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SAFETY OF LIFE AT SEA

ANALYSIS AND EXPLANATORY NOTES

OF THE

LONDON CONVENTION ON SAFETY OF LIFE AT SEA IN RELATION TO THE AMERICAN MERCHANT MARINE

Prepared by

ANDREW FURUSETH

PRESIDENT OF THE SEAMEN'S UNION

PRESENTED BY MR. MCCUMBER

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SAFETY OF LIFE AT SEA.

ANALYSIS AND EXPLANATIONS RELATING TO THE LONDON CONVENTION ON SAFETY OF LIFE AT SEA IN RELATION TO THE AMERICAN MERCHANT MARINE.

[Prepared by Andrew Furuseth, President of Seaman's Union.]

The London convention, ostensibly dealing with safety of life at sea, in reality adopted rules under which the United States will be prevented from becoming a serious competitor in the world's oversea commerce. The conference was mainly commercial, and it was so recognized by the European nations by sending commercial experts as their leading representatives. Experts on matters relative to actual sea conditions in the mercantile marine were sent by these nations mainly in the capacity of advisors to the plenipotentiaries.

The merchant marine of the United States, a high-wage country, can not compete, in the oversea trade, with the vessels of lower-wage countries because of the special privileges already granted to foreign vessels under treaties entered into with foreign nations and laws made in pursuance thereof.

The "special privileges" are the means by which, while in our ports, foreign ships are enabled to forcibly hold the crews secured at the lower-wage rates of foreign ports. Under treaties and statutes our Government uses its police powers, at the request of foreign shipowners, to capture and return seamen who attempt to quit the service of their ships. Thus the wage rate of foreign ships is forcibly kept lower than that prevailing at American ports.

This marks the one advantage which foreign ships now hold over American ships in the foreign trade and which prevents the proper growth of our merchant marine. Other conditions have been equalized.

The building cost was equalized by a clause in the Panama Canal act permitting American register to foreign-built ships for purposes of the foreign trade.

The cost of supplies is equal to all. An American ship trading between New York and Antwerp, for instance, purchases her supplies in Antwerp if the cost there is lower than in New York.

The remaining item, and the most important, is that of labor cost on the vessel itself, i. e., the wages of the crew. If conditions can be brought about whereby the wage cost of operation will be equalized the development of our merchant marine and our sea power will be unhampered.

This is within the power of our Government. The present situation is entirely artificial. The remedy is to set free the economic laws governing wages, economic laws which, in their application to seamen, are now obstructed by treaties and statute law.

There has been a very common misapprehension that wages of seamen depend upon the flag under which they work. Their wages depend upon the port in which they are hired and sign shipping articles, regardless of the nationality of the vessel, and the wages in that port depend upon the standards of living in the country where the port is located. In other words, the economic laws governing wages of seamen is exactly the same as that governing wages of any other class of workers.

Imagine two ships, one flying the American flag, the other a foreign flag, moored at the same dock in New York. The crew of the American vessel has been hired in New York at American wages. That of the foreign ship at some low-wage port in the Mediterranean. The two crews come into contact, each discovering the wages and conditions of the other.

What is the natural result? Unless prevented by force the crew of the foreign vessel would either get the same wages as paid on the American vessel or they would quit. The foreigner would then have to hire a new crew at the wages of the port. Not as the result of any organized action by the men, but as the result of individual desire inherent in human nature.

The foreign owner would have gained no advantage by his refusal to pay the higher wages to the crew he brought here. Under such conditions ordinary business sense would quickly induce him to pay his crew in accordance with American standards, in advance of arrival in an American port, as the only way to retain their services and thus avoid the cost involved in delaying his vessel for a new crew.

In 1884 Congress enacted a law intended to enable American shipowners to hire their crews in foreign ports where wages were lowest and to hold these crews in American ports where wages were higher. It was an attempt to force wages down to the foreign standard, but it failed to accomplish its purpose. The whole pressure of American life was against it.

The way to successfully equalize the wage cost of operation is to permit the men on all vessels in our ports to release themselves, instead of assisting shipowners to forcibly hold them. Equalization will then follow a natural course upward to the higher level in response to economic conditions. Equalization downward by artificial means is impossible, and results only in men quitting the sea.

