

1783. — Chapter 13.

[May Session, ch. 13.]

Chap. 13 AN ACT FOR REGULATING PILOTAGE IN SEVERAL PORTS IN THIS COMMONWEALTH.

Preamble.

Whereas frequent and heavy losses have been sustained, and navigation greatly injured, for want of a well regulated pilotage in the harbours hereafter mentioned:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Governor, with advice of Council, be, and he hereby is empowered and requested, as soon as may be, to appoint suitable persons as Pilots for the several harbours and coasts hereafter mentioned, *viz.* three for the port of *Boston*; two for the port of *Salem*; two for the port of *Marblehead*; and two for the port of *Gloucester*; two for the port of *Newbury Port*; two for the port of *Plymouth*; four for the coasts of *Nantucket*; ten for the coasts of *Martha's Vineyard*; and to give to each of the said Pilots branches or warrants for the due execution of the duties of their respective offices, with power of substitution in certain cases to be therein prescribed. And such deputies as the said branch pilots shall severally depute, shall be by them reported to the Governor, for his approbation.

Governor, with advice of Council, to appoint suitable persons as Pilots.

The number of Pilots assigned for the several harbours and coasts.

Pilots to have warrants, with power of substitution.

Pilots to be under oath.

And be it further enacted by the authority aforesaid, That every Pilot and Deputy, appointed as aforesaid, shall, before his entering upon the business of his office, take the following oath or affirmation, before some Justice of the Peace, *viz.:*

Form of the oath.

You *A. B.* do swear, (or affirm, as the case may be) that you will from time to time, truly and faithfully perform the duties of a Pilot for the harbour or port of —, according to your best skill and judgment, agreeable to the laws of this Commonwealth. — *So help you GOD.*

Pilots to enter into bonds.

And each of the said branch Pilots shall enter into bonds, with sufficient sureties, to the Treasurer of this Commonwealth, in the sum of one thousand pounds, for the due performance of the trust reposed in him. And every branch Pilot being commissioned and qualified as aforesaid, is hereby empowered and directed, by himself or his Deputy, to take charge of any vessel or vessels drawing nine feet of water and upwards (coasting and fishing

Branch Pilots being duly authorized, to take charge of vessels drawing nine feet of water & upwards, except.

vessels excepted) bound into any of the ports aforesaid, and shall pilot such vessel or vessels into the port assigned to him, first shewing to the master or masters thereof, his branch or warrant, and acquainting him or them of his fees.

And be it further enacted by the authority aforesaid, That the districts of the several Pilots be, and they are hereby limited in manner following, *viz.*: The Pilots for the port of *Boston*, from the highlands of *Marshfield*, on the south, to what is usually called *Nehant Rock*, on the north; the Pilots for the ports of *Salem* and *Marblehead*, from the said *Nehant Rock*, on the south, to *Norman's Woe*, on the north; the Pilots for the port of *Gloucester*, from the said *Norman's Woe*, round the Cape, to *Jabackah Barr* (so called); the Pilots for the port of *Newbury Port*, from *Jabackah Barr*, on the south, to the *Isle of Shoals*, on the north; the Pilots for the port of *Plymouth*, from the highlands aforementioned, on the north, to the point of *Cape Cod*, on the south; the Pilots for the coasts of *Nantucket* and *Martha's Vineyard*, to take charge of any vessel or vessels on the coasts thereof that shall be bound over the shoals.

Districts of the several Pilots limited.

And be it further enacted by the authority aforesaid, That each of the said branch Pilots shall always keep one deck'd boat in good repair, except the Pilots for the coasts of *Nantucket*, who, as well as all other branch Pilots, shall at all times keep a sufficient number of suitable row boats, for the purposes aforesaid; and one of the boats for the port of *Boston*, shall be stationed at the *Light House Island*; one for the port of *Newbury Port*, at *Salisbury Point*, or *Plumb Island*; one for the port of *Plymouth*, in the harbour of *Plymouth*; two for the port of *Salem*, in the harbour of *Salem*; two at *Marblehead*; one in the harbour of *Gloucester*; and one in *Sandy Bay* (so called); four for the coasts of *Martha's Vineyard*, at *Gay Head*; four at *Holmes's Hole*; and two at *Edgarton*; and all the above mentioned boats shall cruize on the pilot ground of their respective stations, as often as the weather shall permit.

Pilots to keep one deck'd boat in good repair, except for the coast of *Nantucket*.

Boats where to be kept.

