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**STEAMBOAT-INSPECTION
SERVICE**

**ITS HISTORY, ACTIVITIES
AND ORGANIZATION**

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STEAMBOAT-INSPECTION SERVICE: ITS HISTORY, ACTIVITIES AND ORGANIZATION

CHAPTER I

HISTORY

The United States Steamboat-Inspection Service, a bureau of the Department of Commerce, has, as its primary duty or function, the administration of the laws of the United States enacted for the purpose of safeguarding the lives of passengers on steamboats and other vessels engaged in marine transportation. In the performance of this important function, the service is chiefly engaged in three general types of work: (1) The inspection of the hulls, machinery, and equipment of vessels of the merchant marine of the United States made subject to such inspection by acts of Congress; (2) the licensing of the officers and the certification of the crews of such vessels; (3) the conduct of trials and investigations to ascertain violations of the steamboat-inspection laws and of the rules and regulations established for their proper administration. The activities of the service bring it into close contact with several large business interests of the nation as well as with millions of men, women, and children annually carried by vessels subject to its jurisdiction. Shipbuilders, manufacturers of marine equipment, iron and steel mills rolling material for the construction of boilers, and the manufacturers of marine boilers,—all are vitally interested in and affected by the work of this service.

Establishment and Early Growth of the Service: 1838-1870. The Steamboat-Inspection Service had its beginning in an act of Congress approved July 7, 1838 (5 Stat. L., 304), the first legislation enacted by the national government looking toward the "better security of the lives of passengers on board of vessels propelled in whole or in part by steam." Owners or masters of such vessels were required to employ a competent number of experienced and skillful engineers, to have the hulls of their vessels inspected every twelve months and the boilers of the same every six months to determine their strength and durability, and to provide their ships with lifeboats, signal lights, fire pumps and hose, and other equipment to insure protection of those on board. A license certificate had to be procured by such owner or master, subscribing to their compliance with these requirements, before passengers could be carried. This act further authorized district judges of the United States within whose district any ports of entry or delivery might be, on the navigable waters, bays, lakes, and rivers of the United States and "upon the application of the master, or owner of any steamboat or vessel propelled in whole or in part by steam, to appoint from time to time, one or more persons skilled and competent to make inspections of such boats and vessels, and of the boilers and machinery of the same." The inspectors thus appointed were authorized to inspect such vessels when called upon by the master or owner, receiving compensation from the owners of vessels inspected at the rate of five dollars for each hull and five dollars for each boiler. After each inspection, the inspectors were authorized, if the vessel was found to meet all requirements, to issue a license certificate or certificate of inspection to the owner or master, which was required to "be posted up and kept in some conspicuous part of the boat for the information of the public." The concluding section of this act, which initiated the inspection of steam-vessels in the United States, provided that any person employed on board a boat in which lives were lost through his misconduct, negli-

gence, or inattention to duty should be deemed guilty of manslaughter.

Several laws of minor importance were passed in the years immediately following the act of 1838 extending its provisions and making certain modifications in its application. An act approved March 3, 1843 (5 Stat. L., 626) provided for additional steering apparatus on steam-vessels in case of an emergency such as in the event of the pilot being driven from the wheel by fire. The number of passengers that vessels subject to the steamboat laws could carry was limited by the act of February 22, 1847 (9 Stat. L., 127), while the act of March 3, 1849 (9 Stat. L., 399), extended the above to include all vessels bound from any port in the United States to any port or place in the Pacific Ocean or on its tributaries or from any such port or place to any port in the United States on the Atlantic or its tributaries.

The present Steamboat-Inspection Service, however, dates its establishment from an act of Congress approved August 30, 1852 (10 Stat. L., 1852), and known as the "Steamboat Act." Since this act furnished the foundation upon which a large part of the service, as it is at present organized, was built, it may be well to examine its provisions somewhat in detail, especially those pertaining to the administration of the service. It provided for the appointment of nine supervising inspectors, by the President, by and with the advice and consent of the Senate, who were to be competent and experienced men in the construction and operation of merchant vessels. These supervising inspectors were required to meet once a year for joint consultation and to establish rules and regulations for the uniform administration of the inspection laws. At this joint session, the supervising inspectors were also to assign to each of their number the limits of the territory over which he should exercise supervision and control. A detailed description of the nature of the work of these supervising inspectors will be reserved for a later chapter, but it is sufficient to note here that they were charged with the super-

vision of the work of the local inspectors within their respective districts, to assist in the actual work of inspection when necessary, to report cases of neglect, carelessness and inefficiency among local inspectors to the Secretary of the Treasury, who was given the power of removal, and to furnish the latter with technical information on matters pertaining to the welfare of the service. The supervising inspectors were to receive a salary of \$1,500 per annum and all necessary and reasonable traveling expenses incurred in the performance of their duties.

The provisions of this act, in regard to the appointment of local inspectors, superseded the act of 1838. For certain collection districts specifically enumerated in the act, two inspectors were to be appointed by a commission consisting of the collector or other chief officer of customs of the district, the supervising inspector in charge of the district, and the judge of the United States District Court, and approved by the Secretary of the Treasury. The compensation of these local inspectors, to be known as the inspector of hulls and the inspector of boilers, was definitely fixed by the act, and ranged from \$200 to \$2,000 per annum, being based upon the estimated amount of work required in the various districts. Fees for the inspection of vessels and the issuance of license certificates to officers of the same were to be turned over to the collector of customs who would remit the same to the Treasurer of the United States. In addition to their work in the inspection of vessels, the local inspectors, acting as a board, were authorized to license and classify all engineers and pilots of steamers carrying passengers. Appeals were permitted to be taken from the decisions of the local boards to the supervising inspector of the district. The act also prescribed additional requirements for vessels, such as precautions against fire, additional life-saving equipment, and a special license to carry certain dangerous or inflammable articles.