Let Congress reassert and maintain domestic jurisdiction over all vessels in our ports, enact standards of safety and skill based upon American conceptions, equally applicable to all and kept under control of our own Government, thus depriving foreign vessels of any special privileges. The wage cost of operation will be equalized and so remain, and there will be no need of subsidies to rebuild the American merchant marine.

Safety of life at sea depends upon, first, a vessel well built and equipped; second, a sufficient number of seaworthy lifeboats; third, a crew sufficient in number and skill to manage the vessel properly in order to avoid disaster, and to man and handle the lifeboats when the vessel must be abandoned.

These conditions may be attained—

(1) By setting up our own standards of safety and requiring all foreign vessels to comply with them when in our waters. This, together with freedom granted to seamen, will equalize the cost of

operation and tend to build up an American over-sea merchant marine.

(2) By adoption of international standards sufficiently high for safety, if such were possible in face of international commercial rivalries.

The adoption of national standards by each country for its own vessels to be recognized by other nations when the vessel is in their waters, tend through pressure of competition to the least degree of safety in equipment, the lowest skill, and cheapest men in manning. The London convention proposes a few definite international standards, but in the main depends upon the adoption of national standards which must be recognized by all the signatory powers. Thus the change of policy by the United States would be prevented. The seamen's bill was well known at the conference.

The articles of the proposed treaty which are of the greatest importance from this point of view are quoted below with brief opposite comments:

Chapter I.—Safety of Life at Sea.

ARTICLE 1.

The High Contracting Parties undertake to give effect to the provisions of this Convention, for the purpose of securing safety of life at sea, to promulgate all regulations and to take all steps which may be necessary to give the Convention full and complete effect.

The provisions of this Convention are completed by Regulations which have the same force and take effect at the same time as the Convention. Every reference to the Convention implies at the same time a reference to the Regulations annexed thereto.

An agreement to enforce the convention through domestic legislation and to refrain from passing any legislation contrary thereto.

Chapter II.—Vessels to which this Convention Applies.

ARTICLE 2.

Except where otherwise provided by this Convention, the merchant vessels of any of the States of the High Contracting Parties which are mechanically propelled, which carry more than 12 passengers and which proceed from a port of one of the said States to a port situated outside that State, or conversely, are subject to the provisions of this Convention. Ports situated in the Colonies, Possessions or Protectorates of the High Contracting Parties are considered to be ports outside the States of the High Contracting Parties.

Persons who are on board by reason of force majeure or in consequence of the obligation laid upon the master to carry shipwrecked or other persons are not deemed to be passengers.

Definition of vessels to which convention shall apply. Note exception in article 3.

ARTICLE 3.

There are excepted from this Convention, save in the cases where the Convention otherwise provides, vessels making voyages specified in a schedule to be communicated by each High Contracting Party to the British Government at the time of ratifying the Convention.

Specific exceptions. Right of each nation to hold obligations of convention unnecessary or unreasonable.

No schedule may include voyages in the course of which the vessels go more than 200 sea miles from the nearest coast.

Each High Contracting Party has the right subsequently to modify its schedule of voyages in conformity with this Article on condition that it notifies the British Government of such modification.

Each High Contracting Party has the right to claim from another Contracting Party the benefit of the privileges of the Convention for all of its vessels which are engaged in any one of the voyages mentioned in its own schedule. For this purpose the Party claiming such benefit shall impose on the said vessels the obligations prescribed by the Convention in so far as, having regard to the nature of the voyage, these obligations would not be unnecessary or unreasonable.

ARTICLE 4.

No vessel, not subject to the provisions of the Convention at the time of its departure, can be subjected to the Convention in the course of its voyage, if stress of weather or any other cause of force majeure compels it to take refuge in a port of one of the States of the High Contracting Parties.

ARTICLE 8.

The master of every vessel which meets with dangerous ice or a dangerous derelict is bound to communicate the information by all the means of communication at his disposal to the vessels in the vicinity, and also to the competent authorities at the first point of the coast with which he can communicate.

