4 of this bill. Our business, as you probably all know, is of a somewhat different nature, I think, from that of any other concern that has been mentioned here to-day.

My clients, I am informed, have already submitted to the committee their views in their own way, stating why they are opposed to this bill, and for the present I am content to refer the committee to the letter which has been sent by the company to each member of the committee and to ask leave also hereafter to submit any additional memorandum that may occur to me after listening to-day to the very able speeches that have been made in opposition to this bill.

Therefore, Mr. Chairman, I will not take any more of your time at this moment, and merely say we are strongly opposed to the bill, and particularly in the wrecking business, in which we are so largely engaged, the bill would be most disastrous, so far as I can see, to the interests of my clients, both in the daywork which they do and also in the 24-hour work which they are obliged to do frequently. Both in inland waters and outside they do 24-hour work and daywork, and it would be most disastrous to them in every respect to be obliged to come under the provisions of this proposed amendment.

Mr. MORAN. The next speaker, Mr. Chairman, will be Mr. Ira Bronson, of Seattle, representing the Puget Sound steamboat interests.

STATEMENT OF MR. IRA BRONSON, OF SEATTLE, WASH.

Mr. BRONSON. Mr. Chairman and gentlemen of the committee, I am also, unfortunately, a lawyer and am and have been, for some 20 years, personally interested to a very considerable extent in a great many of the steamboats on Puget Sound.

It seems to me from what we have heard of the discussion of this bill this morning that the main incentive, perhaps, for this bill appears to be the unusual conditions which exist in and about New York City. I do not suppose it is unfair to assume that those conditions to a very considerable extent are both unnatural and are temporary in character. Certainly the conditions which obtain in certain other portions of the country would not justify the passage of such a bill as this, which would mean to my partners and myself a very, very serious loss. In some cases it would amount to confiscation.

The business which we operate on Puget Sound, with some 18 or 20 vessels, touches several different ports. We meet the competition

of the Canadian Pacific Railway Co., operating the Canadian Pacific Navigation Co., which operates very fine and very fast vessels and which are operated under the British law, as you are aware. And we operate in that respect into British territory, where we are not as welcome as we might be. I had the honor of appearing some years ago before the Victoria Board of Trade, and while they were courteous about it, they were nevertheless firm about it and frank about it, in saying to us while we were attempting to foster good will between Puget Sound and British Columbia, that even with competition in view with the Canadian Pacific Railway Co. and the Pacific Navigation Co., which handled their business almost exclusively, they did not care to see a vessel flying the Stars and Stripes coming into Victoria. That is one of the conditions we have met there.

We operate vessels also on shorter runs and long runs and interspersed with a great many landings. We have one vessel, for instance, which leaves Seattle and on account of the requirements, absolute and positive, of the United States Government in carrying mail at midnight, our vessel calls at Port Townsend, lays there two or three hours; calls at Port Angeles and lays there several hours; goes down to Neah Bay and lays there four or five hours; and then comes back with more or less the same program, but with much fewer night stops, and comes into Seattle in the afternoon at 3 o'clock of the day following the day she left. Now, it is very easily seen, not going into very much of the details of operation (and I am not as familiar with much of the details of operation as I might be, because I am only here because my associates wired me at New York to come over here, having heard this meeting was to be called), so far as a casual examination of that work will enable us to see, it is apparent that any man in the deck and engine crew of those vessels is going to find time on his hands. And it is very apparent we can not put that man ashore; he does not want to leave the vessel; and yet he is, under the law and under the custom of the ships, under those circumstances, a man on duty, and he has got to be considered as within the provisions of the eight-hour proposition if it were enforced.

Now, we can not provide the accommodations which the law now requires, and this bill would require us to double the crew. It is impossible to do it on those ships, and some of them are comparatively new boats. We can not possibly comply with those conditions.

Again, we have a run between Seattle and Everett that we have operated at a net loss, year after year, consecutively for 10 years. Some one may say: "Why operate it, then?" The hope, of course, is that in the interurban business the Northern Pacific Railway will not always absorb so great a portion of that business and that the traffic will become a profitable one. But if you double the crew that vessel in red ink, or the two vessels in red ink, all of these years, are going into it a great deal worse and it would practically force that traffic to be suspended.

We have very drastic conditions in Seattle at the present time. The provisions of the seamen's law, which makes the requirement for certificated men, etc., and so on, has perhaps indirectly resulted in a strike there which has practically amounted to a demand for double the wages which are now being paid. And it would amount, as I have computed it, without having verified my figures (which I could not even explain to you, although it was explained to me), that

the amount of wages which would be required to be paid to deck hands under the present demands of those men which they are now making, working on the idea that their places can not be filled by men qualified under the law, would be something like \$120 a month, including board, which is given to the members of the crews on those vessels.

Under those circumstances, it seems to me that the conditions are so diverse, and what has been said here before the committee to-day shows the conditions throughout the country are so diverse, that no law of this kind can be made to fairly operate for the benefit of all parties concerned. The conditions are manifestly different.

The CHAIRMAN. Are you of the opinion that a man should be required to work more than 13 hours in a day?

Mr. FULLER. No; Mr. Chairman. And our men do not work 13 hours a day, nor anything like that. They do not average—oh, I would not attempt to be accurate, but they do not work anything like 12 hours a day; but they do operate as I have called to your attention on this boat. That boat is laid up from Saturday afternoon until Sunday midnight, and that would bring that time down, so that it will only lap over by a few hours, as near as I can compute it, the time which would be given by this bill. In other words, we would have to have a crew there whose time would be idle very largely; and as it has been shown on board ship, the same as it is in a law office or any place else, idleness is not conducive either to human happiness or the best interests of society.

I thank you very much.

Mr. MORAN. Our next speaker, Mr. Chairman, will be Mr. J. Frank Tilley, of Pittsburgh, Pa.

**STATEMENT OF MR. J. FRANK TILLEY, OF PITTSBURGH, PA.,
SECRETARY PITTSBURGH COAL EXCHANGE.**

Mr. TILLEY. Mr. Chairman and members of the committee, I represent the Pittsburgh River interests operating steamboats on the Monongahela, Allegheny, Ohio, and Mississippi Rivers and some of their tributaries. I speak only of the inland rivers along the coast. With that phase of the subject my knowledge ends.

Without traversing the particular lines of remarks of Capt. Burnside and Mr. Francis I corroborate and approve of them. I am only going to speak in general terms of the conditions of navigation, the character of our boats, and the conditions of service. The conditions of navigation are chiefly the depth of water in the river, ice, fog, and flood, the size of the locks which the Government has constructed on our improved streams, and the height of the bridges under which our boats must pass.

Beginning with the conditions of navigation the stage of the river at Pittsburgh varies from a few inches in depth to about 36 feet. We have none of the tidal problems that our friends from the coast have to contend with. Ice, fog, and flood are visitors, particularly in the winter season, and that is the chief season in which our navigation must be carried on. Because of this shallow water in the river so much of the time one element that goes into the character of our boats is determined, and that is the shape and construction of the hull.

Our western river steamboats seem to be so little known to most people with whom I talk in the East that a brief description should be made of them. The hull must be of shallow build and light draft; that is to say, in many of our boats engaged in local operations the hull is only about 4 feet from the top of the fore timber to the bottom of the deck timber. In the larger boats the depth is perhaps 8 feet or more. The size of the boat and its shape is also determined by the locks of the river, which permit of just a boat of such a width to be used with the class of craft that we navigate, and such a length. Now, the main deck of the boat is very near the surface of the water. I see no pictures of western river steamers here, and you must forget all about these steamers with their deep hulls and great distance to the deck. The guards of our boat, which mark the top of the hull, are a few inches above the top of the water. Sometimes you will see them almost awash.

On the main deck is the forecastle, which has space enough for the capstan and room for a few lines. Then comes the forward bulkhead, upon which is the coal bin. In this coal bin is carried fuel for the boats. On the smaller class of boats we put on about 500 bushels of coal. On the very largest boat we put on 15,000 bushels of coal for fuel. None of these boats carries 1 pound of freight or one passenger. Back of the coal bin are the boilers, which are of the longitudinal type, two flues, and about 28 or 30 feet in length. Back of the boilers is a small deck-room space in which are kept the yawls of the boat, some of the lines, and various articles. Back of that is the engine room, which occupies all the rest of the main deck. The entire main deck of the boat is taken up with the necessary machinery for the operation of the boat.

The next deck of the boat is called the boiler deck, and on the forward end of this boiler deck we have a space for receiving coal on the boat, which is let down through a chute and through a hole in the deck, and passes down to the coal bin. Then we come to the pilot house and then the cabin, which has the staterooms, dining room, the steward's department, kitchen, pantry, etc., which takes up all of that deck.

Those are all the decks we have on that class of boats. Now they are at present, with the crews we have, crowded to their capacity, and there is no further crew space. And I declare to you that the provisions of this bill would impose upon us conditions impossible of fulfillment and intolerable hardships.

If we pass to the largest boat which we have, which is the steamer *Sprigg*, I think because of the lack of knowledge in most men's minds relating to the class of vessels navigating our rivers that I should pay some little attention to this boat. I have just written the members of the crew down so that you will know what we carry in an extreme case. We have the master, 2 pilots, 2 deck pilots, 2 engineers, 2 striker engineers, 2 water carriers, 1 mate, 1 watchman, 1 steward, 2 cooks, 2 flunkies, 1 chambermaid, 1 carpenter, 1 blacksmith, 12 firemen, and 45 deck hands—a total crew of 78 men, including 1 woman. Now, if we had to increase that crew by 50 per cent, what on earth would we do with 100 men on a boat and how would we feed 100 in that lower country, where we are away from towns of any size for days at a time? So much for the character of the boats.

Next, I will take up the conditions of the service. Our boats when in commission are in continuous operation—that is, unless delayed by fog, ice, flood, or low water. And in as much as it is the sum total of these details which work these intolerable hardships and impose conditions impossible of fulfillment on us, I think that perhaps a few of those details I should mention. If one of our boats has made a trip to some southern port, say, New Orleans, and is returning to Pittsburgh, on the lower river boats we ship by the trip. If that boat lays up 400 miles from Pittsburgh or at any other place along the river on account of low water, we have one of two things to do—the crew must be returned to Pittsburgh at our expense or we must keep them on the boat and feed them, with nothing to do until we have a freshet on the river, which is frequently six months from the time the boat is laid up. We spend thousands of dollars in railroad fares returning our crews to Pittsburgh. Again, they are compelled to lay up by reason of floods in the river. Of course, they are not of such long duration; but if they lay up five days for floods the crews are kept on the boats all the time, and I should say we feed all of our men on all of our boats, and we furnish the food, and as Capt. Burnside has remarked, they have about four meals a day. Then this railroad fare is doubled and trebled. A rise comes in the river, and we put that crew on a train, again pay their fare down to the steamboat, wherever it is, and it frequently means \$10 per man and their subsistence on the way. We start up the river and low water may catch us again, and this may be repeated several times—bringing the men back to Pittsburgh and then returning them to the boat.

The crews on all the boats are divided into two watches, the forward and after watch, and serve six-hour turns. Practically on our boats, which are in continuous operation, they live on the boats. We have some steamboat mates and other officers on the boats who have made their homes on the boats for from 15 months to 3 years at a time without interruption. Until a month or two ago, the Pittsburgh companies kept many men that they called yearly men on their lists—captains, mates, and engineers—whose salaries they paid for 12 months in the year when the men might render only 4 or 5 months' service. I can call a captain at present in this room to arise to his feet who will tell you he has received his salary regularly for seven months in the year and never touched his hand to work on the steamboat.

These captains, pilots, and others scatter in the summer to the watering places and summer resorts, and the only string we have to them is that we must have their address and they are subject to call by telegraph. The river frequently reaches the low stage in May and the common remark is, "No more navigation until snow flies." We have a happy and contented lot of men on our boats. I am perfectly frank in saying that and I believe it will be borne out by the men themselves. They have little work to do. For instance, you take our pilots, and they will have what we call steam steering rigging and the pilot may have a stool to sit on. He must not have a chair; chairs with backs on them are barred from the pilot house. If he falls asleep on a stool, he will fall off and wake up. We had one man who ran into a bank when he had \$20,000 worth of coal on board and did considerable damage, and he was frank enough to admit that he had fallen asleep. With this steam steering, our deck hands on boats on the Monongahela River, where the locks are 8 to 14 miles

apart—while the boat is passing through the locks they have some work to do—I can not say they are just absolutely idle half of the time, but the greatest part of the time have nothing to do to engage their attention. They are well housed, well fed, well kept, and well satisfied.

Mr. GIBSON. You spoke about a captain falling asleep and falling off the chair and doing a lot of damage. Did he fall asleep for the want of sleep? [Laughter.]