In addition to approving the appointment of local inspectors, the Secretary of the Treasury was authorized by the

act of 1852 to receive reports from the board of supervising inspectors, to inquire into the operation of the inspection laws, and to make recommendations to Congress. Accordingly a personal agent of the Treasury Department was appointed by the Secretary to collect information as to the work of the service and to attend the meetings of the board of supervising inspectors. The reports of this officer, together with the annual reports of the proceedings of the board of supervising inspectors, furnished the Secretary with information as to the needs of the service upon which to base his recommendations to Congress. The rather prevalent hostility and opposition to the inspection laws in the years immediately following the passage of the "Steamboat Act," especially among the officers and owners of vessels, was later greatly minimized by the increasing and apparent benefits of their operation. The board of supervising inspectors in their annual report to the Secretary of the Treasury for the fiscal year ending June 30, 1862, noted particularly this changed attitude on the part of those directly affected by the work of the inspection service: "A general admission of the great utility of the laws and expressions of satisfaction at the results which have followed its observance, which to those interested in such property is now fully apparent, has now taken the place of the original opposition with which the inspectors were met in many instances; and incomplete as this law may be, in some respects, the cause of almost every accident to passenger steamers which now occurs can be readily traced to a violation of its provisions, or of the regulations of this board made pursuant thereto."

Numerous acts were passed, following the reorganization of the service in 1852, usually upon recommendations made to Congress by the Secretary of the Treasury, which served to enlarge the work of the service by providing new inspection districts and imposing additional requirements upon the owner of steam-vessels. The provisions of these acts, in summary form, are as follows:

- (1) Joint resolution of March 3, 1853 (10 Stat. L., 262), defining more specifically the duties of inspectors under the "Steamboat Act."
- (2) Act of March 3, 1855 (to Stat. L., 715), regulating the carriage of passengers on steam-vessels both as to number and accommodations therefor.
- (3) Act of June 8, 1864 (13 Stat. L., 120), making provision for an additional supervising inspector and two local boards, and abolishing one local inspection district. The act of 1852 was also extended to include ferry-boats, tug-boats, and canal-boats carrying passengers for hire.
- (4) Act of July 4, 1864 (13 Stat. L., 390), further regulating the carriage of passengers on steamboats and other vessels.
- (5) Act of March 3, 1865 (13 Stat. L., 514), providing for two local assistant inspectors and one additional local inspection board, and reestablishing the inspection district abolished the previous year.
- (6) Act of July 25, 1866 (14 Stat. L., 227), further providing for the safety and accommodation of passengers, and fixing the salaries of local inspectors.

Establishment of a Central Office: 1871-1903. The act of 1852, while giving the Secretary of the Treasury a certain amount of indirect supervision over the work of the Steamboat-Inspection Service, failed to place the service definitely under the direction and control of any one of the executive departments, without which the necessary and proper direction and control could not be had. This serious defect in the Steamboat Act was pointed out by the special agent of the Treasury Department in his reports to the Secretary of the Treasury as early as 1855. In his report dated November 6, 1855, that officer said:

The system is at present without an efficient head. The president of the board of supervising inspectors is, from the necessity of the case, little more than a moderator of debates

at their annual meetings. The powers that the law confers on the Secretary of the Treasury are very limited. A body without a head is a monster; and so likewise is a body with nine heads. With the Union divided into nine districts, and the supervising inspector in each district exercising a wide discretion in regard to rules and regulations, there has been no uniformity in the operation of the act. It is only at Washington City, where the accounts are collected from all quarters, that there can be a proper supervision of the system. Whether this should be by a Supervisor-General, by the Secretary of the Treasury, or by a board especially constituted for that purpose, is for the wisdom of Congress to determine. . . . As at present constituted, the board of supervising inspectors is an anomaly. All the other officers of the government are, in some way, brought under suitable responsibility, either to the President or to the head of some department.

Some effort must have been made by the Secretary of the Treasury, under the limited authority granted to him by the act of 1852, to provide such a head for the service, for we find that a report was made to him in 1870, on a proposed bill to reorganize the service, by the Chief of the Steamboat-Inspection Division.¹ The chief of this division, in all probability created by departmental order, commented favorably on the work of the special agent detailed by the Secretary of the Treasury in 1852 to report on the operations of the service and to draw up the proposed bill. The appropriation acts for the fiscal years ending June, 30, 1870 and 1871, providing for the Steamboat-Inspection Service, contain items covering the salary and traveling expenses of this special agent of the department.²

The proposed bill submitted to the Secretary of the Treasury in 1870, by the chief of the Steamboat-Inspection Division,

¹ Diligent search of the available records and appropriation acts, as well as inquiries directed to the present head of the bureau, have failed to reveal at what time and by what authority such a division in the Treasury Department was organized.

² Act of March 3, 1869 (15 Stat. L., 301); and act of July 15, 1870 (16 Stat. L., 291).

which had been approved by the board of supervising inspectors, was the subject of legislation passed by Congress and approved February 28, 1871 (16 Stat. L., 440). By the terms of this act, which marks a third important step in the development of steamboat inspection, the recommendations previously noted for an administrative head of the service were given recognition in the creation of the office of "Supervising Inspector-General" who, under the direction of the Secretary of the Treasury, should have immediate direction and supervision over the entire work of the service. This officer, who was to be appointed by the President, by and with the advice and consent of the Senate, and selected with reference to his fitness and ability to systematize and carry into effect all the provisions of law relating to the Steamboat-Inspection Service, was granted a salary of \$3500 per annum, in addition to traveling expenses incurred in the performance of his duties at the rate of ten cents per mile.