Every Administration which receives intelligence of dangerous ice or a dangerous derelict shall take all steps which it thinks necessary for bringing the information to the knowledge of those concerned and for communicating it to other Administrations.

The transmission of messages respecting ice and derelicts is free of cost to the vessels concerned.

It is desirable that the said information should be sent in a uniform manner. For this purpose, a code, the use of which is optional, appears in Article I of the Regulations annexed hereto.

This is the unwritten law of the sea and does not change present practices.

ARTICLE 9.

The master of every vessel fitted with a radiotelegraph installation, on becoming aware of the existence of an imminent and serious danger to navigation, shall report it immediately in the manner prescribed by Article II of the Regulations annexed hereto.

Nothing new, except the code.

ARTICLE 10.

When ice is reported on, or near, his course, the master of every vessel is bound to proceed at night at a moderate speed, or to alter his course so as to go well clear of the danger zone.

A rule followed by seamen unless under pressure from management on shore. Failure to define "moderate speed" leaves conditions as they are.

ARTICLE 11.

The vessels defined by Article 2 shall have on board a Morse signalling lamp of sufficient range.

The use of Morse signals is regulated by the Code appearing in Article III, as well as by Article IV of the Regulations annexed hereto.

Neither new nor important.

ARTICLE 12.

The use of the international distress signals for any other purpose than that of signals of distress is prohibited on every vessel.

The use of private signals which are liable to be mistaken for the international distress signals is prohibited on every vessel.

Signals of distress are never misused by seamen.

ARTICLE 13.

The selection of the routes across the North Atlantic in both directions is left to the responsibility of the steamship companies. Nevertheless the High Contracting Parties undertake to impose on these companies the obligation to give public notice of the regular routes which they propose their vessel should follow, and of any changes which they make in them.

The High Contracting Parties undertake, further, to use their influence to induce the owners of all vessels crossing the Atlantic to follow as far as possible the routes adopted by the principal companies.

No change from existing conditions. Prevents any joint agreement or individual legislation on the subject. Consideration of expense even prevented rules to keep off the Banks of Newfoundland in the height of the fishing season where large number of lives are sacrificed yearly by fishing vessel being run down in fog.

ARTICLE 14.

The High Contracting Parties undertake to use all diligence to obtain from the Governments which are not parties to this Convention their agreement to the revision of the International Regulations for Preventing Collisions at Sea as indicated below.

(*A*) The Regulations shall be completed or revised in regard to the following points:

(1) The second white light.

(2) The stern light.

(3) A day signal for motor vessels.

(4) A sound signal for a vessel towed.

(5) The prohibition of signals similar to distress signals.

(*B*) Articles 2, 10, 14, 15, 31 of the said Regulations shall be amended in accordance with the following provisions:

Article 2. The second white mast-head light to be compulsory.

Article 10. A permanent fixed stern light to be compulsory.

Article 14. A special day signal to be compulsory for motor vessels.

Article 15. A special sound signal to be established for use by a vessel in tow, or if the tow is composed of several vessels by the last vessel of the tow.

Article 31. Article 31 to be modified in the following manner: Add to the lists of both day and night signals the international radiotelegraph distress signal.

These are proposed changes in the rules of the road, and will have no binding force until adopted by all the nations who have agreed to the International Rules for Preventing Collisions at Sea.

Chapter IV.—Construction.

ARTICLE 16.

New vessels and existing vessels.

For the application of the Articles contained in this Chapter and in the corresponding part of the Regulations annexed hereto, the vessels defined in Article 2 are divided into "new vessels" and "existing vessels."

New vessels are those the keel of which is laid after the 1st July, 1915. The following Articles of this Chapter, namely, Articles 17 to 30, are applicable to them in full.

Other vessels are considered as existing vessels. Existing arrangements on each of these vessels shall be considered by the Administration of the State to which the vessel belongs, with a view to improvements providing increased safety where practicable and reasonable.

Vessels now built or building exempted and may run 20 to 40 years in unsafe condition that might be remedied without serious expense.

Chapter VI.—Life-saving Appliances and Fire Protection.

ARTICLE 39.

New vessels and existing vessels.