Mr. TILLEY. Did he fall asleep for the want of sleep?

Mr. GIBSON. That is just what we are arguing, that the excessive hours a man works force him to go to sleep while on duty.

Mr. TILLEY. No; he is only on watch six hours.

Mr. GIBSON. But you made the statement he fell asleep while at his post of duty, and that is what I want to know, if it was because of want of sleep?

Mr. TILLEY. I can produce him. He was frank enough to say, "I went to sleep." You know a man on a warm summer day, with nothing to do, is pretty apt to get drowsy.

Mr. MORAN. Mr. Chairman, we will just call one more speaker, Mr. Campbell, of San Francisco, counsel for the Ship Owners & Merchants' Tug Boat Co.

STATEMENT OF MR. R. A. CAMPBELL, OF SAN FRANCISCO, CAL., COUNSEL FOR THE SHIP OWNERS & MERCHANTS' TUG BOAT CO.

Mr. CAMPBELL. I am counsel for the Ship Owners & Merchants' Tug Boat Co., of San Francisco, and on behalf of that company I desire to lodge our protest against the bill.

I desire simply to tell the committee briefly of the conditions under which our tugs operate, in order that the committee may judge for itself at to whether or not this bill is needed for the betterment of the men. We operate 17 tugs, 4 of which are engaged at various times in the coastwise towing between Alaska and Panama. The remaining tugs are harbor tugs, used in San Francisco Bay and up the Sacramento River. The men on the harbor tugs live at home, either in San Francisco, Oakland, or Alameda, and are required to report for duty at 6 o'clock in the morning part of the time. Some of the tugs are started out at 6 o'clock; other tugs are started out at 7 o'clock. Those tugs are used in moving steamers at the wharves, in towing barges about the bay and in towing sailing ships, and going up the Sacramento River with barges and assisting steamers in docking, because of the current and tide.

The tugs are laid up at 6 o'clock at night excepting that some of the tugs which go in service at 7 o'clock in the morning are continued on until 7 o'clock. We keep on hand but one tug throughout the night, with one crew standing by. The other crews are permitted to leave at 6 o'clock or at 7 o'clock, as their turns might alternate; and very, very frequently, when at 4 o'clock in the afternoon there promises to be no further business for the day, the crews are dismissed and allowed to go to their homes at 5 o'clock. We operate no tugs on Sundays, except in emergencies and except we do keep standing by one tug. The crews alternate in taking their turns on the

Sunday watch. We follow the same policy on holidays; we keep one tug standing by during holidays.

With the coasting tugs, we alternate with them. If one crew has been out on a long voyage and comes in, then on the next long voyage another tug is sent out, in order that the crew which has just come back may have an opportunity to stay at home or an opportunity for the harbor service and the short service.

Now, it is under those conditions that our men work and we have yet to hear of any complaint about their being overworked. I might say that the company has in its service masters, mates, engineers, and firemen who have been there for many, many years. If these men did not think that the conditions were satisfactory, they could, with the growing commerce up there on the coast, and particularly in the lumber-carrying trade, have had plenty of chances to have forsaken the tugboat service and gone into the coasting service. They have not done so and you will find there are many, many men still remaining with the company who have been there for 10, 15, 20, and even 30 years. And it is under those conditions our tugs are operating.

Mr. GIBSON. Is it not a fact your company does not work its men over 13 hours a day?

Mr. CAMPBELL. They work under the conditions I have stated to you; they start out at 6 in the morning and quit at 6 at night.

Mr. GIBSON. I was the business man of the Marine Engineers Association at San Francisco for a period and Capt. Gray and Capt. Crandley, of your company, made an agreement with me, in behalf of that association, that they would not work their men only nine hours a day on the boats.

Mr. CAMPBELL. Yes.

Mr. GIBSON. It is 10 hours, but they allow their men a whole hour at noon for lunch. And if there is no towing on the river, as you state, the men are knocked off until such time as a boat comes in the river.

Mr. CAMPBELL. Yes.

Mr. GIBSON. And it is optional with the men as to whether they sail—if a boat leaves at 6 or 7 o'clock from Port Costa to go to San Francisco, the men may not leave until midnight. And if you will look at your records, any engineer who comes in your employ that works 13 hours a day at any time, the reason for their knocking off early in the day is for the company's compensation to them for any overtime which they have done, in lieu of compensation. That was the agreement with Capt. Gray and Capt. Crandley and myself. And I know your company does not work a crew 13 hours a day unless it is a matter of distress or disaster on the outside; and on the ocean-going tugs you carry three crews, so those men do not work but eight hours a day, except when offshore.

Mr. CAMPBELL. Then there is a branch of the business up there which is satisfactory now?

Mr. GIBSON. Perfectly; the San Francisco towboat business is ideal; but I wanted to correct the impression which might go out that the men were working over 13 hours, when they are only working 9 or 10.

Mr. MORAN. Our last speaker, Mr. Chairman, is Mr. Arnon L. Squiers, of New York.

STATEMENT OF MR. ARNON L. SQUIERS, OF NEW YORK, N. Y., REPRESENTING THE JOHN E. MOORE STEAMSHIP CO. OF NEW YORK.

Mr. SQUIERS. Mr. Chairman and members of the committee, I am also an attorney, and I have listened to some very enlightening presentations of facts before this committee, and, like my predecessor, Mr. Fuller, I do not think you want to hear any speeches at this time from attorneys.

The facts relating to the company which I represent, which is the John E. Moore Steamship Co. of New York, have been very fully stated by Mr. Dalzell and Capt. Pollock and others who have spoken regarding the towing business. This company also has two passenger steamers, and there is a branch of work in which it is engaged which is unlike any that has been presented, I think. For a number of years they have been under contract with the steamship companies for the transportation of all immigrants that come into the port of New York from the steamships to Ellis Island and from Ellis Island to the various railroad terminals. Of course, so far as that transportation is concerned, you can readily understand that the operation is in the daytime, under such regulations as the governor of Ellis Island establishes, and which are very necessary.

Now, if the committee will permit me, I would like to get something a little personal off my chest. Perhaps you may think it is irrelevant. But sometimes I get woefully tired of the advocating of measures which are absolutely useless, and there seems to have become a peculiar sanctity in the number of hours a man shall work. I have been taught that the ideal division of time is eight hours for your usual vocation, eight hours for recuperation and sleep, and eight hours for the service of God and your distressed worthy brother. But I have found this, that the man who adheres to working only eight hours a day and refuses to work more than that is not giving the closest observation to the remaining two-thirds in the division of time.

Now, I do not know how many of the members of the committee or how many gentlemen here were brought up as I was brought up, but if you will permit a further personal observation (and I have been very thankful for it), I was born and brought up on a farm. And when I was a boy only 10 years of age I got up at half past 4 in the morning in the summer time and half past 5 in the winter time, and we quit when the work was done. There was not any question of eight hours a day. Now, I take it, if I had been dissatisfied and refused to work more than eight hours a day I would have still been following the plow upon the old farm in New York State, which perhaps would have been a better vocation than the one I am pursuing; but I am making no apologies for the profession of the law. I am proud of my profession and believe it to be a wonderful one, and I would not give up my profession for any other known to God's earth. I make no apologies for it to any committee or any other body when I am representing a client; and it has been brought to me that here is an amendment to a law already on the statute books, as I under-

stand the Hardy Act, the seamen's act, and other acts, which is attempted to be passed before the acts which you have recently put upon the statute books have been fully digested by the merchant marine interests and before the merchant marine interests have fully digested those, and the law so interpreted so that they may know and the Government may know what it means. And why? If I gather from Mr. Gibson and Mr. Stiles and the other speaker here, Mr. Murray, it is to legislate some more jobs for some men, and the men for which do not exist.

I have heard the complaint from one of the speakers that there were some of those men who already have licenses for this position who had to wait for a time for work in their line and to work in a position other than that for which they were licensed until there was a vacancy so that they could be promoted to it. Well, if it has come to be the case where as soon as a man receives a license he must be assured and guaranteed a livelihood, then we have come to a pretty pass. I wish it had been so when I got my sheepskin and certificate of admission to the bar. I should have liked to have been guaranteed a livelihood; it would have saved me 10 years of hard, sweating, anxious, worrisome toil and the query as to whether I had not selected the wrong profession.

Now, I contend this: I think we are attempting many times to go too far in legislation of the hours of work. Work never killed any man, if it was honest work, if the man engaged in the work did not sit with a timepiece before him to see when the minute hand moved around to 5 o'clock. I would not have a clerk in my office who sat and watched the clock, and says, "Because I come at 9 o'clock in the morning I am going to quit at 5." As a matter of fact, we seldom close until half-past 6 and sometimes 7; it depends on the work, and unless the clerks in my office are ready to work until we quit for the day, they must get out and I will supply somebody else. I claim that is good in the law, and I do not see why it should not work in the business interests and every other interest. The man who rises in business, and you men know it, is the man who goes into business and works from the bottom up and who will not be quitting on the tick of the watch, but working 8 hours, 10 hours, or 13 hours, as the case may be.

I learned something here to-day. I have sailed on the water; I was brought up on the shores of Lake Ontario and learned to sail a boat and have been on and about the water all of my life; and I never knew until to-day it was necessary for the engineer to keep a log. That, I understand, is provided in section 4; and I have been advised by some who are informed there is a certain kind of log that the engineer keeps, so that that query which was in my mind has been knocked out.

Mr. Chairman, I wish to thank you and the members of the committee for having listened to me. Although I have gone contrary to my promise not to make a speech, it has given great relief to me to know that is off my chest.

Mr. MORAN. In concluding the presentation of our side of the case I wish to thank you, Mr. Chairman and the members of the committee. We wish to reserve the right or to have the privilege, rather, of submitting a complete list of those present, the districts from which they come, and what they represent. We would also like to

have the privilege of submitting a list of the number of licensed officers that would be required should this bill be enacted into law.

We also have a number of protests from Savannah, Ga.; Jacksonville, Wilmington, N. C., and other southern ports which we would like to submit and have printed in the record.

I thank you.

The CHAIRMAN. Of course, there are a lot of them here and I do not want to put them all in the record. Most of them are repetitions.

Mr. MORAN. A great many of them are along the same lines.

The CHAIRMAN. Yes; and there is no use of repeating what has been said here to-day.

Mr. MORAN. That will close our side of the case for the present.

Mr. GIBSON. Mr. Chairman, I suppose the proponents will take the floor now. While we do not expect to take up the time of this committee that the opponents have taken—they have taken up a great deal more time than they intended to—

The CHAIRMAN. In view of the fact they have, we will be generous with you.

Mr. GIBSON. Thank you. Mr. Delahunty will be the first to address you.

**STATEMENT OF MR. T. L. DELAHUNTY, OF NEW YORK, N. Y.,
REPRESENTING THE NEW YORK BUSINESS MEN'S ASSO-
CIATION.**

Mr. DELAHUNTY. Mr. Chairman and gentlemen and members of this committee, I have been an attentive listener to the statements made and also to the misstatements, if I may be pardoned for using that expression, before this committee to-day.

I am here in support of every section of this bill. It is a bill that is absolutely necessary and required, in view of the fact that legislation that has been formulated for the protection of the interests of the traveling public and the interests of the crew and the interests of the owners, have all been violated in every sense of the word. We think that section 4463, or rather subsection 4463, of the Revised Statutes, where it states that nine hours shall constitute a day's work while in port of any officer—there are cases that have been brought to my attention where men have been actually on shipboard for 36 hours consecutively. Where a man goes to sea, at least 95 per cent of his time is on shipboard.

Section 4, in reference to 56 hours: There have been many statements made here that they would be not able to supply the men in the event of this bill becoming a law. I want to say a little over three years ago, on assuming the duties of business manager of the Marine Engineers' Beneficial Association in the port of New York, every boat was turning its wheel, and since that time we have initiated into our organization 400 members who have obtained an original license. And I leave it to those gentlemen if the tonnage has increased to that extent. If the 13-hour indorsement of the certificate of inspection had been carried out (and there is not any question but what it could be now—we have reason to know it when we turned to and went after the violators) some of our subservient members, if you please, handed it out the marine engineers are going to go after these violators, and the consequence was they did confine

themselves to the 13-hour indorsement in their certificate, and men did say to us: "We never enjoyed better conditions." If there was a possibility of enforcing the 13-hour indorsement of the certificate, gentlemen, we would ask for nothing else; we would ask for nothing further; but where there is a trade or a profession to-day in which 13 hours constitutes a day's labor for a benign Government; and many of these men turn to and go out and work 18 and 20 hours. There may be an hour or two when they are not doing anything at the dock, but they are on duty and have to be aboard that boat in the event they are wanted.