The joint meeting of the supervising inspectors, first provided for in the act of 1852, was now given a more definite status. The supervising inspectors together with the Supervising Inspector-General, were to assemble as a board, at Washington once a year, and at such other times as the Secretary of the Treasury might prescribe, for joint consultation and for assignment to each of their number the limits of the territory within which he should perform his duties. The board was vested with authority to establish all necessary rules and regulations required for the proper and uniform administration of the inspection laws, and such regulations, when approved by the Secretary of the Treasury, should have the full force of law.

With one exception, the act of 1871 superseded or repealed all previous legislation on the subjects of inspection, licensing of officers, and the transportation of passengers and merchandise on vessels propelled in whole or in part by steam.³

³ The exception here noted is that section of the act of August 30, 1852, which provided for the punishment and the forfeiture of

"All steam-vessels navigating any waters of the United States which are common highways of commerce, or open to general or competitive navigation, excepting public vessels of the United States, vessels of other countries, and boats propelled in whole or in part by steam for navigating canals," were made subject to the provisions of this act. Despite frequent modifications and amendments that have been made from time to time, the basic activities and organization of the Steamboat-Inspection Service as thus established have remained practically without change up to the present time.

There will be reserved for the next chapter a detailed analysis of the activities of the service, as authorized by the act of 1871 and modified by subsequent amendments and additions thereto, only the more important provisions of the act enlarging the scope of the service being noted here. The following gives a brief resume of the contents of these provisions:

(1) The respective duties of the various branches of the service, namely the Supervising Inspector-General, the district supervising inspectors, and the local inspectors were outlined in detail;

(2) The board of supervising inspectors was authorized to establish such regulations to be observed by all steam-vessels in passing each other as they should from time to time deem necessary for safety;

(3) Additional boards and local inspectors were authorized and the qualifications of such officers were set down in greater detail;

(4) Ferry-boats, canal-boats, yachts, and other small craft of like character propelled by steam, tug-boats, towing-boats, and freight-boats were made subject to the laws for the inspection of vessels and the licensing of engineers and pilots;

(5) Reinspections were authorized to be made by local inspectors at proper times, to ascertain the safety of vessels for office of steamboat inspectors receiving any fee or reward for their services, except that allowed by law.

the purposes of navigation and to detect violations of the inspection laws;

(6) Additional requirements were imposed upon the owners of vessels to provide for the safety and comfort of passengers;

(7) Collectors of customs were forbidden to license, register or enroll any vessel propelled in whole or in part by steam until satisfied that all provisions concerning the regulation of such vessels had been complied with;

(8) The states were prohibited from imposing upon pilots of steam-vessels any obligation to procure a state or other license in addition to that issued by the United States; and

(9) The issuance of licenses by the boards of local inspectors to masters, chief mates, engineers, and pilots of steam-vessels was made the subject of detailed regulation, especially with regard to the qualifications of applicants for such licenses, and the local inspectors were given power to revoke the licenses of officers in case of "bad, intemperate habits, incapacity, inattention to duty, or the willful violation of any provisions of this act."

It is significant, as was especially brought out in a brief history of the Steamboat-Inspection Service prepared under the direction of the Secretary of Commerce and Labor and contained in a work known as the "Organization and Law of the Department of Commerce and Labor," published in 1904, that the act of 1871 was directed toward the promotion of the security of the lives of *all* persons on board steam-vessels, thereby giving the officers and crews of such vessels the law-ful protection that formerly extended only to passengers.

Following the passage of the important act of 1871, which has been characterized by the Supervising Inspector-General, in his annual report for 1905, as being, without doubt "the wisest legislation ever devised upon these lines," the subject of steamboat inspection received frequent attention from Congress. Numerous acts were passed from 1872 to 1903, with the purpose of making more efficient and inclusive the work

of the service. A great many of these laws, however, were enacted only after urgent and repeated recommendations had been made by the Secretary of the Treasury and the Supervising Inspector-General in their annual reports. A brief summary of the content of the most important of these acts follows:

(1) Act of April 17, 1874 (18 Stat. L., 30), authorizing the issuance of engineers' and pilots' licenses by the boards of local inspectors, to aliens who had declared their intention of becoming citizens of the United States.*

(2) Act of August 2, 1882 (22 Stat. L., 186), known as "The Passenger Act 1882," superseding all prior acts seeking to regulate the transportation of passengers on steam-vessels. Collectors of customs were authorized to direct inspectors to examine vessels for the purpose of ascertaining the number of passengers such vessels could carry with safety and the accommodations, such as hospital facilities, food, and deck space provided therefor.

(3) Act of August 7, 1882 (22 Stat. L., 346), providing that all foreign private steam-vessels carrying passengers from any port of the United States to any other place or country should be subject to the laws for the regulation of steam-vessels. The Secretary of the Treasury was authorized to appoint sixteen "special inspectors of foreign steam-vessels," at a salary of \$2000 per annum, who should make reports to the Supervising Inspector-General under such regulations as should be prescribed by the Secretary of the Treasury.

(4) Act of March 3, 1885 (23 Stat. L., 438), adopting the "Revised International Rules and Regulations for Preventing Collisions at Sea," to be followed in the navigation of all public and private vessels of the United States upon the high seas or in the coast waters of the United States.