For the application of the Articles contained in this Chapter and of the corresponding part of the Regulations annexed hereto the vessels defined in Article 2 are divided into *new vessels* and *existing vessels*.

New vessels are those of which the keel is laid after the 31st December, 1914.

Other vessels are considered as *existing vessels*.

This division is dictated by consideration of expense. Existing vessels are in greater need of standard life-saving appliances than new vessels will be.

Chapter V.—Radiotelegraphy.

ARTICLE 31.

All merchant vessels belonging to any of the Contracting States, whether they are propelled by machinery or by sails, and whether they carry passengers or not, shall, when engaged on the voyages specified in Article 2, be fitted with a radiotelegraph installation, if they have on board 50 or more persons in all.

Advantage may not be taken of the provisions of Articles 2 and 3 of this Convention to exempt a vessel from the requirements of this Chapter.

ARTICLE 32.

Vessels on which the number of persons on board is exceptionally and temporarily increased up to or beyond 50 as the result of force majeure, or because the master is under the necessity of increasing the number of his crew to fill the places of those who are ill, or is obliged to carry shipwrecked or other persons, are exempted from the above obligation.

Moreover, the Governments of each of the Contracting States, if they consider that the route and the conditions of the voyage are such as to render a radiotelegraph installation unreasonable or un-

On the question of keeping a constant watch, vessels having 25 or more passengers and an average speed of 15 knots or more, or vessels of an average speed of 13 knots and having on board 200 persons or more and on a voyage extending 500 miles between two consecutive ports, shall keep a constant watch. Others are regulated in a different way; that is to say, they need not have two skilled wireless operators. This is in direct opposition to our law, approved June 23, 1912, which provides in an act to amend an act entitled, "An act to require apparatus and operators for radio communication on certain steamers," approved June 24, 1910:

"That from and after October first, nineteen hundred and twelve, it shall be unlawful for

necessary, may exempt from the above requirement the following vessels:

(1) Vessels which n the course of their voyage do not go more than 150 sea miles from the nearest coast.

(2) Vessels on which the number of persons on board is exceptionally or temporarily increased up to or beyond 50 by the carriage of cargo hands for a part of the voyage, provided that the said vessels are not going from one continent to another, and that, during that part of their voyage, they remain within the limits of latitude 30° N. and 30° S.

(3) Sailing vessels of primitive build, such as dhows, junks, etc., if it is practically impossible to install a radiotelegraph apparatus.

ARTICLE 34.

Vessels which are required by Article 31 above to be fitted with a radiotelegraph installation shall be required, by the Governments of the countries to which they belong, to maintain a continuous watch during navigation as soon as the said Governments consider that it will be of service for the purpose of safety of life at sea.

Meanwhile, the High Contracting Parties undertake to require, from the date of the ratification of the present Convention subject to the delays specified below, a continuous watch on the following vessels:

(1) Vessels whose average speed in service exceeds 13 knots, which have on board 200 persons or more, and which, in the course of their voyage, go a distance of more than 500 sea miles between two consecutive ports, when these vessels are placed in the Second Class.

ARTICLE 38.

The High Contracting Parties undertake to take all steps necessary for giving effect to the provisions of this Chapter with the least possible delay. Nevertheless, they may allow—

A delay not exceeding one year, from the date of the ratification of this Convention, for the provision and training of operators and for the installation of the apparatus on vessels placed in the First and Second Classes.

A delay not exceeding two years, from the date of the ratification of this Convention, for the provision and training of the operators and watchers on the vessels in the Third Class, for the installation of the apparatus on vessels in the Third Class and for the establishment of a continuous watch on vessels placed in the Second and Third Classes.

ARTICLE 41.

Standard types of boats—pontoon rafts.

All the lifeboats allowed for a vessel shall comply with the conditions fixed by this Convention and Articles XXVII to XXXII of the Regulations annexed hereto; the same articles describe the standard types which are divided into two classes.

The conditions required for the pontoon rafts are given in Article XXXIII of the same Regulations.

any steamer of the United States or of any foreign country navigating the ocean or the Great Lakes and licensed to carry, or carrying, fifty or more persons, including passengers or crew or both, to leave or attempt to leave any port of the United States unless such steamer shall be equipped with an efficient apparatus for radio communication, in good working order, capable of transmitting and receiving messages over a distance of at least one hundred miles, day or night. * * * The radio equipment must be in charge of two or more persons skilled in the use of such apparatus, one or the other of whom shall be on duty at all times while the vessel is being navigated."