You turn and look at the quality of work exacted of the engineer aboard the ship or aboard the boat 12 hours at sea. Custom has regulated the watch 4 on and 8 off. And after you come off in the day'time the auxiliaries of that ship have to be kept up. You do that in your own time—the time you are supposed to rest up to go on watch again. Where is there any other trade or profession, gentlemen, that requires of their artisans, their mechanics, to come back after their day's work is done, whatever the hours that they work, and make repairs on the machines that they operate? Take any industry, I care not what it is, a man who comes there after his recognized day's work is done gets paid for it. I am not advocating overtime; I do not believe in it; I believe it is pernicious. I believe in hours that would guarantee sufficient rest to the men who are compelled to follow the vocation of the water.

I have listened to the statements where petitions have been presented here and I know that the men who signed those petitions did so with considerable reservation. Now, the owners and the interested men know these things. I am going to read, Mr. Chairman and members of this committee, what was sent in as an anonymous communication and I am going to read it as a signed statement—I am going to sign it myself; or rather it is already signed now—where they would not dare to put their signature to that. I went and investigated in several places where these conditions exist, and they said it is a fact. "Well," I said, "give me a statement of that kind; I understand it will be treated in all confidence before this committee." "No; we have got burnt once before and we do not care to be burnt again." But, however, this is the condition of the gentlemen who are working in the corporations:

SYNOPSIS OF CONDITIONS EXISTING WITH ENGINEERS ENGAGED IN LIGHTERAGE WORK
ON RAILROAD TUGS—WITHOUT COOKS—IN NEW YORK HARBOR.

NEW YORK CITY, *March 13, 1916.*

Attention of Mr. T. L. Delahunty:

Rise at 4 or 4.30 a. m.; summon whoever prepares lunch and breakfast, eat, then take car to boat, arriving at 6 a. m.

Change clothes and work continuously until 6 p. m., without time to eat, wash, change clothes, or take proper care of boiler and engines, as I, like they, am sort of an automatic machine that never stops, even while waiting for orders, getting coal or water, always working on a line at the dock. Relieved at 6 p. m. by night engineer, if not detained on work that keeps us out 10, 15, or 30 minutes, and sometimes an hour over scheduled time. Take car home. Eat my principal meal of the day—finished about 7.30 or 8 p. m. Too late to think of going any place, either for pleasure, education, association, or anything else. The folks at home also share their burden, be it wife, mother, or sister, who has to do our cooking, they spending at least three or four hours a day doing the work the cook on the boat formerly did. Then there is also to be considered the three hours a day extra for the engineers since

the cooks were taken off boats, making his day 15 or 16 hours long. And all without any compensation whatever, but with a saving of at least \$85 or \$100 a month to the company in cook's wages, cooking utensils, etc., not to speak of the saving of time in eating meals and preparing food on board. And adding insult to injury, they tell us to think of all the money we are getting now, the \$15 per month money allowed for board at home, and with the cost of living as high as it is to-day, this is overstepping justice. Things are gradually being reversed, and instead of being on 8 hours and having 16 hours off, same as others throughout the country, we are getting the 16 hours on and 8 hours off.

The marine engineer in New York Harbor is going astern fast, hooked up, and will soon be wide open, if something isn't done.

In face of these facts they have signs posted all over, in red letters, "Safety first."

The conditions above cited are moderate; there are a great many worse cases.

From a brother of M. E. B. A., No. 33.

T. L. DELAHUNTY.

P. S.—Would like to have this read before committee of railroad engineers at meeting Monday evening, March 13, 1916.

And I have found, Mr. Chairman and gentlemen of this committee, on investigation that they are considerable.

Now, we have heard some misstatements made by some of the superintendents of steamships, not of the actual conditions, because I have great respect for the conditions under which the particular line which Mr. Higgins so ably represents, the Old Dominion Steamship Co.—and they are one line and the first that realized the necessity of putting a night engineer on because their boats are very busy propositions. But he turns to and states that in England, who is supreme on the sea to-day, which we all know (it has been no enlightenment to me, I can assure you, and these conditions do prevail) the British Board of Trade recognizes two licensed men, but the companies operating the boats are more liberal than our American employers of engineers. They have never been considered sufficient for the labor that is required to take the boats down to sea. I have recollections of sailing on a line where the responsibility and tonnage has been increased fourfold from an obsolete type of cylinder engine to a two-cylinder compound and three-cylinder triplicate expansion, and yet the number of men and the salaries of the different positions remain the same. The companies never realized until it was through the banding together of a little coterie of men that formed this Marine Engineers' Association. Every one of the number here representing the marine engineers are down here with the consent and by the aid of the hard-earned dollars of the merchant-marine engineers who comprise this organization, who are working for the betterment of the conditions as against 77 or possibly 100 of the interests represented here, men who have filled positions of captain, pilot, mate, and engineer, and who have advanced into the positions they hold. They are here to oppose this; we are here looking for justice, gentlemen, to see that it should be accorded the men who are intrusted with the precious lives of the people of the traveling public. We only ask that the same conditions or approximately similar conditions may be accorded the marine engineer that are accorded every other profession where the hardships are not nearly so great, and where the engineers are subjected to the extremes of the temperature, and where they have a thousand and one annoyances—they have to be wet nurse for everybody on the ship or vessel on which they are employed.

To show you the inconsistency, Mr. Chairman and gentlemen of this committee, where there is really no manual labor required from the other end of the vessel, under subsection 3 of the Revised Statutes, section 4463, where the conditions remained the same, to show you the attitude of our employers, at the very time they were turning to and establishing the three-watch system the local inspectors along our coast were reducing the number of engineers from four to three, but the companies did not reduce the engineers only when they were unable to turn to and get one without holding the ship up for possibly half an hour. We asked the reason why. "We have no idea, Mr. Delahunty, of reducing the number of engineers, and we know they are kept on the jump once in a while." But there is no standard, I want to bring out. And we ask in that section or clause of the bill, or that paragraph of the bill, to give us the same consideration that has been given to the other end of the vessel. We think we are fair in asking that. I mean the 13-hour law or the 13-hour ruling which has the force of law; having been approved by the board of supervising inspectors, the Supervising Inspector General, and also approved by the Secretary of Commerce, it now has the force of law.

We have evidence here, documentary evidence, where one of the early speakers of the forenoon, of one of the boats of his line having been fined, and I have the opinion rendered by Judge Hough in the United States court:

WEARY MAN A MENACE TO LIFE, COURT SAYS.

Decision against tug owners for violating "double-crew" law is sustained. "It is a matter of common knowledge," wrote Judge Hough in a decision filed in the Federal district court yesterday, "that safety in anything that requires human effort depends in the last analysis on the human being.

"A weary man is infinitely more dangerous than a defective pipe or an obscure light, because he is unfit to discover the unfitness of the inanimate object."

Judge Hough's decision was one in which he sustained the lower court in a suit brought by the Government against the owners of the tugboats *Union* and *Dalzelline* for penalties for alleged repeated violations of the "double-crew" law on vessels navigated for more than 13 hours consecutively.

Judge Hough ordered that a penalty of \$500 against each tug shall prevail with costs. The case is an outcome of the tugboat men's strike of 1909, when there were complaints of violations.

Mr. MORAN. May I interrupt, Mr. Chairman, for a moment to state that we would be glad to have the entire opinion as rendered by Judge Hough put into the record and not merely the section of it which the gentleman just read?

The CHAIRMAN. Can you not furnish us with a reference to the opinion?

Mr. GIBSON. We have it right here.

Mr. DALZELLE. If the chairman will permit, I have a copy of the opinion here and will be glad to leave it with you. It is the section which says:

Indeed, penalties of the nature now before me can be created by the master deliberately running over the 13 hours, for section 4499 has no reference to intent. Such a system is an invitation and incentive to what, in popular parlance, is called "black-mail."

You should have read that portion. [Laughter.]

Mr. DELAHUNTY. I do not know what the joke is, gentlemen. Just the same, Mr. Chairman, we have the case here, and I believe Brother Gibson, our national president, will submit that later on

to be incorporated in the record of this hearing. But, notwithstanding Judge Hough's opinion, the Dalzelle Line was fined \$500. I do not know whether it stuck or not, but if it did not it ought to. And we do know Mr. Dalzelle's line can comply with the 13-hour law indorsement and every other line. When we have time to turn to and go after them and follow them up we do turn to and give everybody on the boat when we turn to and have an opportunity to watch them. Sometimes we run a little bluff on them and go out and cop some more of them and send in. And we have some cases now before the collector of customs.

Now they turn to and tell you that the wages have——

The CHAIRMAN. We won't tolerate any violations of the law, and if they do violate the law I think the Steamboat-Inspection Service ought to have its attention called to it.

Mr. DELAHUNTY. It is, repeatedly, Judge; it is repeatedly.

The CHAIRMAN. There can be no excuse for that, I imagine.

Mr. DELAHUNTY. The great trouble is the Steamboat-Inspection Service is like the marine engineers—overworked. [Laughter.] The marine engineers' business manager as well, Judge.

Now we have turned to and turned in the violations. We do not approve of our men violating the law and we will turn them in just as well as we will the companies. But there has been an insidious influence to turn to and create dissension among us. The assistant will go after the fellow who has stayed on from 9 to 14 hours and do this repeatedly, and say, "Did you turn in such and such a ship?" "No." And the fellow comes down after us: "Did you do it?" "Did anybody tell you I turned her in?" "No; we got that information ourselves, and that goes. Now, don't let anybody kid you; we are doing this, and tell them they can come down here and get this information." And that is the way it goes right down the line.

Now, Mr. Chairman and gentlemen, about the 50 per cent, where wages have increased 50 per cent. Before closing my remarks I wish to call attention that there are men operating in the port of New York who have not received an increase of pay only until possibly within the last two weeks—some of them have not received an increase in pay since 1902. And anyone who follows up the statistics of this Government, and particularly those who are on the mailing list, realizes and must know that the cost of living has gone up 55 per cent since 1900. In other words, the purchasing power of a dollar to-day is 45 cents as compared to 1900. The cost of living has gone up 37½ per cent from the records issued by the Department of Labor, from 1907 to 1914—37½ per cent. Now it is all right for the fellows whose wages have been raised, in some cases, 50 per cent; but to keep up with the bandwagon procession, they are just 5 per cent behind yet. But how about the fellow and what about the fellow whose wages have not been raised since 1901?

Gentlemen, I thank you for the privilege of appearing before you.

Mr. MORAN. Mr. Chairman, if I may be permitted to do it, I would like to have you ask the gentleman, in making reference to the fact that the chief engineer of the steamer has got to look after his auxiliaries after he gets off watch—I would like to know what the engineer is doing while he is on watch?

Mr. BROWN. How is he going to go out of the engine room?

Mr. MORAN. The auxiliaries are in the engine room, or they are below deck. He has also three firemen and water tenders and he has got oilers. Now, referring to the Old Dominion, I understand they carry three engineers?

Mr. DELAHUNTY. They carry four.

Mr. MORAN. They carry four.

Mr. DELAHUNTY. A night engineer?

Mr. MORAN. Yes; a night engineer.

Mr. GIBSON. Some boats only one. I am speaking more particularly of the steamers or the ships.

Mr. MORAN. I would like to have Mr. Delahunty explain to the committee and the gentlemen here what this engineer is doing while he is on watch.

Mr. DELAHUNTY. Mr. Chairman and gentlemen of this committee, there have been so many diversified conditions expressed here to-day, when I was speaking at that time where the work has got to be done after the man puts eight hours in, I had in mind steamships—steam vessels. Now, the chairman of the board of steam navigation, Mr. Moran—possibly he is only interested in the one line of business, towboating. Now, every interest that has been mentioned here to-day with the exception of the conditions that exist on the western rivers and the turbulent waters of West Virginia I am familiar with. I have been a practical engineer and followed the business for 20 years as a marine engineer, a licensed marine engineer, and possibly five or six years previous to that acquiring the knowledge to become an operating engineer, after putting in an apprenticeship in a boiler shop. So far as overhauling the auxiliaries, there are certain of the auxiliaries that it is impossible to overhaul while you are operating. Take, for instance, the steering engine, the engine that steers the ship. There is a swell chance to overhaul the steering engine while the pilot is at the wheel; the wheel would spin around and make a sausage of him.

Mr. MORAN. Would not the same apply to the circulating pump?

Mr. DELAHUNTY. The same applies to the circulating pump.

Mr. MORAN. Mr. Chairman, Mr. Delahunty referred more particularly, as I gathered, that the principal object in requiring these additional licensed officers was because they want additional men in the deck department.

Mr. DELAHUNTY. No; absolutely. I am only about to show you—

Mr. MORAN. You made reference to that fact.

Mr. DELAHUNTY. No; but I do not want you to take it that way, Mr. Chairman; I want to call your attention to the inconsistency of the Inspection Service.

Mr. MORAN. Well, we will let it go; we won't delay the hearing.

