

Prepared by Gen. William M. Black, U. S. A., retired, formerly of the Shipping Board, who first exposed the subleasing system of profiteering in New York harbor. That report was published in THE NEW YORK HERALD yesterday, when Mr. Hulbert first learned the seriousness of its charges.

"You understand that the system of permitting lessees to charge rates like those to which your attention has been called through the report of Gen. Black is destructive of the main purpose of maintaining piers to facilitate commerce in New York harbor?" Mr. Brown asked.

"I have been trying as hard as I could to stop it," the witness said. "It has been injurious down to date?" "It is injurious."

"And it has not been stopped?" "No."

"And you haven't any authority to stop it, and you have not been able to stop it in any case?"

"Under the statement of the law made by the Corporation Counsel I have no authority to stop it, but I do not agree with his interpretation."

City Gets \$65; Company \$350.

"Take one case: Black shows that the city is getting \$65 a berth per day from Pier 19, Hudson River, from the Eastern Steamship Company, and the company collects \$350 a day. Commerce was hindered and discouraged and the city lost money; that is what happened."

"There is no doubt about that. Those who suffer from the extortionate charges have it in their power more than have to sue out this question under the law, but they seem to be willing to go along and pay the charges."

"Wouldn't it be a good idea for you to collect a little more money for the city than they are in that frame of mind?" "Will you show me how to do it?" the witness asked.

"At any rate, this condition revealed in Gen. Black's report ought to be remedied and terminated," Mr. Brown asked.

"I have been trying to end it."

"And there has been no progress made?"

"No; neither by the city nor the Legislature."

"But you never put it up to the Legislature until 1919," Senator Meyer said.

"At the opening of the day's session Commissioner Hulbert asked permission to make a statement in relation to the publication in THE NEW YORK HERALD of the articles dealing with profiteering. The witness described the articles by which he made known to New York City the information from the Shipping Board without ever having been able to get it."

Denies Sanctioning Extortion.

"But I resent the implication that might be drawn that the Dock Department or that the city, either directly or indirectly, permitted or sanctioned the gain of \$600 a day on pier leases at \$50 a day from the pier mentioned in this statement of Gen. Black."

"On the contrary, in a number of instances, we made an independent investigation when we were unable to get the facts from Gen. Black, for the purpose of ascertaining whether the conditions of the lease against subletting had been violated. I had this matter up a number of times with the Corporation Counsel, the City Engineer, and the Corporation Counsel, and in only one instance have I been able to take steps to test this question and that is in the case of Pier 26, North River, where the present time there is litigation pending to set aside or annul the lease upon the ground that they have violated the provisions of the lease against subletting."

Mr. Brown took up the questioning. He said:

"The New York Herald article states that Pier 19, North River, Eastern Steamship Corporation, has a rental of \$28,330 per year, which would be an average of \$62.88 per day, and that they made and received a charge of \$350 a day."

"Yes, sir," the witness said.

"That is, they made and received a charge of \$350 a day for the subletting of that pier?"

"I contended, that what they were doing was subletting and I complained about it to the Commissioner of Accounts and he conducted an investigation and submitted to me a copy of his report to the Mayor and I took that matter up with the Corporation Counsel and requested the Corporation Counsel to take proceedings against the Eastern Steamship Company."

"The point about it is whether they had violated the lease?"

"The Corporation Counsel held that they had not, because there was a provision in our leases which gives the tenant the right to collect wharfage."

"There is something in the statute which says you have a right to fix wharfage on public and private piers," Mr. Brown said. "Just turn to that provision of law."

"Section 863 provides: 'It shall be the duty of every person owning or having charge of any pier, wharf, bulkhead or slip in the City of New York to cause to be printed on the back of all bills presented by them for wharfage, Section 853, which provides 'the owner, consignee or person in charge of any vessel shall not be required to pay the wharfage or dockage due on such vessel unless upon his demand the bill printed in conformity with this section is presented to him. Any person owning or having charge of any pier, wharf, bulkhead or slip as aforesaid, who shall receive for wharfage any rates in excess of those now authorized by law, shall forfeit to the party aggrieved, treble the amount so charged as damages to be sued and recovered by the party aggrieved.'"

Law Regulates Dock Charges.