To this our law has the following proviso:

"*Provided*, That on cargo steamers, in lieu of the second operator provided for in this act, there may be substituted a member of the crew or other person who shall be duly certified and entered in the ship's log as competent to receive and understand distress calls or other usual calls indicating danger, and to aid in maintaining a constant wireless watch so far as required for the safety of life."

It will be seen that the rules proposed by the convention are far below our own statute law, even after they are in full operation, and they may be delayed for two years.

Adopts standard for boats and rafts, condemning certain pontoon lifeboats now in use.

ARTICLE 42.

Strength of boats.

Each boat must be of sufficient strength to enable it to be safely lowered into the water when loaded with its full complement of persons and equipment.

Note sweeping exception in Article XLVI.

ARTICLE 43.

Alternative types of boats and rafts.

Any type of boat may be accepted as equivalent to a boat of one of the prescribed classes and any type of raft as equivalent to an approved pontoon raft, if the Administrations concerned are satisfied by suitable trials that it is as effective as the standard types of the class in question, or as the approved type of pontoon raft, as the case may be.

National standard may take place of international standard.

ARTICLE 49.

Strength and operation of the davits.

The davits shall be of such strength that the boats can be lowered with their full complement of persons and equipment, the vessel being assumed to have a list of 15 degrees.

The davits must be fitted with a gear of sufficient power to insure that the boat can be turned out against the maximum list under which the lowering of the boats is possible on the vessel in question.

Note exception in Article XLVI.

ARTICLE 52.

Existing vessels.

The Government of each of the High Contracting Parties undertakes to apply to existing vessels, as soon as possible and not later than the 1st July, 1915, all the provisions of the preceding Articles of the present Chapter, namely, Articles 40 to 51 inclusive, requiring, in the first place, accommodation for all the persons on board in boats and rafts; provided that, in cases where the strict application of these principles would not be practicable or reasonable, the Government of each of the High Contracting Parties has the right to allow the exemptions specified in Article XLVI of the Regulations annexed hereto.

Authorizing exemptions under Article XLVI.

[Article XLVI.]

EXEMPTIONS APPLICABLE TO EXISTING VESSELS.

The exemptions allowed in the case of existing vessels, as provided by Article 52 of the Convention, are as follows:

(*a*) Until the 1st January, 1920, boats and rafts which have been accepted by the Administration of one of the Contracting States on board an existing vessel may be accepted, respectively, in lieu of the lifeboats and pontoon life rafts prescribed by this Convention.

(*b*) Until the 1st January, 1920, the requirements that pontoon lifeboats should have the bot-

Considerations of expense. Permits condemned boats to be continued in use until the year 1920, and allows existing vessels to continue the use of lifeboats too weak to be lowered with passengers, and davits not of sufficient strength to carry a loaded lifeboat. It may be known that boats and davits on vessels leaving our ports are un-

tom and deck made in two thicknesses with textile material between, and that they should have the minimum freeboard specified need not be insisted upon in the case of pontoon boats accepted in accordance with the preceding paragraph (*a*).

(*c*) In the case of vessels between 75 meters (245 feet) and 140 meters (460 feet) in length, the minimum number of sets of davits may be reduced by one, below the figure given in column B of the Table in Article XLIII above. In the case of vessels of 140 meters (460 feet) or more in length this number may be reduced by one on each side. These reductions shall only be allowed if proper provision is made for launching the boats.

(*d*) The provisions of Articles 42 and 49 of the Convention, respecting the launching of boats, shall not be applicable to existing vessels.

safe, yet the vessel may not be interfered with if the convention is ratified.

ARTICLE 54.

Certificated lifeboat men—Manning of the boats.

There must be, for each boat or raft required, a minimum number of certificated lifeboat men. The minimum total number of certificated lifeboat men is determined by the provisions of Article XLVII of the annexed Regulations.