**STATEMENT OF MR. WILLIAM S. BROWN, OF BUFFALO, N. Y.,
MARINE ENGINEER AND REPRESENTING THE GREAT LAKES
DISTRICT.**

Mr. BROWN. Mr. Chairman and members of this committee, I want to ask your indulgence for a few moments to state that I am not a lawyer. I want to relate to you my experience so that when I have finished my remarks you will know what I have stated has not come to me secondhand but from personal experience and observation.

For 29 years I have sailed on the Great Lakes during the season of navigation. During the closed season of navigation for many years I have sailed from the coast. I have followed up from coal passer, fireman, oiler, water tender, assistant engineer, to chief engineer. And particularly while I was assistant engineer I became acquainted with conditions that should not exist in the Great Lakes district. And they can be remedied by establishing the three-watch system. Gentlemen, I have known for a fact where a boat was operated with two engineers on a run of 72 hours consecutively for the time that I will speak of. When the second engineer went to call the chief engineer to go on watch, the man was dead in his bed, and there was not another man to take his place until that ship reached Duluth. Now those are records; it is not imagination on my part. That is only one instance of many.

The CHAIRMAN. How long ago has that been?

Mr. BROWN. It is about 20 years ago. [Laughter.] That is all right; I am talking about things I can vouch for.

The CHAIRMAN. I hope that condition has been corrected.

Mr. BROWN. They try to make a joke of anything we say here. We had the courtesy to show those gentlemen the respect we had for their statements.

Great stress has been laid there to-day, Mr. Chairman, about the impossibility of getting the men, the engineers, to establish a three-watch system. I want to say to you in all honest truth, that there are two engineers for every position to-day that there are jobs for; that is, for every position there is for a marine engineer, there are two engineers to fill the position.

The CHAIRMAN. You speak now with reference to the Lakes?

Mr. BROWN. I speak for the country at large. It seems to me that we hear these conflicting statements about these things, when in one of the bureaus of the Department of Commerce there is a record of every licensed engineer in the United States, and if they do not know it it is very strange. I know there are nearly 29,000 licensed marine engineers in the United States, and I know also the number of boats to supply with engineers; but I am not in a position to know just the number of engineers each boat requires. They require anywhere from one up to whatever I heard Mr. Higgins state this morning about the American Line—some 15 engineers I think it was.

I want to say also that I am gratified to see there is no opposition from the Great Lakes against the adoption of a system of three watches for engineers on the Great Lakes.

In regard to the 56-hour law, that has been covered so thoroughly by Mr. Delahunty, I won't dwell on that. I only want to say this, that the boats now on the Great Lakes are putting the engineers aboard of them of their own volition; that is, the managers are. There are engineers to establish three watches on the boats or a great many of them. But they will not put on the three watches; they will put two on one watch and one on another.

I do not know, gentlemen, that I have anything more to say, the question has been so thoroughly covered by our side.

I thank you.

FURTHER STATEMENT OF MR. BRUCE GIBSON, OF NEW YORK, N. Y., NATIONAL PRESIDENT MARINE ENGINEERS' BENEFICIAL ASSOCIATION.

Mr. GIBSON. Mr. Chairman, I will submit this decision of Judge Hough, of New York, for the record. It is in printed form.

(The decision referred to is as follows:)

IMPORTANT DECISION CONCERNING VALIDITY OF CERTIFICATES OF INSPECTION, UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK—UNITED STATES OF AMERICA V. STEAM TUG "UNION," HER ENGINES, ETC.—UNITED STATES OF AMERICA V. STEAMTUG "DALZELLE," HER ENGINES, ETC.—FINAL HEARING IN ADMIRALTY; ACTIONS TO RECOVER NUMEROUS PENALTIES OF \$500 EACH SAID TO BE AUTHORIZED BY REVISED STATUTES, SECTION 4499, FOR VIOLATION OF REVISED STATUTE 4463, AS AMENDED BY ACT OF APRIL 2, 1908 (35 STAT., 55).

Mr. Pratt, assistant United States attorney, for libellant; Mr. Burlingham, for claimant.

HOUGH, D. J.:

For many years Title LII of the Revised Statutes has contained most of the statutory regulations affecting steam vessels of the United States.

The last two sections thereof (4499-4500) are general provisions regarding penalties for violations of any of the duties or requirements prescribed by the title.

Thus long prior to 1908 section 4499 declared that—

"* * * if any vessel propelled * * * by steam be navigated without complying with the terms of this title the owner shall be liable * * * in a penalty of \$500 for each offense, one-half for the use of the informer, for which sum the vessel so navigated shall be liable, and may be seized and proceeded against by way of libel."

Prior to the above-mentioned act of 1908 section 4463 was confined to a prohibition against passenger steamers leaving port without a full complement of licensed officers and crew.

By the amendatory act referred to the entire scope and meaning of this section was changed. There can be no doubt that such change was intended by Congress, for the act begins by stating that section 4463 shall "be amended so as to read"—and then follows an entirely new scheme of law.

That scheme is as follows:

"Any vessel * * * subject to the provisions of this title (i. e., LII) 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 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, which may be changed from time to time by indorsement on such certificate by local inspectors by reason of change of conditions or employment."

Then follow certain provisions for penalties against the master in the event of his failing to report deficiencies in the crew; but section 4463 as it now stands contains no penalty against owners.

In assumed compliance with the act of 1908 the local inspectors have devised the following system, apparently applicable only to tugs and similar harbor steam craft.

The usual license annually issued to such vessels contains a specification of her required crew, and there is always required a "double crew," i. e., a body of men from highest to lowest, sufficient to enable the vessel to keep going 24 hours out of the 24 with the men working "watch and watch."

This is the standard crew—the theoretical crew. But by an additional writing called an "indorsement" the inspectors provide that if the licensed vessel be not navigated more than 13 hours out of the 24, she is authorized to carry a "single crew," the evident expectation being that the officers and crew of such a vessel which does not work at night may be kept on duty (or at any rate on board the vessel) for 13 hours out of the 24 and no more.

The libels herein set forth that on many days the tugs have proceeded against, having on board but a single crew were navigated for more than 13 hours in a day of 24 hours.

Each day on such alleged unlawful navigation is made one cause of action, and a penalty of \$500 is demanded in respect of each day. There are more than 33 such

causes of action set forth, and the Government at the trial insisted on 23 penalties of \$500 each. The violations are said to have taken place in the year 1909.

The facts are sought to be proven by producing in some cases "log sheets," and in some cases a sort of log book kept by former masters of the tugs who have testified.

With exceptions unnecessary to mention, these records reveal the movements of the vessels from the time they left Congress or Pacific Street, Brooklyn, in the morning, until they returned there at night. It is shown how long the tug was occupied in helping or towing each particular vessel, how much time was spent in waiting for orders, how much in obtaining stores or water, and how much in going after a "job," as distinguished from doing it.

What is perhaps more important, these logs show during how much of the day the tug's propellers were turning over and how long the vessels were lying still.

From them it appears that in almost every instance claimed by the Government more than 13 hours elapsed from the time the vessels left their berths in Brooklyn until they returned there at night. But if there be subtracted from this period of absence from Brooklyn all time spent moored to a wharf awaiting orders and all time so spent taking on water, coal, or stores, the number of hours occupied in movement as distinct from rest is, in nearly every instance, less than 13; but there still remains, even after such deductions, at least one instance in which each tug was moving, i. e., not moored or anchored, for more than 13 hours in a day extending from midnight to midnight.

On these facts the following questions are presented for consideration:

1. Does the statute of 1908 authorize the action of the inspectors, and the system of licensing illustrated by the facts herein?

2. If such system be lawful, is a violation of it within the prohibition of section 4499? Or does section 4463 as amended lay down a complete system containing its own regulations and therefore exclusive of the earlier general prohibition of section 4499?

3. If the licensing system be lawful and section 4499 be applicable, what then is meant by the word "navigate," or "navigated"? Is a harbor tug navigated from the time her crew stand by in the morning until they quit work at night or is "navigation" in the sense of this statute to be limited to movement through the water?

4. Are the penalties authorized by section 4499 and sued for here cumulative?

First. It is not doubtful that the local inspectors could prescribe what crew these tugs should carry; nor that without the prescribed crew the tugs could not navigate. This power has been lodged in some administrative body ever since Congress began to legislate in respect of self-propelled vessels. It has often been objected to, but I am not aware that the objections have ever risen above the kind of grumbling adverted to in the Frank Sylvia (37 Fed. Rep., at 157).

If the local inspectors were entitled to declare the sort of crew that these tugs must have to navigate at all, it seems to me their authority was ample to prescribe the kind of crew with which navigation might be maintained for not more than 13 hours out of the 24.

To put the matter another way, the inspectors' authority is express to require "such complement of licensed officers and crew" as they think necessary for "safe navigation." Unless such complement be "in service and on board" the vessel shall not be navigated. But it does not follow from these words that the "complement" shall be always the same. A proper complement depends upon the requirements of "safe navigation." Therefore, the inspectors are not required to issue one single ukase; they may and must vary the crew if the requirements of navigation change, and no reason is seen why such variation may not be made in and as a part of the printed license as well as after special application. I am therefore of opinion that the so-called "13-hour indorsement" is within the express grant of section 4463 as amended.

Second. It is plain that Congress made the act of 1908 a portion of Title LII, Revised Statutes.

It was inartificial to insert the new act in chapter 2 of Title LII, for chapter 2 has for many years related only to "transportation of passengers and merchandise."

But courts can not base decision on a lack of symmetry in the statutes; the conclusive fact is that by the amendment section 4463 was made to cover not only vessels engaged in transportation of passengers and merchandise but any vessel of the United States subject "to the inspection laws of the United States." These tugs are certainly subject to the inspection laws, therefore they are subject to section 4463 as amended.

If the amendment to section 4463 contained a complete and rounded system of penalties or punishments for its infraction, the argument that section 4499 was not intended to apply would have great weight. Section 4499 is directed against the

property of an offending shipowner; it is intended to reach his pocket; while section 4463 as amended only punishes the master for its violation. Unless the intent of Congress is very plain or there is a glaring inconsistency between the two statutes, both must stand. There is certainly no apparent inconsistency, and in my judgment it is plainly the congressional intent that the owner should be punished by one section of the statute and the master by another. It follows that this action is well brought under section 4499.

Third. The difficulty of technically interpreting words having little or no technical signification is an old story. But with mala prohibita multiplying on every hand the supply of technical words seem to have given out, and crimes nowadays are described in popular and unstable language, even in the statutes. It is here contended that the words "navigation" and "navigate" refer to any movement or intended movement of the vessel for profit; while, on the other hand, it is insisted that they can only refer to times when (in the language of the Inland Rules of 1897) "she is not at anchor or made fast to the shore or aground." There are many cases in which the meaning of these words has been considered; they have been for the most part collated in "Words and Phrases," 4684 et seq. To the lists there contained may be added *The Aller* (73 Fed. Rep., 875); *The M. B. Grover* (92 Fed. Rep., 678).

These decisions show no more than that "navigate" and "navigation" have been construed with reference to the purpose of the statute and the apparent intent of the legislature. This must always be the case when nontechnical words are used. Yet such methods of construction have their pitfalls—and of a very dangerous kind.

On the one hand the judicial effort to carry out the legislative intent is sometimes no more than an opportunity of bidding for popularity; while on the other the statute may be destroyed by ascribing too vague and uncertain a meaning to the words employed.

In my judgment the purpose of the act of 1908 is plain on its face—it is to insure safety in navigation.

It is matter of common knowledge that safety in anything which requires human effort depends, in the last analysis on the human being. A weary man is infinitely more dangerous than a defective pipe or an obscured light, because he is unfit to discover the unfitness of the inanimate object.

To the inspectors, therefore, Congress confided the duty of deciding how many men were required to safely operate a vessel. With a double crew judicial notice is taken of the fact that the men would normally work, watch, and watch—in other words, that for 12 hours a day a man would be on duty. Such notice is also taken of the fact that in an emergency "all hands" would be called. But it is plain that a man should not be expected to work any longer in a single crew than he would as a member of a double crew.

There I think it a reasonable interpretation to hold that what the inspectors lawfully intended to accomplish by the 13-hour indorsement was to prevent the continuous occupation of men in navigation for more than 13 hours a day.

When this was the object, what is meant by "navigation?" In my judgment it covers the time when the tug was engaged in business. A man is engaged in the business of selling goods though he may not be selling anything at the moment; a man is engaged in the business of digging holes though he may at the moment be taking a drink or changing tools. In this particular case it is quite evident that the tugs were taken to Brooklyn overnight for the convenience of their crew, most, if not all, of whom lived in that borough. Probably my interpretation of the word "navigation" would exclude from the 13 hours the time spent in going to work and coming from work, just as a laborer is said to work so many hours per day, though it may take him some additional time to get to his place of work and to return therefrom at the close of his labor. It follows that in a considerable number of instances it is shown that these tugs were navigated for more than 13 hours in one day.