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More Big Profits Made by Four Lessees of City Piers Rented to Shipping Board

THE following table, based on figures presented by Gen. William M. Black, U. S. A., to the Shipping Board, covers four piers leased by New York city to corporations, the annual rental paid, the daily rental for each berth paid by the lessee and the daily charge for berths by the lessee to the United States Shipping Board:

Pier and Lessee.	Rental per berth per year.	Rental per berth per day.	Charge made per berth per day.
26, south of Catherine Slip, D. L. & W. R. R. Co.	\$33,850	\$55.30	\$200
32, south of Rutgers Slip, east half only, Seaboard and Gulf S. S. Co.	10,000	33.33	200
72, foot of East 24th st., Maritime Shipping Co.	40,000	33.33	150
83, Hudson River, Occidental Dock Co.	45,500	75.82	350

and sloops engaged in traffic on the Hudson River. "It has been construed by the Corporation Counsel that Section 863 relates to what are termed 'open piers' or unshaded piers, and we make the charge in the Dock Department on an unshaded pier in accordance with the provisions of this act.

"I brought to the attention of the Shipping Board many cases where the Shipping Board were paying considerably in excess of the rate fixed by the charter or by me under the charter, and they told me they had themselves fixed a minimum rate of \$75 a day. Why they did it I do not know, but the agent representing the Shipping Board probably collected for his services the difference between the \$75 and the \$15 or \$14 or \$18, whatever it might be, that the Shipping Board would have paid the Dock Department under the provisions of the charter.

"That is, of course, speculation. "But it goes on. I have maintained, under Section 863, that the tenant of a city pier was not entitled to collect on a basis of wharfage any greater wharfage than I could collect if the pier were operated by the Dock Department, but the Corporation Counsel does not sustain me in that, because he says that applies to an open pier. There was a test case on the right to collect wharfage which came up before Judge Hand in the United States Court in the Aренд case.

"The Corporation Counsel has held, both in the determination of my predecessor as well as myself, that the lessees of city property are not limited to the rates of wharfage which the Dock Commissioner charges where those piers remain under the city jurisdiction and control."

Mr. Brown asked:

"I find that Pier 19, North River, Eastern Steamship Corporation, was rented at \$28,330 a day, and that they were collecting \$350 a day; and the North River Clyde Steamship Company, Piers 44 and 45, renting for \$77,273 per year, or \$42.93 a day, and they charge the Shipping Board for the use of the pier the rest of the other fourteen companies, where the rental charges per day run from \$53.33 and there is collected by the lessee for wharfage \$350 a day, and so on down through I need not take all of these figures. What I would like to know is whether the city has any jurisdiction over the wharfage charges from the lessee to other parties?"

Bill Offered at Albany.

"There was a bill introduced at Albany affecting that question in the session, I think, of 1918," the witness said.

"Did any opinion being rendered by the Corporation Counsel prior to your coming into office touching this point?"

"Yes, sir."

"And that was that the city did not have authority to regulate."

"You have made such leases as there was occasion to make since you have been in office."

"I have."

"And you are aware of the fact that a clause inserted in the lease giving the city control over the charges made for wharfage would have been binding?"

"I am."

"But there has been no such clause inserted?"

"There has not."

"Why not?"

"There was such a clause recommended by the Dock Commissioner and his communication was received and filed by the Commissioners of the Sinking Fund."

"Received and looked up?"

"I don't know whether they look up those things or not, Senator, but I do know I made the recommendation."

"I don't know whether the city to correct that condition as to leases that have been made since you came into office?"

"That is correct. I am hoping to have better luck if I am a member of the Sinking Fund after the first of January."

"And you pointed out to them the danger in the operation of the docks in the public interests if it was not included?"

"Yes."

"But no action was taken?"

"There was some discussion about it."

"Is that action?"

"Why, some people think it is."

"Taking up cases where lessees had exercised their power in defiance of the city, the Commissioner said it had been held that a man's house was his castle in handling of pier leases and that the lessee could do as he pleased. The Commissioner urged that some kind of test case be begun to define the rights of the lessee to do as he pleased."

"If the city could get rid of all leases then it should operate all the piers on a wharfage basis, as is done in Antwerp," the witness said. "He disclosed the fact that the State is charging double the wharfage fees at its terminals in New York than the city is able to get."

"I did not know that," Mr. Brown said.

Railroads Get Cheap Leases.

Pier leases held by railroads in New York were taken up and Mr. Brown inquired into the charges made by the companies for docking and what they pay the city. Asking about the Pennsylvania Railroad pier 77, Hudson River, Mr. Brown said:

"You got all you could for that, I suppose."

"No, I think I could have gotten more in the case of two leases for that railroad. I did not think it was fair to charge them more than was being charged other railroads, all of which were subject to the same rules and regulations by the Interstate Commerce Commission. I put them all on a basis of \$1 a square foot. I believe that the whole water front will be modernized in a few years. That will bring more rent."