The allocation of the certificated lifeboat men to each boat and raft remains within the discretion of the master, according to the circumstances.

By "certificated lifeboat man" is meant any member of the crew who holds a certificate of efficiency issued under the authority of the Administration concerned, in accordance with the conditions laid down in the aforementioned Article of the annexed Regulations.

Article XLVIII of the Regulations deals with the manning of the boats.

The "certificated lifeboat man," getting his certificate upon recommendation from the shipowner to an examining officer, or directly from the shipmaster, as the individual nations may elect, is a new rating on shipboard—a hiding of existing unsafe conditions under a new name.

[Article XLVII.]

CERTIFICATED LIFEBOAT MEN.

In order to obtain the special lifeboat man's certificate provided for in Chapter VI, Life Saving Appliances, Article 54, of the Convention, the applicant must prove that he has been trained in all the operations connected with launching lifeboats and the use of oars; that he is acquainted with the practical handling of the boats themselves; and, further, that he is capable of understanding and answering the orders relative to lifeboat service.

There shall be for each boat or raft a number of lifeboat men at least equal to that specified in the following table:

If the boat or raft carries—	The minimum number of certificated lifeboat men shall be—
Less than 61 persons	3
From 61 to 85 persons	4
From 86 to 110 persons	5
From 111 to 160 persons	6
From 161 to 210 persons	7

and, thereafter, one additional certificated lifeboat man for each additional 50 persons.

This will permit employment of men without any experience on shipboard. A week's training in lowering empty boats into the smooth water of a river or harbor, pulling the boat around and hoisting it up again, will meet the requirement. It will further permit the employment of men who do not understand the language of the officers, and who may be orientals with their peculiar standard of the value of human life. The number provided and calculated to be the total crew is too small to manage a lifeboat even in fairly smooth water.

[Article XLVIII.]

MANNING OF BOATS.

An officer, petty officer, or seaman shall be placed in charge of each boat or pontoon raft; he shall have a list of its crew, and shall see that the men placed under his orders are acquainted with their several duties and stations.

A man capable of working the motor shall be assigned to each motor boat.

The duty of seeing that the boats, pontoon rafts, and other life-saving appliances are at all times ready for use shall be assigned to one or more officers.

The word "seaman" here means anybody who is on the ship's articles.

ARTICLE 15.

The Governments of the High Contracting Parties undertake to maintain, or, if it is necessary, to adopt, measures for the purpose of insuring that, from the point of view of safety of life at sea, the vessels defined in Article 2 shall be sufficiently and efficiently manned.

The individual nation to which the vessel belongs sets the standard of sufficiency and efficiency. Considerations of expense and desires for commercial supremacy will give additional impetus to the employment of orientals as being the cheapest.

ARTICLE 56.

Muster roll and drills.

Special duties for the event of an emergency shall be allotted to each member of the crew.

The muster list shows all these special duties, and indicates, in particular, the station to which each man must go, and the duties that he has to perform.

Before the vessel sails, the muster list shall be drawn up and exhibited, and the proper authority shall be satisfied that the muster list has been prepared for the vessel. It shall be posted in several parts of the vessel, and in particular in the crew's quarters.

Articles L and LI of the annexed Regulations indicate the conditions under which musters of the crew and drills shall take place.

If the "certified lifeboatmen" be on watch in the fireroom or engine room, or if they belong to the watch whose duty it is to go to the fire and engine rooms to assist those already there, are they to desert their fireroom duties—if not, who is to prepare the boats?

[Article L.]

MUSTER LIST.

The muster list shall assign duties to the different members of the crew in connection with—

(*a*) The closing of the watertight doors, valves, etc.

(*b*) The equipment of the boats and rafts generally.

(*c*) The launching of the boats attached to davits.

(*d*) The general preparation of the other boats and the pontoon rafts.

(*e*) The muster of the passengers.

(*f*) The extinction of fire.

The muster list shall assign to the members of the stewards' department their several duties in relation to the passengers at a time of emergency. These duties shall include—

(*a*) Warning the passengers.

(*b*) Seeing that they are dressed and have put on their life-jackets in a proper manner.

If the stewards be "certificated lifeboatmen," are they to desert the duties herein provided to go and prepare the lifeboats?