And be it further enacted by the authority aforesaid, That the Governor, with the advice of Council, be, and he hereby is impowered and requested, to determine and fix the fees of pilotage of the several Pilots, according as the circumstances of peace or war may require, and to

Governor, with advice of Council, to determine the fees.

Naval Officers to hang up a schedule of the fees in their offices.

Proviso.

specify the same in their respective warrants; and also to transmit to each Naval Officer in the ports and harbours aforesaid, a schedule of the said fees, to be by such Naval Officer hung up in his office, for public inspection.

Provided nevertheless, and be it further enacted by the authority aforesaid, That any master of a vessel who may chuse to hazard the pilotage of his own vessel into any port, shall be at liberty so to do, subject however to pay such Pilot of the said port as shall first come on board his vessel, one half pilotage according to the fees specified in his warrant; and such Pilot is hereby impowered, on refusal of the payment thereof, to sue for and recover the same.

Proviso.

Provided also, and be it further enacted by the authority aforesaid, That if any vessel shall be within the light house in the port of *Boston*, or within the chops of the harbours of *Salem*, *Marblehead* and *Gloucester*, or within the bar at the entrance of the harbour of *Newbury Port*, or within the gurnet at the entrance of the harbour of *Plymouth*, or within any barred harbour, before any Pilot shall go on board, and the master of such vessel shall then decline taking a Pilot, he shall be exempt from any fees of pilotage in the said ports.

In case of loss of any vessel thro' neglect, &c., Pilots liable to pay the just value.

And be it further enacted, That if any vessel, while under the charge and direction of a branch or warrant Pilot, or his Deputy, shall be lost, cast away, or run aground, through the unskillfulness or neglect of such branch or warrant Pilot, or his Deputy, then, and in that case, such branch or warrant Pilot shall be liable not only for himself but for his Deputy (provided the said Deputy shall be the Pilot of the said vessel at the time thereof) to pay the just value of the vessel and her cargo, or any proportionable damage which may be sustained thereby, to be sued for and recovered by the owner or owners, or insurer or insurers thereof, in any Court proper to try the same.

How recovered.

And be it further enacted by the authority aforesaid, That if it shall hereafter become necessary for any port or ports within this Commonwealth, not mentioned in this act, to have a Pilot or Pilots assigned them, the Governor, with the advice of Council, be, and he hereby is impowered and requested, to appoint and commission one or more Pilots for every such port or ports as to him shall appear necessary, in the same manner as the Pilots for the ports mentioned in this act, are directed to be appointed

Ports not mentioned in this act to have Pilots.

Governor, with advice of Council, authorized to appoint.

and commissioned: And the Pilot or Pilots so appointed, are hereby vested with the same power and authority, and shall be under the same bonds, and subject to the same penalties, that are provided in this act for any of the Pilots before mentioned.

And be it further enacted by the authority aforesaid, That all vessels drawing nine feet of water and upwards, bound to sea, out of any of the ports aforesaid, except coasting and fishing vessels, shall be under the same restrictions, and liable to pay the same fees that vessels are under and liable to, that are bound into any of the same ports, and all Pilots of any outward bound vessels, shall be liable to similar actions for damages, and subject to the same penalties for their unskilfulness or neglect, that they would have been, if the same vessels had been bound into any of the ports aforesaid.

Outward bound vessels to be under the same restrictions.

And to the intent that a suitable check may be had upon the Pilots aforesaid, and that they may be excited to a due vigilance in the discharge of the duties assigned them:

Be it enacted by the authority aforesaid, That the Governor and Council be, and they hereby are empowered, to hear and determine all complaints exhibited against the said Pilots, or their Deputies, or either of them, for misconduct in the premises, and to suspend or remove them, or either of them, at their discretion, and to appoint others in their room, laying the reasons therefor before the General Court, at the next session after such suspension or removal.

Governor & Council empowered to hear and determine complaints exhibited, with power of suspension.

July 11, 1783.

1783. — Chapter 14.

[May Session, ch. 14.]

AN ACT FOR ALTERING THE LINE BETWEEN THE TOWNS OF STOW AND MARLBOROUGH.

Chap. 14

Whereas the towns of Stow and Marlborough have heretofore had a difference respecting the perambulating the line betwixt the said towns, by reason of a very crooked line, and to end all controversy have agreed to straighten the line: And whereas the said towns have petitioned this Court, and earnestly requested that the following line may be established for the future:

Preamble.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the