A new lease was given to the Iron Steamboat Company at the Battery because that line had been there since the Commissioner was a boy and he thought it would be bad policy to shift it—it would trouble the public in finding it.

Open piers which tramp steamers may use are needed in this port, the Commissioner said. That would stop profiteering.

The afternoon session came near being adjourned. When Senator Brown took his seat he could not find his glasses. He searched through all the papers on the desk and all his pockets. Every one on the committee, the witnesses and persons in the room, searched his glasses offered the lawyer their use. He tried on half a dozen pairs without result until he tried those proffered by Michael Cosgrove, Deputy Commissioner

of Docks, and announced he could see all right and would go on.

"You ought to be able to see through the Dock Department now," Assemblyman Maurice Block commented.

Much documentary evidence dealing with leases was offered in evidence. This covered most of the important piers.

It was shown that the Commissioner of Accounts made an investigation of a lease of a pier at the foot of East Twenty-fourth street to the Maritime Shipping Company and recommended it be cancelled. That report, sent to the Mayor, set forth that the company was not a real shipping concern but was organized for the purpose of subletting the pier. The company had a revocable permit from September, 1919, to June, 1920, no net profit of \$40,000 by merely subletting. The Commissioner said that the pier yielded only \$12,000 a year to the city during the Mitchell administration and he believed he was doing well by jumping the revenue to \$40,000 a year.

Hulbert Narrates Obstacles.

At the end of the cross-examination Commissioner Hulbert asked permission to make a statement regarding his administration, and it was given him. He talked for half an hour, detailing the obstacles he had met and the success he said he had achieved.

In his statement to the committee Mr. Brown said:

"It has appeared before the committee that there is no standard in the practice of making leases heretofore based upon a reasonable return to the city for the use of the property and improvements made in wharves, piers and that it is extremely uneven, unequal and, as between the users of these piers who are lessees, often oppressive, because many pay twice or three times as much as others for similar service."

"It also appears that down to the present time the custom has prevailed of issuing long term leases with a provision that they may be renewed at the end of ten year periods with an increase of 10 per cent, and that such increase, according to the experience of the past, has been wholly inadequate to meet as a return, the increased value in the meantime of the property leased. This practice, however, has been followed, and it is for the committee to consider whether or not the practice should be abated by law or what change should be made in that particular."

"It is highly important that legislation should be enacted for the purpose of creating as equal a equality of charges as possible and that the action looking to that equality of charges should begin at once."

"One of the considerations which have influenced the letting of dock property at a lower rental has been the desire to give to the city the cheapest possible facility for handling shipping, but so far as the cases have been developed it appears that there has been heretofore little or no exercise of authority and the power to exercise it in some cases is quite doubtful to prevent exorbitant charges for service through the sublessees or through wharfage from persons holding leases, the consequence being frequently that 250 or 300 per cent more is charged for the actual service to the ship owner than the city receives into its treasury from the use of the pier by that ship owner. And it also appears that this extends to the temporary or revocable permits, that the city keeps no control over such temporary or revocable permits for the purpose of preventing extortion."

"These matters have been developed, and are worthy of the greatest consideration. There is another important consideration which must not be lost sight of, and that is this: The city, as all agree, is practically at the limit of its ability to raise money for its improvement. It has, according to the returns of the Tax Department, over \$200,000,000 in this dock property. A fair return upon that property for use by ship owners would amount to a small percentage charge than is now paid in many instances, and perhaps generally, by the shipping world for accommodations, while the city treasury would be benefited to the extent of the return, say 6 per cent, upon the value of its real property for the use and still leave the shipping world in a better condition, so far as charges go, than it has heretofore been. That is an important consideration."

"It may be that legislation can be had which will facilitate extension, renewal and improvement of the dock system, but if that legislation is passed it would appear that such new construction ought to come under the rules which I have already suggested for a reasonable return to the city upon the value of its property and of its improvement."

"The hearing will continue to-day."

HYLAN AND HULBERT AT NEW PIER OPENING

The city's newest pier at East Thirty-first street, was opened last night with a celebration attended by Mayor John F. Hylan and Murray Hulbert, Dock Commissioner.

Mr. Hylan and Mr. Hulbert made speeches in which they replied to the charges that there has been profiteering in pier leases. Mr. Hulbert said that he wanted the people to know that the profiteering has been going on under leases made during the Mitchell administration, and that during the Hylan term of office piers have been rented at three times the profit that was obtained under Mayor Mitchell.

DIVERT EXPORT GRAIN FROM NEW YORK ROUTE

OTTAWA, Sept. 15.—Large quantities of American grain for export to Europe have been shipped by way of Montreal in the last two months instead of over the Buffalo and New York route, according to a report issued by the Dominion Bureau of Statistics.