Who, except the men in the deck department, are really

(c) Assembling the passengers.

(d) Keeping order in the passages and on the stairways, and, generally, controlling the movements of the passengers.

The muster list shall specify definite alarm signals for calling all the crew to their boat and fire stations, and shall give full particulars of these signals.

available or can be presumed to have the skill to prepare and to handle the boats?

ARTICLE 55.

Fire protection.

(1) The carriage, either as cargo or ballast, of goods which by reason of their nature, quantity, or mode of stowage, are, either singly or collectively, likely to endanger the lives of the passengers or the safety of the vessel, is forbidden.

This provision does not apply to the vessel's distress signals, nor to the carriage of naval or military stores for the public service of the State under authorized conditions.

(2) The Government of each High Contracting Party shall, from time to time by official notice, determine what goods are to be considered dangerous goods, and shall indicate the precautions which must be taken in the packing and stowage thereof.

(3) Article XLIX of the annexed Regulations indicates the arrangements to be made for the detection and extinction of fire.

Each Government determines for itself what is dangerous cargo. Other Governments out of whose ports the vessels sail with passengers can not interfere.

[Article XLIX.]

FIRE DETECTION AND EXTINCTION.

1. A continuous patrol system shall be organized so that any outbreak of fire may be promptly detected.

2. Every vessel shall be provided with powerful pumps operated by steam or other means. On vessels of less than 4,000 tons there shall be two, and on larger vessels three of these pumps. The pumps shall be capable of delivering a sufficient quantity of water in two powerful jets simultaneously in any given part of the vessel, and shall be available for immediate use before the vessel leaves port.

3. The service pipes shall permit of two powerful jets of water being simultaneously directed on any given part of a deck occupied by passengers and crew, when the watertight and fireproof doors are closed. The service pipes and hoses shall be of ample size and made of suitable material. The branches of the pipes shall be so placed on each deck that the fire hose can be easily coupled to them.

"Powerful pumps operated by steam or other means" delivering a "sufficient quantity of water." A hand pump would comply with this, and no nation can interfere.

CHAPTER VII.—SAFETY CERTIFICATES.

ARTICLE 57.

A certificate, called a "Safety Certificate," shall be issued, after inspection and survey, to every vessel which complies in an efficient manner with the requirements of the Convention.

The inspection and survey of vessels, so far as regards the enforcement of the provisions of this Convention and the annexed Regulations, shall be carried out by officers of the State to which the vessel belongs; provided always that the Government of

There can be no inspection beyond ascertaining that there is a valid safety certificate on board, unless there is visible unseaworthiness. To go beyond this, after ratifying the convention, would be to question the good faith of the National Government issuing the

each State may entrust the inspection and survey of vessels of its own country either to surveyors nominated by it for this purpose or to organizations recognized by it. In every case the Government concerned fully guarantees the completeness and efficiency of the inspection and survey.

The Safety Certificate shall be issued either by the officers of the State to which the vessel belongs, or by any other person duly authorized by that State. In either case the State to which the vessel belongs assumes full responsibility for the certificate.

certificate. (See also Subsection C of Article XXV on the subject of resurveys.)

ARTICLE 60.

The Safety Certificate issued under the authority of a Contracting State shall be accepted by the Governments of the other Contracting States for all purposes coverd by this Convention. It shall be regarded by the Governments of the other Contracting States as having the same force as the certificates issued by them to their own vessels.

ARTICLE 61.

Every vessel holding a Safety Certificate issued by the officers of the Contracting State to which it belongs, or by persons duly authorized by that State, is subject in the ports of the other Contracting States to control by officers duly authorized by their Governments in so far as this control is directed towards verifying that there is on board a valid Safety Certificate, and, if necessary, that the conditions of the vessel's seaworthiness correspond substantially with the particulars of that certificate; that is to say, so that the vessel can proceed to sea without danger to the passengers and the crew.

[Executive Document B, p. 106.]