Fourth. The system of penalties now in force under chapter 2 of Title LII, Revised Statutes, is of a kind difficult to describe with calmness.

Under the facts here shown the masters of the tugs who are the witnesses by whom the Government has proved its case were subject to severe penalties (on the Government's own contention) day by day. The least penalty was \$50, the highest \$500 (sec. 4463 as amended). Thus the same facts lay a penalty upon the master and an equal or larger penalty upon the owner.

These penalties are now sued for after the lapse of nearly five years. The court is not told who was the informer, but the patent fact is that a master may for a deliberate violation of law inform against his owner and collect a qui tam action like this a substantial contribution toward the judgment against himself—if anyone believes that any such judgment will ever be sued for.

Indeed, penalties of the nature now before me can be created by the master deliberately running over the 13 hours, for section 4499 has no reference to intent. Such

a system is an invitation and incentive to what in popular parlance is called "black-mail." It is inequity and iniquity, and every reason adduced in *Griffin v. Inter-urban Street Ry.* (179 N. Y., 438) for holding the penalties noncumulative is here present. Where penalties are sought to be recovered on the criminal side of the court, the infliction of sentence on one count affords what is usually a reasonable mitigation, and suspension of sentence yields further relief. But the claim is here made that this court of equity has no option but to gratify some informer to the extent of confiscating about one good tug. If this be the intent of Congress, it must be so written and in so many words.

A decree may pass in each case for \$500, together with costs.

FEBRUARY 16, 1914.

Mr. GIBSON. The statement was made here a few minutes ago by an attorney who addressed the committee that he had no objections to anybody working in his office and working over 13 hours a day, or 15 or 16 or 17 hours a day. Neither would I, neither would any engineer, Mr. Chairman and members of the committee, provided we got the compensation that the lawyer can get. If I could get a thousand dollars for a week's work or possibly less, or two or three thousand dollars, I would not go to sleep at all, I do not think; but they lose sight of the fact that the engineer working these extra hours is not receiving any extra compensation whatever for his time, while to a certain extent it is only given partially to the ships while they are at sea.

It is also to be understood the extra work that he has to do when he is off watch, as it is termed, these auxiliaries Mr. Delahunty referred to, are not all in the engine room. In a large number of the ships, especially on the larger ones, the auxiliaries are placed in some other part than down on the working platform where the engineer is supposed to remain or be in close touch with. There are hoists on deck, there are dynamos, refrigerating engines, and others to be looked after, and the engineer is not allowed to leave his post of duty while he is on duty; that is, to go out of the engine room. The statement was made that there are oilers or firemen there. That is true; but if the engineer leaves the engine room and any accidents occur, whether it be to the ship or to the machinery and equipment, that man is subject to trial by the Steamboat-Inspection Service for leaving his watch when he is supposed to be on duty. They require a licensed engineer in that engine room at all times while the vessel is being operated at sea. Therefore he can not look after the auxiliaries while he is on his watch. And it necessitates after he has come off watch in the time that should be his own, he has so much extra work to do on deck or some other part of the vessel.

The statement was also made that this was probably an attempt by the organization to boost wages. I wish to say, gentlemen, that the organization of which I am the national head does not have as its members one-half of the engineers licensed in the United States; so you can not say we are trying to enforce legislation for our own members. It is only the conditions which have arisen in our observance which we say require attention and should be rectified. As far as the organization is concerned, it is true this organization is fathering this proposition and commenced it; but I want to say this, gentlemen, that before the Marine Engineers' Association was ever organized, before there was any labor organization, there were chambers of commerce and boards of trade, which are nothing else but unions that are formed for their mutual benefit, the same as we are. And if those gentlemen who are making this assertion will look back over

the history of the country they will learn that the foundation of the United States in which we all live was founded on a boycott. When in 1773 the colonists in Boston, Mass., went aboard the ships in the harbor and threw the tea overboard, which they considered was an unjust tax, it was a boycott on tea, and out of that grew the Federation and afterwards the Union of the States. And that is where we took our example, from the foundation of this great and glorious Union which we have and want to live in. That is what union is for, and we admit we are a union. The chamber of commerce is a union, the board of trade is a union, and the steamship associations are unions. They might call themselves something else, but that is what they are.

I wish to read now from the laws governing the Steamboat-Inspection Service this one paragraph, to show why an engineer or any other officer needs a certain amount of rest to recuperate from his duties on vessels:

SEC. 282. Every captain, engineer, pilot, or other person employed on any steam boat or vessel, by whose misconduct, negligence, or inattention to his duties on such vessel the life of any person is destroyed, and every owner, charterer, inspector, or other public officer, through whose fraud, neglect, connivance, misconduct, or violation of law the life of any person is destroyed, shall be fined not more than ten thousand dollars, or imprisoned not more than ten years, or both.

That is one contention that we feel that the statute should specify the minimum number of licensed engineer officers aboard of any vessel that the men might have the requisite rest and sleep. On the ocean craft, as I stated this morning, fully 80 per cent of the vessels already carry more or an equal number to those we are asking for. The certificates of inspection read a certain number of engineers and the law states in the discretion of the local inspectors. A local inspector may place one engineer on a vessel; he may place two or three or four; there is nothing to say how many shall be on those vessels. And we know of instances of vessels in like runs where one inspector says one engineer shall be enough and another one says there shall be three on a vessel of like character. That is why we are asking that a law be enacted stating the minimum number which we have asked for and which we think is conservative to be required.

In 1908, at the port of San Francisco, there was a difference arose between the steamship owners and the marine engineers regarding the same conditions. There was a lockout, and the steamboat owners sent a vessel to sea. This statement was made in our association and we afterwards verified it. The supervising inspector of the first district, who has now passed away, gave permission for the vessel to go to sea with one man aboard—one engineer. When they got to the other end of the run, they picked up another man and made him assistant engineer. Now, that vessel was at sea—in good weather it would take them about 18 hours to make that run. I ask you, is that justice, not to the marine engineer but to the traveling public or other vessels? If those who went on this vessel were satisfied to go with one engineer, how about the other vessels they were going to meet at sea in the same pathway they were probably? This man we know never kept awake 18 hours in the engine room; he had to sleep. Suppose in a fog (and that coast has lots of fogs) this vessel collided with another steamer and there was a loss of life simply because the man was asleep down in the engine room or

maybe up in a bunk and had left an irresponsible person there to take charge—that was the condition that was allowed. There is nothing to prevent a man doing that to-day, but if we had had a law enacted stating two or three men, or whatever was necessary, for that vessel, they could not have proceeded on the voyage with the insufficient number of engineers and possibly cause disaster that meant loss of life.

I just wish to quote once more from these hearings on the seamen's law in 1914. It was a statement by Mr. R. H. Swayne, of San Francisco; and I wish to state in preface to that that by the annual report of the Secretary of the Interior for the last year, in a portion of his report he comments on this matter of young America. He says:

I turn now from young America, the land that is undeveloped, to young America, our twenty-odd million school boys and girls; for these, after all, are our chief resource and our chief concern. Are we doing all possible to develop this resource?

In this hearing to which I have referred, Mr. Swayne in reply to a question, answers as follows:

There is just one other thing I should like to discuss. It has been asked here, "When is the American boy going to sea?" I do not think he is ever going to sea in the sense that has been suggested. But I will tell you what the American boy can do—he can design ships; he can build ships; he can become an engineer, the quartermaster, the mate, and the officer of these steamers, and he can get the trade for American ships.

Also a statement of Capt. I. N. Hibberd on this American boy:

Mr. HARDY. So that, after all, a good deal depends on whether the young man has any ambition to learn or not?

Mr. HIBBERD. Absolutely, you have struck it just right. And I want to emphasize what Mr. Shayne has said. I do not agree for a moment with those people who say that there is no opening for the American boy on the American ship. I think there is a splendid opening, and I hope to see the day when there will be as many American boys on the sea as there ever was.

Now, as it has been demonstrated in the past months by banking and manufacturing interests doing business with foreign powers that it was necessary to employ none but American born or that were strictly American and who have discharged numbers of their old employees on account of their nationality (for example, the National City Bank of New York, when they learned that their private business was being divulged and the names of their clients given to European powers at war) does it not behoove Congress to enact legislation to encourage the American boy to return to the sea that in the event of our going to war with any other nation (and God forbid that this should ever be) we would have patriotic Americans manning our ships and available for our Navy? Or is it better policy to discourage young America, fill our ships with cheap foreign labor, and if war should come be at the mercy of the enemy on the water, because we had no true Americans to place on our vessels to protect the flag?

Our Navy is not sufficiently manned, and especially in the engineer's department. The guns, ammunition hoists, hoisting of small boats, lighting of the vessel, propelling power of the vessel, is all generated and under the control of the engineers. Would you place foreigners in these important positions, where it is possible for one man to do damage that would result in the loss of the finest battleship in the United States Navy; or would you want to see an American boy with the red blood of an American in his veins doing the duty that belongs to an American? And where are you to get them? Only

from the merchant marine. And if you do not make his conditions as good or nearly so as he can get on shore, there is no incentive for him to follow the calling of the sea.

I just want to read from a little article in the Metropolitan, the issue of March, 1916. It states as follows:

The accident in the engine room of the *Arkansas* in the last war game, when a circulating pump "blew up," throwing the dreadnaught temporarily out of the game, was officially reported as the immediate consequence of the shortage of officers and trained men. Had this happened in battle the ship meanwhile might have been sunk by the enemy. And Admiral Fletcher's report truly says: "It is evident that, undermanned and underofficered, ships can not be kept in a state of preparedness and efficiency to meet on equal terms similar types in other navies."

A man employed in an office works eight hours a day, has a half holiday on Saturdays, his Sundays with his family, and an annual vacation with pay. The man going to sea practically works 24 hours a day, necessity compelling him to remain on board the vessel. He has no Sundays or holidays. In port he works nine hours a day and over, often violating the United States laws, which say nine hours shall constitute a day's work in port. If he lives up to the law and makes a demand for justice he is termed an agitator and loses his position. Having to work a part of the night and then sleep on board probably prevents his visiting his family, or but for a short time. That is an actual condition.

Now, with all of the talk that we hear about what they do in England, let me read what one British employer says. This was Lord Rhondda. It was taken from one of the morning papers dated London, March 10:

THROTTLED COMMERCE—LORD RHONDDA CRITICIZES RESTRICTIVE POLICY—INDUSTRIAL POPULATION NOW PRODUCING MORE PER MAN THAN BEFORE THE WAR; MUST CONTINUE TO DO SO TO WIN FOREIGN TRADE—APPROVES AMERICAN CUSTOM OF SCRAPPING SECOND-RATE PLANTS.

LONDON, March 10, 1916.

Lord Rhondda, formerly D. A. Thomas, the Welsh coal magnate, discusses some after-war problems in a statement given to a British business magazine. He writes: "We English have never sufficiently learned the truth, so well digested by the Americans, that it is better to scrap a second-rate plant than to keep on turning out second-rate material or even good material at an exorbitant cost. It should be noted that the Germans have followed American practice in this matter. They scrap not only their machinery, but their buildings, much more frequently than we. This is not a mistake. It is a farsighted policy which enabled the Germans to cut costs by using the most up-to-date plant.

"I am convinced that one cause of labor troubles in this country is lack of education in the administrators and executives who have to deal with labor. What education does teach a man, however else it may fail, is to appreciate his own ignorance, and to see that there may be not 1 but 50 points of view on any given question. The man who can not see the men's point of view, and has not enough imagination to place himself in the men's position, is never going to be successful in his efforts to cope with strikes and similar difficulties.

In a little pamphlet that was left in my office (I do not know anything about the organization, but I will quote from it; it seems to have pretty good American ideas), called the American Protective Tariff League, it says:

The league recognizes that the American people should not and will not submit to the low standard of wages prevailing in other countries; that this is a Government by the people and not one in which the people are subordinate to the governing powers; that the existence of the Republic depends upon the maintenance of a high standard of American citizenship, and that in all questions of public policy the advancement of the citizen takes precedence of every other consideration.

Now, Mr. Chairman and gentlemen of the committee, who has made it possible for the owners of the steamship companies to make the fabulous profits that are being made carrying cargoes and disposing of tonnage? Are the men running the motive power receiving any consideration for their part in making these profits possible? We note here the earnings of the United Fruit Co. This was a newspaper dispatch:

UNITED FRUIT EARNINGS LARGE—TWO MILLION DOLLARS INCREASE IN NET FOR FIRST FIVE MONTHS OF ITS CURRENT FISCAL YEAR.