(5) Act of June 19, 1886 (24 Stat. L., 79), abolishing the collection of all fees heretofore charged, for the rendering of

* Previous to the passage of this act, the issuance of such licenses had been restricted by law to citizens of the United States.

certain services, by collectors of customs and inspectors of steam-vessels, to American vessels. Collectors and inspectors were required to make a detailed report of service performed and fees provided by law to the Secretary of the Treasury; and that officer was authorized to allow and pay said officers for such services, as each would have received prior to the passage of this act, out of money in the Treasury not otherwise appropriated.⁵

(6) Act of January 22, 1894 (28 Stat. L., 28), authorizing the Supervising Inspector-General, under the direction of the Secretary of the Treasury, to detail assistant inspectors from any local inspection district where such assistant inspectors were employed, to inspect iron and steel boiler plates at the mills where the same were manufactured. Material for the manufacture of marine boilers, when bearing the stamp of an assistant inspector so detailed, was to be accepted by local inspectors as being in full compliance with the rules of the supervising inspectors with regard to the inspection of boiler plates.⁶

(7) Act of March 1, 1895 (28 Stat. L., 699), abolishing the office of "special inspector of foreign steam-vessels," as created by the act of August 7, 1882, previously quoted. The inspection of foreign vessels was thereafter to be a part of the duties of the local inspectors and their assistants. Additional boards of local inspectors were established and the salaries of all local inspectors were based upon the number of vessels inspected during the preceding year, ranging from \$1,200 to \$2,500 per annum. The act further authorized the

⁵ As previously noted, the payment of fees to the inspectors of vessels for their services was abolished by the act of 1852, but the salaries of such officers as fixed by law had been paid, up to this time, out of receipts from fees derived from the inspection of vessels and the licensing of officers. The annual reports of the Supervising Inspector-General show that the receipts from these sources were more than sufficient to cover the salaries and contingent expenses of the service.

⁶ In his annual report for 1893, the Supervising Inspector-General urged that provision be made for the inspection of boiler plates at the mills.

appointment by the Secretary of the Treasury, upon the nomination of the supervising inspector of the district, of assistant inspectors in collection districts where 225 or more steamers were inspected annually. The Secretary of the Treasury was also given power to appoint clerks for the boards of local inspectors in the above districts. The compensation of these additional employees of the service was fixed by the act, and traveling expenses for all officers of the service were thereafter to be allowed at the rate of eight cents per mile.⁷

(8) By an executive order issued on March 2, 1896, all the employees of the Steamboat-Inspection Service, with the exception of the Supervising Inspector-General and the supervising inspectors, who are appointed by the President, were placed in the classified civil service.⁸

⁷ It is significant to note that two of the important changes made in the service by this act had been repeatedly urged by the Supervising Inspector-General in his annual reports. In the first place, that officer specifically recommended the repeal of the act creating the office of "special inspector of foreign steam-vessels" in his reports for 1889 and 1890, on the ground that the need for such special inspectors ceased to exist when the act of June 19, 1886, abolishing the collection of all fees, was approved. At the time of the passage of the act of August 7, 1882, requiring the inspection of foreign vessels, the expenses of the service were paid out of the receipts from fees, and such fees could not legally be diverted to pay the salaries and expenses of inspectors of foreign vessels. Since the inspectors were paid on an annual fixed salary basis after 1886, however, they could perform this additional service, which was not heavy, without additional expense to the government.

In the second place, the Supervising Inspector-General had frequently called attention to the inequalities in the salaries of local inspectors as fixed by the act of 1871, in comparison with the amount of work they were called upon to do, and specifically recommended in his annual report for 1893 a minimum salary of \$1,500 and amounts in excess of that sum based upon the number of vessels inspected.

⁸ As early as 1880, the Supervising Inspector-General expressed dissatisfaction with the method of appointment of local inspectors, namely, by a commission consisting of the supervising inspector of the district, the collector of customs, and the United States district judge,—a system dating back to 1852—and urged the appointment of the local inspectors from among the list of masters or pilots and engineers licensed by the service, by the Secretary of the Treasury upon nomination by the supervising inspector of the district. In

(9) Act of May 28, 1896 (29 Stat. L., 188), making five years the term of all licenses issued to officers of steam-vessels, and providing for their renewal at any time before their expiration. The act defined what vessels should be deemed "vessels of the United States," and required that the officers of such vessels having charge of a watch, including pilots, should in all cases be citizens of the United States. It was provided, however, that this latter requirements should not be construed to modify or repeal the act of April 17, 1874.

(10) Act of January 18, 1897 (29 Stat. L., 489), subjecting all vessels of above fifteen tons burden, carrying freight or passengers for hire, propelled by gas, fluid, naphtha, or electric motors, to the provisions of law relating to the inspection of hulls and boilers of vessels and to the licensing of engineers and pilots; also to the regulations established by the board of supervising inspectors with regard to lights, fog signals, steering, and sailing rules.⁹

regard to the appointment by commission, he said: "The present mode of appointment by a commission consisting of the supervising inspector, the collector of customs, and the judge of the district court, while good in theory, is not found to be so in practice, since it frequently happens that the lay members of the board are more anxious for the success of a favorite candidate than for the efficiency of the Steamboat-Inspection Service. Therefore I would have the nomination of inspectors made by the supervising inspector alone, who would then be solely responsible if unsuitable appointments should be made, and who would be subject to the discipline of the department for all errors in that respect." This recommendation was repeated in 1886 and again in 1890.

In his annual report for 1898, following the issuance of the above executive order, the Supervising Inspector-General declared that the placing of the employees of the service under the classified civil service was not a success for two reasons: (a) Serious delay in the work of the Civil Service Commission and (b) A lack of sufficient candidates because of the aversion of applicants toward taking the examination. He again advocated nomination by the supervising inspectors and approval by the Secretary of the Treasury, and removal only in case of incompetency, inefficiency, misconduct, or physical or mental disability; and for those causes only when proved before a committee of three supervising inspectors appointed by the Supervising Inspector-General. This recommendation, however, has never received the approval of Congress.

⁹ The Supervising Inspector-General, in his annual report for 1888, called special attention to an accident that had occurred during

(11) Act of February 15, 1897 (29 Stat. L., 530), reducing the rate allowed for traveling expenses of all inspectors in the service from eight to five cents per mile.

(12) Act of March 3, 1897 (29 Stat. L., 687), authorizing the Secretary of the Treasury to direct the inspection of any foreign vessel admitted to American registry and the issuance of the usual certificate of inspection, the tests in such inspections to be the same in all respects as were required in the inspection of American vessels.

(13) Act of March 23, 1898 (30 Stat. L., 340), extending the provision in the act of 1871 which authorized inspectors to examine, license, and classify chief mates of steam-vessels, to include chief mates of ocean or coastwise steam-vessels, second or third mates of such vessels in charge of a watch, and mates of river steamers.

(14) Act of April 21, 1898 (30 Stat. L., 360), creating an additional board of local inspectors.

(15) Act of December 21, 1898 (30 Stat. L., 764), extending the provisions for the inspection of vessels and the licensing of officers to include sail vessels of over 700 tons and all other vessels or barges of over 100 tons burden carrying passengers for hire.¹⁰

(16) Act of February 15, 1902 (32 Stat. L., 34), amending the act of August 7, 1882, which provided for the inspection of foreign steam-vessels, by authorizing the reciprocal recognition of the inspection of hulls, boilers, and equipment, by foreign countries, in the case of foreign passenger steamers belonging to countries having inspection laws similar to or approximating those of the United States.

the year. A steamer had collided with a naphtha launch, and upon investigation, the board of local inspectors placed the blame on the pilot of the launch. Using this as an example he urged the desirability of extending the inspection laws to include motor boats.

¹⁰ The action thus taken was recommended almost forty years before, by the board of supervising inspectors, in its report to the Secretary of the Treasury for 1860. Attention was called to the frequent accidents involving sail vessels and the recommendation made that the act of 1852 be extended to include such vessels.

16 STEAMBOAT-INSPECTION SERVICE

This review of the rapid development of the Steamboat-Inspection Service following the establishment of a central office for the service in 1871, serves to indicate the growing importance of this bureau and the recognition by Congress that it was performing a function vitally necessary to the proper protection of the lives of those who were subject to the dangers of navigation. Attention is also called to the direct influence exercised by the Supervising Inspector-General upon legislation looking toward an enlarged scope of the activities of the service and improvement in its personnel and administrative organization.

Development of the Service Since 1903. Together with a considerable number of other bureaus performing a variety of functions, the Steamboat-Inspection Service was at first organized within the Treasury Department. There was no logical basis for this arrangement except perhaps the fact that the customs officers were charged with the enforcement of the inspection laws. An unsuccessful attempt was made in 1882-1883 to transfer this service, together with other bureaus at that time organized within the Treasury Department, such as the Revenue Marine Service, the Coast and Geodetic Survey, the Marine-Hospital Service, the Life-Saving Service, the Lighthouse Board, and the Revenue-Cutter Service, to the Navy Department,—all to be grouped under a Bureau of Mercantile Marine in the latter Department. A bill was introduced in the House of Representatives on January 2, 1883, upon the recommendation of the Secretary of the Navy to affect this transfer, but it met with decided opposition from the heads of these various bureaus.¹¹

¹¹ The main objection voiced by all of the officers concerned was the undesirability of intrusting the administration of the civil laws of the country to an armed branch of the government, supported and maintained for war purposes only. Two additional objections were voiced by the Supervising Inspector-General against the transfer of his particular service, namely, (1) That, while admitting on the part of naval officers superior educational, theoretical, and technical knowledge, yet the inspection of boilers and machinery was an operation requiring practical knowledge and experience, qualities

A proposal for administrative reorganization introduced in the Senate on December 4, 1901, met a more favorable reception. It was proposed to establish a Department of Commerce and Labor "to foster, promote and develop the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries, the labor interests, and the transportation facilities of the United States," and to transfer to the new department all bureaus connected with, and germane to the work and duties thus assigned to it. The bill was received in the House and referred to the Committee on Interstate and Foreign Commerce on January 30, 1902, which committee reported favorably to the House on January 6, 1903. Not all of the proposed changes, however, were supported. With regard to the transfer of the Steamboat-Inspection Service to the new department, the committee reported: "Possibly the Steamboat-Inspection Service might be transferred without great injury to the public interests, but that bureau has largely to do with collectors of customs at the different ports, and it has not been thought wise by your committee at this time to recommend its transfer." The proposed bill, as finally passed, was substantially that introduced in the Senate in 1901. The act was approved by the President on February 14, 1903 (32 Stat. L., 825). By the express provisions of the act, all the duties, power, authority and jurisdiction, whether supervisory, appellate, or otherwise, previously imposed or conferred upon the Secretary of the Treasury by acts of Congress, and relating to the control of American and foreign shipping or to the Steamboat-Inspection Service and officers thereof, was transferred to, and imposed upon the Secretary of Commerce and Labor.

Following the transfer of the Steamboat-Inspection Service in which the naval officers were the inferiors of civilian boiler-inspectors, and (2) that the proposed change would subject licensed officers of steam-vessels to a technical and impractical examination that a large number of them could not pass, though having superior practical qualifications for the vocation they had been following, and having, in the past, largely contributed to the support of the inspection service.

vice to the new department, the board of supervising inspectors met in special session during the months of June and July, 1903, to make a thorough revision of the steamboat inspection laws and also of the rules and regulations made in pursuance thereof. After seven weeks of concentrated effort, a bill was framed embodying what seemed to be amendments necessary to harmonize the inspection laws and the organization of the service with modern developments in marine transportation. A bill was introduced in Congress on March 29, 1904, containing these proposed changes, but the bill failed of enactment. An event occurred shortly after, however, which impressed upon the members of Congress the urgent need of such legislation. On June 15, 1904, 957 persons, most of whom were women and children, lost their lives through the burning of the excursion steamer *General Slocum* in the East River, New York. On June 23, 1904, President Roosevelt appointed a commission to investigate the causes and to make recommendations as to future action. The report of this commission, submitted on October 8, 1904, placed responsibility largely upon the officers of the Steamboat-Inspection Service. The reasons given for the apparent inefficiency of the service were four in number: (1) An inadequate corps of inspectors at the port of New York; (2) opposition from the public to delays for purposes of reinspection, causing personal inconvenience; (3) reluctance of the owners of vessels to maintain life-saving and fire-fighting equipment in proper condition; and (4) inadequate supervision exercised by the supervising and local inspectors over the assistant inspectors who performed the actual work of inspection. The commission submitted a score of recommendations looking toward the improvement of the service. The Supervising Inspector-General of the Steamboat-Inspection Service, who was a member of the commission, concurred in the report except in placing responsibility upon the supervising inspector. The President indicated his entire ap-

proval of the report and ordered the dismissal of all officers of the service concerned.

Congress was now convinced of the necessity of legislative action, and a series of amendments was passed and approved on March 3, 1905 (33 Stat. L., 1022), which embodied many of the recommendations of the commission. Some of the more important changes and innovations were: (1) Provisions authorizing the board of supervising inspectors to prescribe measures to be taken by the owners of vessels to guard against and extinguish fire, and to establish regulations governing the exact number and character of life-saving equipment to be kept on board, subject to the approval of the Secretary of Commerce and Labor; (2) appeals could thereafter be taken to the supervising inspectors in case of the revocation of certificates of inspection by local boards, or to the Supervising Inspector-General in case of the revocation of the licenses of officers, when such action had received the approval of the supervising inspector; (3) assistant inspectors were expressly placed under the direction, supervision, and control of the local inspectors in the performance of their duties, and the Secretary of Commerce and Labor was authorized to detail assistant inspectors from one port or district to another, as the needs of the service might require; (4) salaries of local inspectors were definitely determined by the terms of the act, thus repealing the provision in the act of March 1, 1895, which based the salaries upon the number of vessels annually inspected;¹² (5) the Secretary of Commerce and Labor was empowered to call in session at any time, after reasonable public notice, an executive committee, to be composed of the Supervising Inspector-General and any two supervising inspectors, which committee, with the approval of the Secretary, should have power to alter, amend, add to, or re-

¹² The Secretary of Commerce and Labor, in his annual report for 1905, characterized this provision as being by far the most important change made. He pointed out that under the old system, as authorized by the act of 1895, "a substantial premium was thus actually placed on lax inspection."

(2) Local inspectors were given power to determine the necessary complement of officers and crews of all vessels of the United States subject to inspection, and to enter them upon the ship's certificate of inspection, such entry being subject to appeal to the supervising inspector and from that officer to the Supervising Inspector-General;¹⁴

(3) Sea-going barges were required to submit to an annual inspection of hull and equipment;

(4) The chairman of the Lighthouse Board, the Supervising Inspector-General, and the Commissioner of Navigation were charged to convene as a board, when called by the Secretary of Commerce and Labor, to establish certain regulations concerning the navigation of sea-going barges and towing vessels within any of the inland waters of the United States;

(5) The permanent indefinite appropriation for the salaries and expenses of the service was repealed and the Secretary of Commerce and Labor was directed to submit estimates annually for the same beginning with the fiscal year of 1912;

(6) The supervising inspectors were directed to make their annual reports to the Supervising Inspector-General instead of to themselves meeting as a board, although the board was still authorized to examine the work of all inspectors in the service and to correct mistakes when possible;

(7) An additional board of local inspectors was established.¹⁵

served to insure safe navigation are practically ignored by these motor vessels; and as a consequence, accidents resulting in loss of life, occasioned by their reckless navigation frequently come to the notice of this office, but the Department is powerless to take any action to punish the guilty or to protect the innocent from the result of ignorance and incompetency.¹⁶

¹⁴ This amendment was suggested as highly desirable by the Supervising Inspector-General in his annual report for 1907.

¹⁵ The provisions here enumerated give, in summarized form, the most important changes made by the following acts: March 17, 1906 (34 Stat. L., 68); May 16, 1906 (34 Stat. L., 193); May 28, 1906 (34 Stat. L., 204); June 11, 1906 (34 Stat. L., 230); February 8, 1907 (34 Stat. L., 881); April 2, 1908 (35 Stat. L., 55); May 28, 1908 (35 Stat. L., 424); June 25, 1910 (35 Stat. L., 831); May 22,

peal any of the rules and regulations made by the board of supervising inspectors, such alteration, amendment, addition, or repeal to have the full force of law, when approved by the Secretary, and to continue in effect until thirty days after the adjournment of the next meeting of the board of supervising inspectors.

This last innovation made possible changes in the rules and regulations for the administration and enforcement of the steamboat inspection laws to meet emergencies which often arose due to the rapid changes and improvements in the practice of steam engineering and steam navigation. The Secretary of Commerce and Labor took advantage of the authority thus granted him on two occasions in the fiscal year following the passage of the act; and in his annual report for 1906 the Supervising Inspector-General commented upon the work of the committee as showing conclusively "that its establishment was not only important but wise legislation," and that its necessity had been fully proven.

A number of acts were passed in 1906 and the years following which imposed new activities upon the service and enlarged the scope of its work. Some of the more important provisions contained in these acts are the following:

(1) Vessels of fifteen gross tons or less, propelled in whole or in any part by gas, gasoline, petroleum, or electricity could be operated only by persons licensed by a board of local inspectors;¹³

¹³ This provision was in partial response to the forceful recommendation made by the Supervising Inspector-General in his annual report for 1905 for the extension of the act of January 18, 1897, to all motor-driven vessels of whatever tonnage. He charged that many of these vessels were built with the designed purpose of having them a fraction under fifteen tons, which was the maximum tonnage exempted from the restrictions of the law requiring inspection and licensed officers, if engaged in carrying freight or passengers for hire; there being no restriction if the vessel was not used for commercial purposes. He continued: "These craft are used for both commercial and pleasure purposes, and many of them being navigated by inexperienced, incompetent, and irresponsible persons, are a constant menace to life and property. The laws and the rules and regulations applicable to other vessels which must be ob-

One particularly important act passed during this period, namely, the act of June 9, 1910 (36 Stat. L., 462), and known as the "Motor-Boat Act," is deserving of special attention. Motor-boats were defined as vessels propelled by machinery and not more than sixty-five feet in length, except tug-boats and tow-boats propelled by steam. All such motor-boats more than forty feet in length and propelled by machinery driven by steam were made subject to the inspection of the engine, boiler, or other operating machinery by the local inspectors of steam vessels and to their approval of the design thereof. Regulations as to lights, whistles, fog-horns, and bells were established. All motor-boats carrying passengers were required to carry one life-preserver for every passenger on board, and were not to be operated except in charge of a person duly licensed by a local board of inspectors. No examination was to be required as a condition of obtaining such a license, but the license could be revoked or suspended by the local board of inspectors for misconduct, gross negligence, recklessness in navigation, or violation of law upon the part of the holder.

By an act of Congress approved March 4, 1913 (37 Stat. L., 736), a new executive department to be denominated the Department of Labor, was organized. The Steamboat-Inspection Service was thereafter a bureau of the Department of Commerce and under the direction of the Secretary of Commerce.¹⁶

Several important amendments have been made by Congress to the inspection laws since 1913, the most important of which are as follows:

1912 (37 Stat. L., 116); January 24, 1913 (37 Stat. L., 650); March 3, 1913 (37 Stat. L., 732); and March 4, 1913 (37 Stat. L., 1013).

¹⁶In all quotations and references to existing law relating to the power of the head of the Department, the term Secretary of Commerce has been used in this monograph as that term was substituted for Secretary of the Treasury and Secretary of Commerce and Labor by the acts of February 14, 1903, and March 4, 1913, respectively.

(1) Regulations restricting the transportation of dangerous and inflammable articles on passenger vessels were modified to permit the carriage of crude petroleum, gunpowder, the use of kerosene and lubricating oils as stores, and the transportation and use of gasoline or any other product of petroleum for the operation of engines to supply an auxiliary lighting and wireless system, under regulations to be prescribed by the board of supervising inspectors;

(2) Licenses of masters, mates or pilots of steam-vessels were not to be renewed by local boards of inspectors until applicants had passed a satisfactory examination for color-blindness;¹⁷

(3) By executive order of September 4, 1914, issued under authority of the Ship Registry Act of August 18, 1914 (38 Stat. L., 693), the requirements as to inspection of foreign-built vessels registered under the latter act were suspended for two years;

(4) Supervising inspectors were authorized to decrease, at their discretion, the number of passenger vessels were permitted to carry by the local inspectors, and the approval of the supervising inspector must be secured for an increase in such number or for a special permit in case of excursions;¹⁸

¹⁷This amendment merely gave statutory effect to and made more inclusive, a rule of the board of supervising inspectors established in 1889 requiring pilots of steam vessels to pass a satisfactory examination for color blindness as a condition to the renewal of their license. The rule adopted by the board at that time was characterized by the Supervising Inspector-General in his report for 1880 as "probably the most important ever adopted by the board."

¹⁸The passage of this and other amendments noted below was the direct result of another startling marine disaster, namely, the sinking of the excursion steamer *Eastland* while lying at her dock at Chicago, resulting in the loss of 812 lives. The disaster was made the subject of a special investigation under the personal direction of the Secretary of Commerce, the outcome of which was a series of recommendations submitted by the Board of Inquiry in its report dated August 5, 1915, a number of which were made the subject of legislation by Congress. The problem of preventing the overloading of steamers carrying passengers had for some time been the subject of discussion by the Supervising Inspector-General in his reports. Previous to the passage of the above amendment the sole responsibility

(5) Provision was made to permit appeals, by persons directly interested or affected by *any* decision or action of the local inspectors, to be taken to the supervising inspector of the district, and from the decisions of the latter to the Supervising Inspector-General, whose judgment in all cases was to be final;

(6) Supervising inspectors were vested with power to investigate and decide questions in cases of disagreement between the members of local boards within their respective districts, and to review any decision or action of the same upon their own motion;

(7) The Supervising Inspector-General was given authority, in the same manner, to review any decision or action of either the supervising or local inspectors, and his decision, when approved by the Secretary of Commerce, was to be final;

(8) When necessary, reviewing officers were empowered to administer oaths and to summon and compel the attendance of witnesses by a similar process as that employed by the United States district courts;

(9) Additions to the personnel of the service were provided for, including boards of local inspectors and assistant inspectors. The Secretary of Commerce was given authority to appoint not to exceed four traveling inspectors for the improvement of the service, when in his judgment they might be necessary, and also a Deputy Supervising Inspector-General who was to be the chief clerk of the bureau and to act in the absence of the Supervising Inspector-General.¹⁹

(10) The activities of the service in regard to inspection were extended to include all steam-vessels owned or operated for determining the number of passengers that could be carried with safety was placed upon the local boards of inspectors. The effect of this amendment was to shift this responsibility in large measure to the supervising inspectors of the respective districts.²⁰ The service had had, prior to the passage of this act, a chief clerk who was acting Supervising Inspector-General in the absence of that officer. The effect of this act was to create the office of Deputy Supervising Inspector-General.

by the United States Shipping Board or any corporation organized or controlled by it;

(11) Cargo vessels documented under the laws of the United States were given permission to carry on board not to exceed sixteen persons in addition to their crew when navigating between any ports or places in the United States or its districts, territories, or possessions, or between any such port or place and any foreign port, or from any foreign port to another foreign port and such vessels should not be classed as "passenger vessels" within the meaning of the inspection laws. Such vessels were not exempted from regulations respecting life-saving equipment, however, and were required to give notice to such additional persons carried of the presence of dangerous articles on board or of any other condition or circumstance which would constitute a risk of safety for passenger or crew.²⁰

Special mention should be made of the act approved March 4, 1915 (38 Stat. L., 1164), and known as the "Seamen's Act," which added materially to the work of the board of supervising inspectors and imposed a new activity upon the service. The board was charged with the establishment of rules and regulations, to be approved by the Secretary of Commerce, governing the number and character of life-saving appliances required by the law to be kept on board, and local inspectors were authorized to examine and grant cer-

²⁰ The above amendments and changes in the inspection laws are contained in the following acts: May 25, 1914 (38 Stat. L., 381); July 16, 1914 (38 Stat. L., 454); July 17, 1914 (38 Stat. L., 511); October 22, 1914 (38 Stat. L., 765); March 3, 1915 (38 Stat. L., 893); February 14, 1917 (39 Stat. L., 918); February 26, 1917 (39 Stat. L., 942); March 29, 1918 (40 Stat. L., 499); May 11, 1918 (40 Stat. L., 548); June 10, 1918 (40 Stat. L., 602); July 2, 1918 (40 Stat. L., 739); October 25, 1919 (41 Stat. L., 395); and June 5, 1920 (41 Stat. L., 988). By express provision in the act of 1920, known as the "Merchant Marine Act, 1920," rules and regulations made by or affecting the Steamboat-Inspection Service are excluded from the general grant of authority given to the Shipping Board to request departments, boards or bureaus to modify rules and regulations made by the latter affecting shipping in the foreign trade, and to approve new rules and regulations made by such departments, boards, or bureaus.

tificates of service to able seamen, such certificates to be accepted as prima facie evidence of the possessor's rating as an able seaman. Each local board was required to keep a complete record of all certificates of service thus issued, and to keep on file such affidavits as might be submitted by applicants. Boards of local inspectors were authorized by the Secretary of Commerce, following the passage of this act, to also issue certificates to persons qualified to serve as life-boat men.

The history of the origin and development of the Steamboat-Inspection Service, which has been rapidly surveyed, necessarily has disclosed to a considerable degree the scope of the activities of the service, as it is functioning at the present time, and the progress made from time to time in improving and enlarging the organization of the service, since the historical development of any government bureau, such as the Steamboat-Inspection Service, is to be found only in the acts of Congress creating the service and enlarging the field of its work to meet new conditions and to increase the value of service it performs for the nation. In the remaining chapters of this monograph a more detailed and unified description of the present activities and organization of the service will be undertaken.

It is interesting to note, in passing, that the title "Steamboat-Inspection Service" is nowhere authorized by law. The present law governing the service, in defining the qualifications of the Supervising Inspector-General, says that he "shall be selected with reference to his fitness and ability to systematize and carry into effect all the provisions of law relating to the Steamboat-Inspection Service, and also provides that the Secretary of Commerce may detail assistant inspectors "as the needs of the Steamboat-Inspection Service may require." These two instances are the only references to the title made in the statutes. The Secretary of Commerce and the Supervising Inspector-General have suggested in their recent reports that because of the growth of the service beyond

the inspection of steam-vessels the title of the bureau should be changed. The latter, in his annual report for 1917, said in this connection: "The work of the service has also expanded in connection with the inspection of motor-boats, and hence the Department very properly suggested that the name of the service be changed from Steamboat-Inspection Service to Marine-Inspection Service, because the service touches in its activities not only the inspection of steamers but also the inspection of motor-boats and sailing vessels, and it has to do not only with the licensing of officers of steamers but also the licensing of officers of motor vessels and the certification of seamen and life-boat men."