

SENATE No. 312.

Commonwealth of Massachusetts.

IN SENATE, June 4, 1874.

The Committee on Federal Relations, to whom was committed the "order relative to the proper legislative action to protect the citizens of the Commonwealth against the injustice of paying toll for passing through Hell Gate," submit the following

R E P O R T:

Your Committee find that, in 1871, the State of New York revived the old law of compulsory pilotage, by which vessels passing through "Hell Gate" are obliged to pay half pilotage in case they make the passage without employing the services of a regularly licensed pilot. This old law, now revived, was passed originally when the passage through "Hell Gate" was much more dangerous than now, and before the advent and use of steam-tugs, and when the passage was made entirely by sail. As is well known, Congress has expended large sums of money and much labor in enlarging and making comparatively safe this dangerous but convenient gateway of the Sound, and your Committee believe it should be freely opened to the use of the coastwise trade, and that the persons engaged in such trade should be relieved of this burden, of which they so justly and earnestly complain.

It is undeniably true that the masters of our coasting vessels are competent and content to carry their vessels through this passage without the aid of pilots, with a fair wind and under any circumstances and conditions under which a regularly licensed pilot could take them through.

When these conditions do not obtain, as in the case of foul weather or head winds, recourse is had to tugs; but in this case there is no relief from the compulsory fee. Indeed, the practice has become so systematized and perfected, and so well understood by the pilots, that when a vessel is seen to be about making the passage, she is approached near enough by the pilot (or distinguished from the shore by the glass) to identify her, the pilot makes out his bill for half pilotage (varying from five to fifteen dollars according to the tonnage of the craft), with which the master is confronted upon his arrival at port, and which must be paid without delay or his vessel be libelled. This practice your Committee condemn as practical extortion; and one resulting from a law which, in its origin and original purposes, might have been called for; but by the increase of commerce, the changed methods of business, and varying conditions of navigation, the cause for its enactment, has ceased to exist.

It is an obvious fact, that the forty pilots stationed upon the Sound shore for this duty could do but little toward piloting from one hundred to five hundred vessels per day through this passage,—which is a fair average of the number daily making this passage for nine months in the year,—yet the fees are assessed and collected on all this large number, amounting, in the aggregate, to about *fifty thousand dollars per year* thus plundered from Massachusetts ship-owners alone.

Your Committee find the significant fact, that most, if not all Connecticut vessels, together with vessels owned in Suffolk County, New York, making the passage, are practically exempted from the operation of this law. As near as can be learned by your Committee, the Connecticut vessels are exempt, because they refuse to submit to these unjust assessments, and neighboring New York is disinclined to force the issue with her; while the vessels of Suffolk County, of New York, are relieved by an agreement made by the pilots' asso-

ciation to so exempt such vessels at the time the bill was being considered by the New York legislature.

By an early statute of Congress, the regulations of the several States concerning pilotage were recognized and ratified as the recognized rules of navigation, but by subsequent enactments at different times, Congress has exercised its constitutional power by modifying and repealing in some instances these regulations.

Your Committee regard the present statute of the State of New York, as one so unequal and unjust in its operations, that this legislature should imperatively demand its immediate rescission; therefore your Committee recommend the passage of the accompanying Resolves.

For the Committee,

EDWARD H. LATHROP.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Seventy-Four.

RESOLUTIONS

Concerning Compulsory Pilotage at "Hell Gate."

Resolved, That the statute of the state of New York permitting the system of compulsory pilotage through "Hell Gate," is in its operation destructive to the coastwise trade of several of the New England states, and is manifestly unjust and unequal in its operation; that occasion no longer exists for its provisions; that the constitution having vested in the congress of the United States the power to regulate commerce among the several states, it is the duty of our senators and representatives therein earnestly to advocate and support any measure that may nullify the existing regulations and justly protect the coastwise trade of New England.

Resolved, That his honor the lieutenant-governor of this Commonwealth, be requested to forward to each senator and representative from this state a copy of the foregoing resolutions.