BOSTON, *March 10, 1916.*

The United Fruit Co. continues to realize large earnings from its operations. For the five months of its current fiscal year, closing with February 29, the company realized a comparative increase in net from all sources of approximately \$2,000,000, which means an average monthly gain of about \$400,000, or \$100,000 per week.

On the basis of the record made in the first five months of the current fiscal year there are prospects that even if the company does no more than hold its own for the balance of the annual period the total net profits for the fiscal period ending next September will probably exceed the \$9,000,000 mark. This record has never before been attained, and will be equal to 18 per cent on the total of \$48,000,000 outstanding stock after the new financing, which has had for its purpose the conversion of \$12,000,000 notes into an equal amount of stock, has been successfully completed.

The United Fruit Co. has found its equity values in its fleet of 43 boats, comprising 208,297 tons, rapidly increasing in recent months. It is an interesting fact to know that the company has had an offer for two of its smaller steamers, both of which are 12 years old or more and which cost slightly over \$300,000 each to build. The offer involved a sum double the original cost of the vessels to the company, but it has not been accepted.

Now, those are the earnings, gentlemen, of a company which took advantage of the Executive order of September, 1914, and in a newspaper article I read yesterday they are now threatening this Government that if certain laws are not repealed they are going to place their vessels back under the British flag, and yet they are making that nice, fabulous profit by flying the American flag, which we are upholding for them.

The CHAIRMAN. I understand when they came under the American flag their officers demanded the American wage scale?

Mr. GIBSON. No, they did not. Did I understand you to say they paid the American wages?

The CHAIRMAN. I understood the officers demanded and received it.

Mr. GIBSON. In some cases they did and in others they did not. It is only a week ago on one of their vessels running into the port of New Orleans, that the company agreed to pay the American standard of wages. That was just the 1st day of April that they agreed to pay the American standard of wages.

Mr. DELAHUNTY. They dated it back to February.

Mr. GIBSON. I would just like, before I close, to read another little article from the pen of Col. Theodore Roosevelt:

Let us be frank with ourselves. Let us draw all the lessons that are to be drawn from the conduct of the war by the various belligerents. He is no friend of England who flinches from the fact of her failures in this war, and surely he is no true American who refuses to see our own shortcomings. It is now clear that the most decisive failures in England's conduct of the war have been essentially industrial failures, including especially failure in the necessary adjustments with labor. When the war broke out, there was a decided lack of confidence in labor by English employers, a fact—partly justified, and partly unjustified—whose explanation is to be found in the English industrial history of almost a century. The cooperation of labor was essential to the successful prosecution of the war in thousands of ways. It was needed to secure

the three essentials of war—men, munitions, and mohey. That cooperation could not be obtained by the employers themselves. It had to be secured through governmental action.

* * * * *

While asking all kinds of sacrifices from labor, the Government waited more than a year after the outbreak of the war before cutting down the huge war profits from capital

The CHAIRMAN. Have you anything further on this question? We might express some views ourselves in an academic way.

Mr. HARDY. I want to ask you one question, by way of reply, I think it was, to Mr. Tilley. He spoke about the Pittsburgh situation, and illustrated with a vessel which, he said, now had a crew, officers and all, of 78 men, and that this particular bill would add 50 per cent to that crew and they would not have room to house them or feed them, or anything of the kind. You remember his testimony along that line?

Mr. GIBSON. Yes; I recall it.

Mr. HARDY. Do you care to comment or reply in any way to that?

Mr. GIBSON. From my knowledge of those boats, I do not see where it would require an addition of 50 per cent of the men, nor any number of men. I suppose they carry at least two watches on those boats, anyway. Is the gentleman in the room who made the statement?

Mr. TILLEY. Two watches; yes. We would have to put another watch on.

Mr. GIBSON. When your boats are running, your men stand six hours on, or something equivalent to that?

Mr. TILLEY. Yes; six hours on and six hours off.

Mr. GIBSON. Then, how many days does it take to run down before they will stop?

Mr. TILLEY. If they go to New Orleans, probably 20 days or so. In some members of the crew it will make an increase of 200 per cent. We have one mate on the boat, and would have to have two mates. I do not know about the captain; we could not have three captains, because the captain remains all the time on the boat and before another man could become master of the vessel he must go to the customhouse and make oath he is the master of the vessel.

Mr. HARDY. I will ask you how this bill would add 40 persons nearly to the 78; they are not all engineers? What class of employees are they?

Mr. TILLEY. In the first place, it would add two mates; it would add one more pilot. For every pilot we carry on a boat of that class we carry a cub pilot—that is, a young fellow learning the business, who gets a salary and gets his board. It would add another engineer to the force. Each one of the engineers has a striker. That word "striker" means an assistant. It adds one more engineer and one striker. We have now two water tenders; it would add one more water tender. We have one mate and would have to have three mates—two more. We have one watchman. It is a question whether the number of watchmen would be increased or not. Probably the steward would exercise his functions the same. We have two cooks; we would have to have another cook. We have two flunkies; we would have to have another flunky. I do not know whether one chambermaid could take care of 78 or 100 men; possibly we would have to have another chambermaid. Possibly not

another carpenter and possibly not another blacksmith. But we have divided it into three watches and have three watches of licensed officers, and then the next step the firemen would ask for six more firemen—

Mr. HARDY. We are speaking about this bill.

Mr. TILLEY. I will allege, then, it will increase our firemen 50 per cent and the number of deck hands 50 per cent, who, of course, comprise a large part of the crew.

Mr. HARDY. It would increase the deck hands as well?

Mr. TILLEY. Sir?

Mr. HARDY. It would increase all the deck hands?

Mr. TILLEY. They would not be increased under this act here; no, sir. But that would be the next step.

Mr. HARDY. Have you figured out, when you said it would increase them 50 per cent, what it actually would increase them?

Mr. TILLEY. The licensed officers whom I have mentioned just now.

Mr. HARDY. I figured that as 11 men added, if I took it down correctly as you named them.

Mr. GIBSON. I would like to ask Mr. Tilley if this bill would affect the strikers. It would not affect the strikers, it would not affect the deck hands nor the firemen or any other of those other people enumerated.

Mr. TILLEY. We answer that by saying that would be the next step.

Mr. HARDY. I am talking about this bill, not some other bill.

The CHAIRMAN. I understand your position to be that if these men stand in three watches the other members of the crew would demand the same. You can not work part of the crew in two watches and part in three?

Mr. GIBSON. I will say, Mr. Chairman, on ocean-going vessels the sailors only stand in two watches. And I do not see why they could not on the river craft.

The CHAIRMAN. I am trying to get Mr. Tilley's viewpoint.

Mr. HARDY. I will state I understood Mr. Tilley to say that this bill would increase the crew of that vessel 50 per cent; that is the reason I am asking the question.

Mr. TILLEY. I modify that by saying it would lead to that increase; that is, it would actually increase the crew by 11, if they were tabulated correctly by you.

Mr. KINCHELOE. Mr. Gibson, I do not know anything about ocean-going vessels or coastwise, but I have not heard any good reason advanced by anybody, your side especially, why this law should apply to the inland rivers. Are you acquainted sufficiently to testify about that; are you acquainted with the operation of boats on the inland rivers?

Mr. GIBSON. I am to a certain extent. The reason we are asking for it—I thought that part of it was brought out—is the excessive hours the men are compelled to work now.

Mr. KINCHELOE. How many do you figure? What hours do you figure on the average the men work on boats that ply these inland rivers?

Mr. GIBSON. I could not state; but if they should work over 56 hours a week—

Mr. KINCHELOE. I say, on the average, how many hours do you figure they do work?

Mr. GIBSON. That would be a pretty hard question to answer.

Mr. KINCHELOE. I think I know something about inland rivers; as I say, I know nothing about the others. Is it not a fact that no packet nor tugboats that carry barges and things like that operate on the average over 16 hours in a day?

Mr. GIBSON. That is possibly true; yes.

Mr. KINCHELOE. They already have two pilots and already have two engineers and have two mates. Then they would not work but eight hours a day, on the average, would they?

Mr. GIBSON. That would be all if they tied up then; yes.

Mr. KINCHELOE. Then why should this bill apply to that character of business and force those operators of those boats to put on an extra pilot, an extra mate and an extra engineer, when those on there now on the average do not work over eight hours apiece?

Mr. GIBSON. The boats you have reference to—I take your statement to be correct, because I am not familiar with it—do work only 8 hours; but then here are numbers of other boats that work in excess of 13 hours a day.

Mr. KINCHELOE. I am talking about the inland rivers.

Mr. GIBSON. Yes.

Mr. KINCHELOE. I say on the average those boats on the inland rivers—I do not care whether it is a passenger boat or a passenger and freight combined, or a towboat—do not average over 16 hours of work in a day?

Mr. GIBSON. Here was an instance of a boat leaving Pittsburgh and going to New Orleans, and it takes 20 days to go there.

Mr. KINCHELOE. Oh, no; on the ocean, you mean?

Mr. GIBSON. No; on the Ohio River and the Mississippi.

Mr. TILLEY. I expected another Pittsburgher to follow me, but it appears he is not in the room. On account of the swift currents of the Ohio when these steamboats navigate, the fogs, and the bridges, they spend a good deal of the night lying up against the bank.

Mr. KINCHELOE. And don't fogs interrupt them?

Mr. TILLEY. Oh, yes; and they lay up during the whole night because it is dangerous navigating the swift current and the narrow bridge spans.

Mr. KINCHELOE. And then when they reach their destination at New Orleans, don't they lay at the dock there three or four days before coming back?

Mr. TILLEY. Quite a while; yes, sir.

Mr. KINCHELOE. Isn't there a line of packets from Cincinnati to Louisville, and is it not a fact the packets leave Cincinnati to go to Louisville and when they get to Louisville don't they lay there six or seven hours before going back?

Mr. TILLEY. That is true.

Mr. KINCHELOE. And don't they stop for fogs?

Mr. TILLEY. Yes, sir.

Mr. KINCHELOE. And do they not make a good many landings and lay there a whole lot of the time?

Mr. TILLEY. Yes, sir.

Mr. KINCHELOE. Take the towboats going up the Green River, in Ohio, for instance, with loaded barges in tow. Won't the boat spend perhaps three or four days without leaving?

Mr. TILLEY. Yes, sir; but they work the people in putting on the lumber and all on the boat.

Mr. KINCHELOE. But these engineers and mates are not worked?

Mr. GIBSON. Then I will say this bill will not affect them in any way whatever.

Mr. KINCHELOE. But what is the reason you want to make them have three crews instead of two?

Mr. GIBSON. Those boats going to New Orleans, if they are tied up for the night, there is no man there, if they have two watches, working in excess of 13 hours.

Mr. KINCHELOE. That may be an extreme case; but my question is, as a general proposition, is it not a fact if you take the packet lines, say, from Cincinnati to Louisville, Evansville, and Cairo, on the average they do not tie up for the night unless they get into a fog?

Mr. GIBSON. No.

Mr. KINCHELOE. And is it not a fact that on the average they do not run but 16 hours out of 24 in a day?

Mr. GIBSON. Yes; I believe it is.

Mr. KINCHELOE. Then why should they be burdened with an extra crew when they already have two pilots, two engineers, and two mates, and the men now work only eight hours a day?

Mr. GIBSON. As I see it, if they only work two watches, 16 hours a day, they would not be violating the law; that would only be 56 hours a week if they worked seven days a week.

Mr. KINCHELOE. I am talking about on the average. Some of those boats would just run enough longer than 16 hours to make them comply with this law and to have three crews?

Mr. TILLEY. If the conditions of navigation were ideal—of course when they get on the Ohio and Mississippi they try to keep going, but they are laid up for fogs and unusual occurrences.

Mr. KINCHELOE. Then is it not a fact that a private boat line on any of those rivers, that have no passenger trade, without they come there for pleasure or can not travel in any other way, but whose trade as a rule is nonperishable stuff—is it not a fact if those packet companies are compelled to have to put an extra crew on by reason of this, it will confiscate a whole lot of this packet line business and it will go to the railroads?

Mr. TILLEY. I believe, absolutely, they will have to go out of business.

Mr. DELAHUNTY. May I ask the gentleman in reference to the size of power those two engineers operate for 20 days?

Mr. TILLEY. The engines are compound engines, high-pressure cylinders. I think they are 28 inches in diameter. The low-pressure engines are 64 inches in diameter. You would have about 2,400 horsepower. They are longitudinal engines.

Mr. DELAHUNTY. They are double engines, are they?

Mr. TILLEY. Yes, sir.

Mr. DELAHUNTY. Well they certainly must feel proud of their jobs, two men operating that amount of horsepower for 20 days. Why,

I thought we were enjoying rotten conditions on the coast; but you have us skinned a dozen different ways.

Mr. TILLEY. Those engines work so easily that if it was not perhaps for something unusual occurring, they might go to sleep on the job. They just do the work themselves; the engineers do not do it.

Mr. DELAHUNTY. They might drop dead on the job, too.

Mr. GIBSON. I think that will be all I have to say, Mr. Chairman.

FURTHER STATEMENT OF MR. WILLIAM J. MURRAY, OF NEW YORK, N. Y.

Mr. MURRAY. Mr. Chairman and gentlemen, as one of the first speakers, we have heard many statements and misstatements, as has been mentioned here before. I have a copy here of the minutes of the national board of steam navigation, held in the city of Washington last December, the president of which must have realized that there was some justness in the passage of an eight-hour bill. And if you will permit me, I will read it. It is just a short paragraph.

There is also another bill that has been drawn and probably will be introduced in the course of a few days. This bill has been drawn and fathered by the Marine Engineers' Association which, if it passes, will compel every harbor boat that operates but 12 hours a day to carry not only a licensed master and engineer, but also a licensed assistant engineer. The prediction was made some years ago, we are coming to eight hours a day on steam vessels, and it is only a matter of a very short time before we come to it.

Now, that was agreed to by the president——

The CHAIRMAN. Whose language is that?

Mr. MURRAY. The president of the national board of steam navigation.

The CHAIRMAN. Who is that?

Mr. MURRAY. I believe it is Mr. Eugene F. Moran.

The CHAIRMAN. Well, he is not going back on it. [Laughter.] Go ahead.

Mr. MURRAY. I have made a few notes here this morning. I read that because I realized that Mr. Moran believes, or did believe at the time, that this law should be enacted.

Mr. MORAN. I will concede, Mr. Chairman, I did make that statement. I was predicting something we have contended against and we are here now contending against that prediction and against that bill.

Mr. MURRAY. The representative of the Iron Steamboat Co. of New York read a lengthy statement here in which he stated and produced evidence of having the signatures of the men as being opposed to this legislation. Several members of the Iron Steamboat Co. came to our office, which is the pilots association of New York, and showed us the letter that they had received from the steamboat company and asked our opinion. We gave it to them, of course, and told them not to answer it. But they were afraid if they did not answer favorably to that company they would not get their positions when the season opened.

The statement has been made here also that the master would have to be on the boat. We would have to have three masters, and therefore papers would have to be signed for three men. That also is erroneous, as the master, as long as he sees or is on his boat within 24 hours, the law is covered. It was also referred to here that con-

tinuous service—that it was not continuous service unless you were in active operation all day. We claim of course, that the man reporting for duty and having to stay there is in the owners' hands the entire time. The president of the national board of steam navigation took first exception to my remarks this morning, saying that the men did not get a day off. I will concede that to Mr. Moran, because he is one of the men who realizes that the men should have at least a little bit of time off.

The next speaker called was the New York Central man, the best paying line perhaps in New York. That, of course, was for the impression that it would have on the committee. The statement has been made that perhaps I had something else to make me dizzy when I was operating that boat in the North River. However, Mr. Chairman, there is no man living can accuse me of that, and I have no fear; and I will say this for the benefit of our friend from Newburgh, that it is a positive fact that a man who lives in Newburgh has often dropped back and fell behind the pilot-house locker exhausted, coming down the North River, through the Highlands to New Jersey; and every time that man has offered to quit his job his salary has been raised, because they want to keep him. Those are the conditions before him on the inland waters, and the boats go 20 and 25 miles an hour through the thickest fog at all times; and if the men don't do it they lose their jobs.

Now, I say, Mr. Chairman (and I probably will not have another say), that this is the only committee to whom we can appeal, and I make an appeal to you for justice, because you alone can say that justice shall be given.

I thank you.

Mr. MORAN. One word in reference to Capt. Murray's statement that they concede that unless the boat is in actual operation the two licensed men are not required. It is a matter of record in the local inspectors' office in New York that we had to take the Sandy Hook tow out when the Government barges were loaded with the guns which they have for testing. They left New York at 2 o'clock, supposing under ordinary conditions which would happen, they could make the round trip in eight hours. They arrived at Sandy Hook, when a storm set in and stayed there until 11 o'clock that night, and the captain said he wanted to make a start at 5 o'clock in the morning, and the fires were banked and the entire crew turned in, and they arrived in New York the next day at 10 o'clock, and about 12 a colored steward on the deck filed a complaint in the local inspector's office because there was only one kitchen on the boat. That is a matter of record.

FURTHER STATEMENT OF MR. FREDERICK A. BISHOP, OF NEW YORK.

Mr. BISHOP. This gentleman says at the Pilots' Association, that he told them all not to reply to my communication, and they did so simply because they were afraid I would not employ them during the coming season. We employ eight pilots. Of the eight, I have heard from five; one in the service 21 years, who says:

I am not in favor of the bill known as H. R. 8036, which amends section 4463 of the Revised Statutes, being enacted into law, and I am entirely satisfied with existing conditions.

Another pilot who has been in our employ seven years says, referring to bill H. R. 8036:

I do not think that it is right to apply to any of the Iron steamboats, etc.

Another who has been in the employ of the company for three years, on the fishing boats, says:

I am satisfied with existing conditions.

The CHAIRMAN. Will you give his name?

Mr. BISHOP. Do you want the names?

The CHAIRMAN. Yes.

Mr. BISHOP. Louis Hahn, pilot on the steamer *Tourist*; Richard Arnold Herring, pilot on the steamer *Great Republic*, seven years; Arthur R. Clayton, pilot on the steamer *Signus*, in the employ of the company 21 years.

I think that the footnote to my request for this information would dispel any idea in the mind of any man working in my employ that I had any desire to deprive him of his livelihood. It simply means if this bill becomes enacted into law that the excursion boats would have to stop operating. It also means if this bill was enacted into law that the system we have employed on the Iron Steamboat Co.'s boats that gives me the hearty support of the men working under me, would have to cease and we could not keep the men, could not pay the deck and fireroom men on a six months' wage basis, but could only pay them for 110 days, which is the time they work, the same as factory hands.

Now, lots of the men in this association knew nothing of this bill until it was called to their attention. To my communication to those men out of town, dated the 27th day of March, I have not received word from all of them yet; but if the committee so desires I will file with them the entire blanks and correspondence. I will even go further than that; I will let you appoint a committee to see if I have intimidated anyone, and I say I have the hearty support of the men working under me, irrespective of whatever the organization may be aware of.

Mr. MURRAY. May I say something in justice to the representative of the Iron Steamboat Co. I do not make any inference of any nature that he had any malicious intent in sending the circular out; it was simply the fear the men had.

Mr. BISHOP. I got five out of eight.

Mr. MURRAY. I know, but there are men in your companies who signed those letters because of fear that perhaps they might not get their positions back.

Mr. BISHOP. There are two of them who signed and said they were in favor of the bill and gave their reasons.

Mr. MURRAY. We have had that here a good many times in Washington.

Mr. BISHOP. I stated that in my former statement that two pilots said so. To-day we have eight captains, eight mates, and eight engineers, and two were opposed to it. They are the only two out of those which I have heard from.

FURTHER STATEMENT OF MR. H. R. O'DELL, OF NEWBURGH, N. Y.

Mr. O'DELL. Capt. Murray has seen fit to raise a question here in connection with the line which I represent. In fact, he makes an absolute statement. Now, if the rest of his statements which he has made have as little basis in fact as the one he just made regarding our line, I do not think his information should have very much weight. I have been connected with the company since 1903.

The CHAIRMAN. What company is that?

Mr. O'DELL. The Central Hudson Steamboat Co.—the Newburgh line. Capt. Murray says that during that time one of the pilots who runs the Newburgh boats has threatened to resign as a result of falling exhausted on the locker. I wish to say none of them have resigned. One of them has been pensioned—one who had been on that run for over 30 years. The captain of the other boat has been on the boat since she was built, in 1887. They are men who have grown up in the service, who have taken their places and have been there constantly ever since they received their papers, and neither of them have resigned. Perhaps some of our men have resigned from other positions, and I know, as a matter of fact, we have a man who has resigned since I have been connected with the company and has at different times come back for reinstatement.

Mr. MURRAY. I will further say in support and in proof of my statement that we have it over the signatures of the men.

Mr. GIBSON. With your permission, Mr. Chairman, I would like to submit some figures of comparisons between foreign steamships and American steamships, with the complement of engineers carried. It has often been used as an argument that the foreigners do not carry the number of men on their ships that the American boats do, and I would like to file this and have it printed in the record.

(The statement submitted by Mr. Gibson is as follows:)

The following comparisons were taken from a newspaper article, which stated that the figures given were furnished by Robert Dollar:

American steamship *Algoa*, 7,575 gross tons: One chief engineer, one first assistant engineer, one second assistant engineer, and one third assistant engineer.

Japanese steamship *Asama Maru*, 4,217 gross tons: Four engineers.

British steamship *Ninian*, 6,385 gross tons: One chief engineer, one second engineer, one third engineer, and one fourth engineer.

American steamship *Hawaiian*, 5,597 gross tons: One chief engineer, one first assistant engineer, one second assistant engineer, and one third assistant engineer.

All vessels of the American Hawaiian Steamship Co., ranging from 5,404 tons to 8,671 tons and from 3,000 indicated horsepower to 5,600 indicated horsepower, carry one chief engineer and three assistant engineers.

American steamship *Stanley Dollar*, 1,838 gross tons, 850 indicated horsepower: One chief engineer, one first assistant engineer, one second assistant engineer, and two Scotch marine boilers.

British steamship *Azov*, 2,332 gross tons, 850 indicated horsepower: One chief engineer, three assistant engineers, and two Scotch marine boilers.

British steamship *Pectan*, 2,700 indicated horsepower: One chief engineer, three watch engineers, and six Scotch marine boilers.

The above all burn oil as fuel.

Norwegian steamship *La Habra*, 3,000 horsepower: One chief engineer, three assistant engineers, and four boilers.

Norwegian steamship *Thor*, 2,500 horsepower: One chief engineer and two assistant engineers.

American steamship *China*, 5,060 gross tons, 5,590 indicated horsepower: One chief engineer, one first assistant engineer, one second assistant engineer, and one third assistant engineer.

Steamship *Oceana*, under German and British flags, 14,500 tons: One chief engineer, one first assistant engineer, two second assistant engineers, four third assistant engineers, and four fourth assistant engineers.

American steamship *General Hubbard*, 2,183 gross tons, 1,250 indicated horsepower: One chief engineer, one first assistant engineer, and one second assistant engineer.

American steamship *Navajo*, 2,755 gross tons, 1,500 indicated horsepower: One chief engineer, one first assistant engineer, and one second assistant engineer.

British steamship *Elsmore* (lost): One chief engineer, one second assistant engineer, one third assistant engineer, and one fourth assistant engineer.

FURTHER STATEMENT OF MR. FRED B. DALZELL, OF NEW YORK, N. Y., REPRESENTING NEW YORK HARBOR TUG-BOAT INTERESTS.

Mr. DALZELL. I was promised by the vice chairman, in your absence, that I would be allowed one further word of testimony to what I have given. It is short.

The men in our employ, our licensed officers, receive one week's vacation during the year with full pay, and upon a statement at the end of the year that they have not done to exceed \$200 damage during the year they get a bonus of \$100. I mention this to show that we appreciate the services of our men and are willing to compensate them for it. We have one captain who went deck hand on one of my predecessor's boats, when I was located at the office where I am now; and he is there still, as commodore captain. We have another who has been there for 24 years; another 20 years; another 15; and I think the one who has been the most recent in our employ is a little less than a year. So far as I know, they are all satisfied with me, and, so far as I can judge, I am satisfied with them, so long as they attend to their business, which they try to do.

I would like further to make the remark in regard to this reference that has been made to the decision of Judge Hough in the 13-hour case. The decision will speak for itself. I read a paragraph from it where the judge said intent must be shown, and it offered a wonderful opportunity for blackmail. The man who committed this offense did it without our knowledge or consent. I had occasion to discharge him for insubordination and he said: "I will get hunk with you." And his labor union then made this complaint of the several violations, and there had been so much agitation existing as to the relative merits of this bill that we thought it best to have a legal decision of the matter. The question was what did the word "operate" and what did the word "navigate" mean. And we wanted a ruling upon it. Judge Hough gave his decision which you have before you, and we can find no fault with it. The same law, however, that fines the owner \$500 fines the master \$50; and in his decision the judge points out that it had not been brought to his notice who the informer was; therefore he could not deal with the fine of \$50 to the master. He simply fined the owners \$500 on each count.

Within 48 hours, or within at least a week, the master of this tug who committed the act without our knowledge, and after we had paid the fine of \$1,000 to the Government, the Treasury Department sent him a check for \$500, or one-half of the fine that we paid.

Mr. HADLEY. Mr. Chairman, a few moments ago Mr. Gibson introduced into the record a statement I have not seen and which the committee has not seen. I understood from his statement it purported

to be a showing of the complements of men, respectively, on foreign and domestic vessels. Now, if that is to be of any service to the committee, either on this matter or anything else before it, I think it ought to be properly authenticated. I would like to know the source of the information and have it properly identified.

Mr. GIBSON. I will say there is one comparison here I took from a statement in a newspaper furnished by Capt. Robert Dollar, who was comparing the American steamship *Algoa*, the Japanese steamship *Asama Maru*, and the British steamship *Ninian*. And these are figures he gave. His argument in the newspaper article was on wages. He states the number of engineers carried. Those are the figures he gave.

Then I have also quoted the American Hawaiian Steamship Co., which can be verified, and then made a comparison of the American steamship *Stanley Dollar* with the British steamship *Azov* and the British steamship *Pectan*, on the Pacific coast. The *Pectan* is larger than either of the other two I have quoted and carries engineers—in fact, the two British boats, the *Azov* is a vessel of a little larger tonnage than the *Stanley Dollar*, but the same indicated horsepower, and carries one more engineer than the American steamer *Stanley Dollar*. Now, these I verified when I got this information. The superintendent of the engines on the boat called me over to the Union Iron Works, in San Francisco. He knew I was after some data. I got this two years ago. He took me aboard and I saw the chief and he was getting the American wages, and the three assistant engineers that were with him were all British certificated men, and they carried one more man in the engineers' department than the men on any American vessel of her class, and carried one engine more than the steamer *Stanley Dollar*, which has the same horsepower.

Then, the other comparison is of the Norwegian steamship *La Habra* and another Norwegian steamship, the *Thor*. The *Thor* only carries three engineers and the *La Habra* carries four. Then I took the American steamship *China*, which carries four engineers, and that is a larger vessel than the *La Habra*, which is carrying four. Then I took the steamship *Oceana*, not under the American flag, but then under German and British flags. She carried only 12 engineers. I then made the same comparison with the American steamship *General Hubbard*, which only carried three; the American steamship *Navajo*, which only carried three; and the British steamship *Elsinore* (which is now lost), which carried four.

Mr. HADLEY. The comparisons speak for themselves; I merely wanted to know the source of the information.

Mr. MORAN. I would also like to know whether or not Mr. Gibson is in a position to say that those engineers on the foreign ships are duly licensed engineers by their respective boards of trade or duly licensing power?

Mr. GIBSON. I can not say for them all; but on the *Azov* that I quoted I do know, because the chief engineer introduced me to his three assistants and told me in the presence of Mr. Frank H. Evers, of San Francisco, who was superintending engineer on the vessel, that they were all certificated and he was receiving \$150 a month then; and, in fact, he took me all through the engineer department; took me down in the engine rooms and showed me the engines and boilers. They were in the charter of the Union Iron Co.

The British steamer *Pectan* I can verify as carrying certificated engineers. She is in the charter of the Union Iron Co., of San Francisco. I have been aboard that vessel several times, and I will state also to the committee there have been times when the *Pectan* could not get a British certificated engineer, and they called upon our association at San Francisco for an engineer and took him before the British consul and he was given permission, on account of inability to get British certificated engineers, to sail on the boat. So far as an American licensed engineer, there is no license issued by this Government on a chartered boat. I am only taking the statement that was published, given by Robert Dollar. On the *Algoa* I know they carry licensed engineers, and on the British steamer *Ninian* and the Japanese steamship *Aasma Maru*. I can not say they are all certificated, but I presume they were because he used them in comparing their wages with our wages.

Mr. HIGGINS. Does your scale give the full engine-room crew?

Mr. GIBSON. No. I believe this article by Capt. Dollar did; but as our bill is only dealing with the engineer officers I did not take all the engineers crew; I only took the number of engineers carried.

Mr. HIGGINS. In one statement there you made, you stated that the British ship carried one more engineer than the American ship.

Mr. GIBSON. Yes; that is the *Azov*.

Mr. HIGGINS. Is it not a fact that probably the British ship did not carry oilers?

Mr. GIBSON. No; they did carry oilers.

Mr. HIGGINS. They carried one-fourth engineer to do the deck work and oiling of machinery that you referred to?

Mr. GIBSON. No; she did carry oilers. I think I can give you the full crew of that vessel. This was the crew of the British steamer *Azov*: One chief engineer, three licensed assistant engineers, three oilers, three firemen, one donkeyman, and one pump man. On the *Stanley Dollar*—

Mr. HIGGINS. She was an oil-tank vessel?

Mr. GIBSON. An oil-tank vessel; yes. She was carrying fuel oil for the Union Iron Works, of San Francisco. On the *Stanley Dollar*, which had the same horsepower, there were one chief engineer, one first assistant engineer, one second assistant engineer, and two oilers. The British steamer was more fully equipped in the engine room than the *Stanley Dollar*, which had the same horsepower, although the *Azov* has a larger tonnage.

Mr. HIGGINS. But she was not an oil-tank ship?

Mr. GIBSON. Oh, no; a cargo carrier.

Mr. HIGGINS. Therefore she had no need for an oil pump, because she did not carry oil.

Mr. GIBSON. No. She had a donkeyman, who worked in the engine room. The pump man was there on account of carrying fuel oil. I did not make any statement of those men, because I was only taking the engineers carried for this reference to the committee.

Mr. HARDY. At the time you made this comparison there was no law fixing the number of those employees on either the English or American vessel, was there?

Mr. GIBSON. No.

Mr. HARDY. So that it was just a question with the owner, whether he was English or American, as to how many men he would put on?

Mr. GIBSON. The only time, Mr. Hardy, we put anybody on the English vessel was at their request.

Mr. HARDY. I mean those vessels were operated with crews furnished voluntarily and regulated by the owners?

Mr. GIBSON. Yes, sir; voluntarily.

Mr. HARDY. And the Englishman is as apt to be as liberal as the American?

Mr. GIBSON. Yes. These were voluntary.

FURTHER STATEMENT OF MR. A. G. STILES, OF NEW YORK, N. Y., COUNSEL FOR THE MASTERS, MATES, AND PILOTS' ASSOCIATION.

Mr. STILES. There is just one matter I wanted to call to the committee's attention. It was stated here that the purpose of this bill was to create new positions. Now, that is not the purpose of the bill. The purpose of this bill is to improve the conditions for the men that occupy them. The natural result, of course, would be that some new positions would be created; not such a large number, however, as those opposing this bill would lead you to believe. We mentioned licensed deck hands, but we did not mention them as desiring that positions be created for those licensed deck hands, but simply as calling the fact to the attention of the committee that there have been a large number of licensed men holding positions as deck hands who are available to fill any positions that may be created if such an act as this is passed.

In addition to that, I might say if the hours are shortened, it would make the positions more desirable, and the natural and inevitable result would be that men would come to this steamboat work—men now engaged in other lines of employment; because this line of employment would become more popular and a larger number of men would apply for licenses, just the same as in any other line—if it is made attractive, they will come to it; but if it is made so alluring, as it is almost at the present time, they will leave the employment. And the very fact that there is such a scarcity of men or if there was such a scarcity of men as those opposing this bill would try to make you believe, is simply a reflection upon the employers as showing because of the adverse conditions on the boats that the men did not care to seek employment in that work. If the employment is made more attractive, more men will come to it.

Mr. MORAN. Mr. Chairman, as long as we are going to continue the talk we will continue to have controversy.

The CHAIRMAN. There ought to be a last word somewhere, and I suppose as they are the proponents of the bill they ought to have the last word.

Mr. MURRAY. I want to record the number of men here against it. I might say for all of our association the men did not know in the different harbors throughout the country of this bill coming up; otherwise we would have had a larger representation.

The CHAIRMAN. We are not counting noses; we are weighing arguments.

Mr. MORAN. In order that we may have no more controversy and the committee may go to their respective duties, we will close our case.

(The list above referred to by Mr. Moran is as follows:)

REPRESENTATIVES OF STEAMBOAT INTERESTS AT HEARING BEFORE THE COMMITTEE ON
MERCHANT MARINE AND FISHERIES.

E. F. Moran, president, National Board of Steam Navigation; N. L. Cullin, general agent, Associated Marine Departments; E. A. Burnside, the Camp'ells Creek Coal Co., Great Kanawha River Improvement Association; J. Frank Tilley, Pittsburgh Coal Exchange; W. E. Bernard, Philadelphia tow boat interests; Walter B. Pollock, manager, marine department, New York Central lines, New York City; F. B. Dalzell, Dalzell Towing Co., New York City; J. M. Emery, manager, marine department, Delaware, Lackawanna & Western Railroad, New York City; C. R. Stewart, manager, marine department, Erie Railroad, New York City; J. H. Clark, manager, marine department, Baltimore & Ohio Railroad, New York City; D. C. Chase, superintendent of Pennsylvania Railroad tugs, New York City; C. R. Carroll, superintendent of Pennsylvania Railroad ferries, New York City; E. Van Name, superintendent of Fort Lee ferries, New York City; Edward Wakelee, Bergen Point Ferry Co., New York City; E. Stavey, secretary Boat Owners' Association, New York City; D. J. Conroy, Bronx Towing Co., New York City; J. Ruggie, Bronx Towing Line, New York City; H. Dolgie, Harlem River Towing Line, New York City; J. G. Conway, Stanwood Towing Co., New York City; F. A. Russell, Newtown Creek Towing Co., New York City; F. A. Egerton, Egerton Towing Co., New York City; A. W. Knight, Knight Towing Line, New York City; G. F. McCaffrey, McCaffrey Towing Line, New York City; J. G. Keller, Hudson Tow Boat Co., New York City; H. H. Frost, Frost Towing Line, New York City; V. E. Downer, Vierow's Towing Line, New York City; Isaac Buchanan, superintendent, marine department, L. & W. B. Coal Co., New York; F. A. Bishop, president, Iron Steamboat Co., New York; J. S. McLoud, Merrick-Chapman Wrecking Co., New York; C. L. Addison, superintendent, marine department, Long Island Railroad Co., New York; Arnon L. Squiers, Moore Transportation Co., New York; Mr. Webster, superintendent, marine department, Mallory & Clyde Line, New York; H. Higgins, superintending engineer, Old Dominion Line, New York; Mr. Hibble, superintending engineer, Southern Pacific Steamship Co., New York; Charles C. Hahl, Coast Transit Co., New York; Charles E. Davis, jr., Red Star towboats, Philadelphia, Pa.; Charles Gring, towboat and barge transportation, Philadelphia, Pa.; F. W. Munn, Munn Towing Line, Philadelphia, Pa.; O. H. Hagerman, shipping freight agent, Philadelphia & Reading Transportation Co., Philadelphia, Pa.; C. Stewart, superintending engineer, Philadelphia & Reading Transportation Co., Philadelphia, Pa.; H. C. Felton, superintendent, Delaware River Ferry Co., Philadelphia, Pa.; Charles Greer, superintendent, Philadelphia & Camden Ferry Co., Philadelphia, Pa.; C. Halyburton, towing, Philadelphia, Pa.; James Hughes, Hughes Towing Line, Philadelphia, Pa.; W. E. Bernard, Bernard & Samsel Towing Line, Philadelphia, Pa.; Willard M. Harris, Delaware River Transportation Association, Philadelphia, Pa.; George D. Van Sciver, Hainsport Mining & Transportation Co., Philadelphia, Pa.; Gloucester Ferry Co., Philadelphia, Pa.; P. F. Martin, Marting Towing Line, Philadelphia, Pa.; Capt. Moren, The Fuel Co., Pittsburgh Pa.; W. Elsey, Vestor Coal Co., Pittsburgh, Pa.; A. V. Shepherd, Jones & Laughlin Coal Co., Pittsburgh, Pa.; Mr. Stouvenbach, Diamond Coal Co., Pittsburgh, Pa.; J. Frank Tilley, Pittsburgh Coal Exchange, Pittsburgh, Pa.; M. Nickerson, Boston Tow Boat Co., Boston, Mass.; George H. Wooley, Commercial Tow Boat Co., Boston, Mass.; Chauncey L. Whiting, Nantasket Steamboat Co.; Horace Wilson, Wilson Line, Wilmington, Del.; Capt. John Hammond, Staples Tow Boat Co., Fall River, Mass.; H. R. Odell, jr., Central Hudson Steamboat Co., Newburgh, N. Y.; P. Dougherty, Dougherty Towing Line, Baltimore, Md.; Charles W. Lewis, Lewis Towing & Lighterage Co., Baltimore, Md.; Howard Hubbard, Maryland Transportation Co., Baltimore, Md.; James Gorman, Atlantic Transport Co., Baltimore, Md.

(Thereupon, at 4.45 o'clock p. m., the chairman announced that the hearing was closed.)