Germany and France have always held that the flag carries with it full control over the ship which flies it—even in foreign ports—by the Government to which the ship belongs. The United States and Great Britain have held the contrary theory that a foreign ship in one of their ports is subject to the jurisdiction of the Government of the port. The conflict between these two theories is sharp, and for a time at the conference it seemed impossible to reconcile them. The matter was referred to the American and German delegations to effect, if possible, a compromise. These delegations after several meetings agreed upon article 61, which was adopted by the conference. It reads:

"The right of necessary inspection is affirmed. The principle of this article is essential to prevent the unnecessary duplication of inspections here and abroad. Such unnecessary duplication of inspections involves heavy expense to each government in the maintenance of an additional inspection force, when already in the United States and possibly in other countries the inspection force is not large enough to perform its necessary duties. Such unnecessary duplication of inspections puts obstacles in the way of and causes delay to international trade, which are not merely in themselves expensive to all those concerned in the mutual promotion of exports and imports between countries,

From the report of the American delegates signed by Hon. J. W. Alexander, the chairman. Plainly admits that the right of inspection has been surrendered, and defending action on the ground of cheapness.

but are the frequent and fruitful source of friction between governments and irritation between nations."

So far as treaties, conventions, and arrangements relating to safety of life at sea have already been entered into by nations covering vessels excepted from the convention, such agreements will continue to have full and complete effect by article 68. Our present steamboat inspection arrangement with Canada concerning vessels on the Great Lakes is of this nature. The convention, of course, does not affect prior treaties, conventions, and arrangements relating to matters not provided for in the convention, but relating to vessels (article 68).

ARTICLE 68.

The treaties, conventions and arrangements concluded prior to this Convention shall continue to have full and complete effect, as regards—

(1) Vessels excepted from the Convention;

(2) Vessels to which it applies, in respect of subjects for which the Convention has not expressly provided.

It is understood that, the subject of this Convention being safety of life at sea, questions relating to the well-being and health of passengers, and in particular of emigrants, as well as other matters relative to their transport, continue subject to the legislation of the different States.

Inasmuch as the word "emigrant" and not immigrant is used, is this article sufficiently clear to admit of only one construction? If this convention is ratified and a vessel comes to our ports with a crew "sufficient and efficient" in the judgment of the Government to which she belongs, under article 15, and she has the number of "lifeboatmen" specified in Article XLVII, is there not ample room to accuse the United States of bad faith if the United States shall refuse to arrest, detain, and deliver back seamen who desert? Will it not be claimed that the crew was picked for safety, regardless of the fact that they may be landsmen unacquainted with the language of the officers or with the duties of seamen, and that safety requires the crew to stay?

ARTICLE 69.

This Convention shall come into force on the 1st July, 1915, and shall remain in force without any prescribed limit of time. Nevertheless, each High Contracting Party may denounce the Convention at any time after an interval of five years from the date on which the Convention comes into force in that State.

This denunciation shall be notified through the diplomatic channel to the Government of Great Britain and by the latter to the Governments of the other Contracting Parties. It shall take effect 12 months after the day on which the notification is received by the Government of Great Britain.

A denunciation shall only affect the State which makes it, the Convention remaining fully and completely operative as regards all the other States which have ratified it, or which have acceded thereto or which thereafter acceded thereto.

ARTICLE 65.

The High Contracting Parties undertake to take, or to propose to their respective legislatures, the measures necessary for the repression of infractions of the requirements imposed by this Convention.

The High Contracting Parties will communicate mutually, as soon as possible, the laws and regulations which are issued for this purpose.

The nation to which the ship belongs makes the law and hence applies the penalty for its violation.

The United States will lose much by the ratification of this convention. It gives up the control of its own ports by permitting foreign vessels to be governed by the laws of their own nation while

in waters of the United States. Equalization of the cost of operation becomes impossible, and American capital will continue to be invested under foreign flags. Americans will be kept from the sea because they neither can nor will compete with orientals in cheap living. Competition will make it certain that the cheapest, least experienced, and therefore most unsafe crews that can be obtained will be employed on foreign vessels coming to our ports. The United States can gain nothing by ratification

Let Congress pass the seamen's bill. Any attempt at retaliation on the part of other nations, if such be conceivable, can only result in a more speedy building of an American merchant marine.

Respectfully submitted.

ANDREW FURUSETH.

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