The diversion in transportation was said to be due to the fact that the all water Canadian route from Chicago, Duluth and Milwaukee to Lake Superior ports, thence by rail to Montreal, costs 2 1/2 cents a bushel less after figuring the premium on American money and the elevator charges at New York.

MONTEAL, Sept. 15.—A further reduction of 7 cents a hundred pounds in the rate on grain and grain products from Fort William for export through Atlantic ports was announced to-day by the Railway Association. In addition to the 3 cents a hundred pounds given earlier in the year and the 5 per cent. reduction in January.

LONGSHOREMEN TAKE 22 P. C. WAGE CUT

Settlement Near in Long Standing Controversy With Shipowners.

MEDIATION EFFECTIVE

T. V. O'Connor, Shipping Board Expert, Adjudicates Differences.

ONE OBSTACLE REMAINS

Disagreement Exists Over the Length of Time New Scale Is to Run.

With the acceptance by the employees of a cut in their present wage scale amounting to approximately 22 per cent, the long standing difference between the International Longshoremen's Association on the one hand and the United States Shipping Board and the American Steamship Owners' Association on the other, probably will be officially adjusted to-day. Mediation effected chiefly by the conciliatory offices of T. V. O'Connor, a member of the Shipping Board whose affiliations have been largely with labor, and who is the Shipping Board's specialist on industrial relations, is credited by steamship men with having effected the settlement. There now is every prospect that the threatened strike of 40,000 longshoremen in this port will be averted.

Mr. O'Connor came to this city last Tuesday. Since that time he has been busy in conferences with representatives of both sides of the controversy. It was stated on high authority yesterday that the scale which is likely to be ratified to-day will affect directly about 45,000 men. Indirectly, since the settlement will become a precedent for all the rest of the Atlantic Pacific and Gulf seaboard, it will affect the fortunes of nearly double that number of workers.

The longshoremen, who in most respects have assented to the steamship owners' terms, are said to be ready to accept under the new wage and hours scale which becomes effective September 30, a straight rate of 65 cents an hour, with \$1 an hour for overtime, and a forty-eight hour week. The present scale is 80 cents an hour and \$1.20 an hour for overtime. For some months the men have been ready to accept reductions, but they are said to be fighting for a straight wage of 72 cents an hour, with \$1.08 for overtime and eight hour working day.

At the close of yesterday's conference in the city, the chief points of contention remained unadjusted. Representatives of the Longshoremen's Association want the new scale to be binding upon both sides for a period of a year, and the steamship owners want it to be binding only for a year, with a provision that it may be renewed at the end of ten year periods with an increase of 10 per cent, and that such increase, according to the experience of the past, has been wholly inadequate to meet as a return, the increased value in the meantime of the property leased. This practice, however, has been followed, and it is for the committee to consider whether or not the practice should be abated by law or what change should be made in that particular.

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CAREFUL SELECTION

Walpole claimed that with a rigorous diet every sickness of mankind might be cured.

While Montesquieu held that health purchased at such a price was but a tedious illness.

Neither was quite right. With intelligent eating most diseases may be cured, but there need be no rigor.

But rather a sensible selection of wholesome foods, such as are offered at CHILDS.

Flavorful fruits, excellent vegetables, pure milk, and strictly fresh eggs.

CHILD'S

51 West 42nd Street, New York

GEN. BLACK'S PIER EXPOSE PROVED LAW WAS EVADED

Continued from First Page.

above that, is amenable in the penal damages of treble the amount of all wharfage charges claimed if his bill exceeds the statutory amount.

Yet lessees of city piers, not only on long term leases, where a contract might be claimed with the city enabling the lessee to charge rates higher than those fixed by statute, but lessees or users under revocable permits, issued by the Dock Commissioner and really only good from day to day, have been allowed to charge both private steamship owners and the United States Government rates which run ten times as high as those authorized by law. And many of the holders of these revocable permits have received their grants without public letting and in the simple "discretion" of the commissioner.

The difficulties which the United States Government experienced in getting shipping accommodation at New York piers have been the subject of considerable correspondence both within the United States Shipping Board itself and with Commissioner Hulbert. He finally took the position that the United States Shipping Board could not look to the city of New York for harbor accommodation until it had exhausted the possibilities of the army piers in Brooklyn and Hoboken. And when the Shipping Board did that it found no more accommodation available than before at city piers.

J. F. Lane, who made a survey of the port facilities for the Shipping Board in the spring of 1919, reported to the chairman, John Barton Payne, in part as follows: