

## SENATE....No. 139.

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### Commonwealth of Massachusetts.

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IN SENATE, April 15, 1857.

The Joint Special Committee to whom were referred the Petitions of Zenas D. Bassett, and 1,277 others, praying for the exemption from payment of compulsory pilotage, of all vessels sailing under a coasting license of 400 tons and under, and all vessels sailing under a register of 200 tons and under; of John H. Pearson and 65 others, praying for the exemption from compulsory pilotage of all vessels engaged in the coasting business, of 350 tons and under; also, that all vessels taking steam-into or out of the various ports of the Commonwealth, be exempted from the payment of pilotage, either in part or in whole; also, the various Petitions of Charles G. Coffin and others; of Robert Bailey and others, of Robert Upton and others, severally for a modification of the laws relating to pilotage, and the various Remonstrances against the foregoing Petitions, have considered the same, and submit the following

#### REPORT:

Your Committee have devoted much time to an examination of this subject, and have invited before them the representatives of every interest supposed to be in any way interested

in pilotage matters; and after full deliberation, have come to the unanimous conclusion that many of the complaints of the present petitioners are well-founded, and ought to be remedied by statute. They have, therefore, agreed to report the accompanying Bill.

It will be observed that the Committee recommend the exemption from compulsory pilotage of a much larger class of vessels than have heretofore been exempted. This change, perhaps, deserves a few words of explanation.

Within a few years past, the tonnage of vessels engaged in the coasting business has largely increased. Instead of schooners of less than two hundred tons, such as were formerly engaged in the coasting trade, and are now exempt from compulsory pilotage, a large portion of the coasting vessels engaged in carrying coal, grain, &c. &c., are now of a much larger tonnage and capacity. The masters of these vessels, while they have been obliged to employ crafts of a much larger size, have in no respect changed their business, and the same principle that would justify their exemption from the payment of compulsory pilotage in one case, would seem to do so in the other. They have, by long practice in their profession, become well accustomed to the navigation of the various ports of the Commonwealth, and are as competent, in most cases, to conduct vessels into any of our harbors, as the pilots themselves, and ought not to be obliged to suffer from a charge that has been brought about by the operation of natural causes connected with business and trade. In connection with this view of the subject, it should also be considered that the capacity and size of the larger class of vessels have in a like manner increased, and where a ship of five hundred tons burthen, or thereabouts, was formerly regarded as a large craft, it is now no unusual circumstance to find them of from one to two thousand tons burthen, and even larger. The pilotage on such vessels is of course much greater than on the first class named, and in the opinion of your Committee, will, in a measure, counterbalance the reduction prayed for on vessels of a more limited tonnage.

To show the inequality of the operation of the present system, and the hardship with which it bears on the small class of vessels, the Committee will submit a single comparison, furnished by a gentleman of nautical experience. A schooner of

300 tons burthen, drawing thirteen feet of water, according to the summer, or lowest rates, would be subject to pay, for both inward and outward pilotage, about \$30 for each trip. Allowing that she makes twelve trips each year,—as colliers and coasters would most likely average as many,—and the whole amount of pilotage to which she would be liable during the year would be \$360. On a ship of 1,000 tons, drawing twenty feet of water, the inward and outward rates would be, according to the summer rates, about \$72. As ships of this description do not visit our ports on an average more than once a year, it will be seen that the difference between the two vessels will amount to nearly \$300 against the small one. This discrimination is made in favor of the vessel which, in almost every case, has great pecuniary interests involved in her safety, as well as many valuable lives, and against the vessel which is of small comparative value, and engaged in an unremunerative business, perhaps in freighting coal from Philadelphia, at \$2 per ton. When these things are considered, and the additional fact that the vessel of twenty feet draft needs the services of a pilot much more than the vessel of thirteen feet, even if all other things were equal, the hardship in the operation of the existing rates will be at once apparent.

Your Committee are not insensible of the value of a well-trained, skilful, and responsible class of pilots, and would take no steps that in their judgment would impair the usefulness or efficiency of the pilot system. They, however, believe it to be the true policy of the State, that navigation should be rendered, as far as possible, free and unfettered, and that one class in the community should not be oppressively taxed to sustain another class. Those who require the services of a pilot should, in our judgment, pay for such services, and not rely upon a feeble and ill-paid class to support the system for their benefit and safety. The bill reported recognizes the principle indicated above; it exempts the class that visits port often, that does not need the services of the pilots, and that can ill afford to pay for such services, and retains the compulsory feature upon those vessels that are doing a comparatively lucrative business, and for whose protection, more especially, the system is sustained. Your Committee are of the opinion that the fees at present established would support all the pilots necessary for the safety of com-

merce, after making the exemptions and ameliorations herein recommended ; but should experience prove that such is not the case, we are firmly of the opinion that it would be more in accordance with the principles of justice and equity, that the rates on the large vessels should be increased, rather than that the smaller ones should be burdened as at present ; and the Commissioners possess ample powers, should such a course, on trial, be deemed expedient, to arrange the tariff of rates on the principles indicated above, so as to afford adequate support to all the active, working pilots, which the exigencies of commerce may require.

The provisions of the Bill reported are nothing more than an extension of the principle recognized by former and existing regulations, in a degree corresponding to the increased size of the vessels employed. Coasting vessels have heretofore been favored in adjusting the rates of pilotage. The first law on the subject, passed in 1783, exempted *all* fishing and coasting vessels, many of which were so constructed in those days as to take a heavy draft of water. In the existing regulations, coasting vessels are also favored. As respects vessels sailing under a register, it is proper to observe that they do not so frequently visit our ports as the other class ; that they do not so uniformly have masters familiar with our harbors, and that a considerable proportion of them belong to other countries, where the pilot fees, port charges, and other dues, make a heavy burthen. Were it possible to discriminate in favor of our own, and against all foreign vessels, in this matter, the Committee would be disposed to make the exemption on this class more general ; but as, by existing treaties with Great Britain, our State laws are not permitted to discriminate between British and American vessels in the matter of pilotage, and unless we impose the exaction on our own vessels we cannot on the British, we have not deemed it advisable to recommend further reductions of rates on this class at present.

The reduction of rates on vessels taking steam, seems but reasonable and proper, in view of the comparatively short time in which the pilot's services are required in conducting the vessels to or from sea under such circumstances. There are also other advantages in this arrangement, which must be obvious to any one who is familiar with the subject.

The fourth article of the Bill is framed in accordance with a suggestion contained in the Report of the Commissioners of Pilots; the same matter is embraced in a regulation of the Commissioners, and is designed more especially for the protection of the pilots in the Vineyard Sound, and over Nantucket Shoals. But as the power of the Commissioners to frame such a regulation has been made a subject of controversy, they have asked that the provision may be embraced in a statute. Justice to those pilots who have equipped and fitted themselves for the business, no less than a proper regard for the safety of commerce, would seem to demand the legalization of that provision.

For the Committee,

CHARLES F. SWIFT, *Chairman.*

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Fifty-  
Seven.

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### AN ACT

Exempting certain classes of Vessels from compulsory  
Pilotage.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:—*

1 SECT. 1. All vessels of two hundred tons and  
2 under, sailing under a register, in any of the navi-  
3 gable waters or ports of the Commonwealth, shall be  
4 held to pay only one-half of the rates of pilotage to  
5 which vessels of that class not especially exempt  
6 from compulsory pilotage, may, at the time, be legally  
7 liable.

1   SECT. 2. No single decked vessel, of three hun-  
2 dred and fifty tons and under, sailing under a coast-  
3 ing license, shall be liable to pay compulsory pilotage  
4 of any kind, for any navigable waters or ports of this  
5 Commonwealth: *provided, however,* that if the ser-  
6 vices of a commissioned pilot shall be voluntarily  
7 requested or accepted, for the conduct of any such  
8 vessel, such services shall be compensated at the rates  
9 and in the manner prescribed by the regulations of  
10 the pilot commissioners.

1   SECT. 3. All vessels taking steam towage into or  
2 out of any port or harbor in this Commonwealth,  
3 shall be liable to pay only seventy-five per cent. of  
4 the rates of pilotage to which such vessel would  
5 otherwise be legally liable.

1   SECT. 4. No person not holding a commission as  
2 a pilot, (excepting those actually employed on board  
3 of the vessel for the voyage,) shall in any case exercise  
4 the duties of a pilot on board of any vessel within  
5 the waters of this Commonwealth, whether said vessel  
6 is liable to compulsory pilotage or not, provided a  
7 commissioned pilot offers his services, or can be ob-  
8 tained at a reasonable time, under a penalty of not  
9 less than twenty, and not more than fifty, dollars, for  
10 each and every offence.

1   SECT. 5. All acts and parts of acts inconsistent  
2 herewith, are hereby repealed.

1   SECT. 6. This act shall take effect on and after  
2 the first day of June next.

THE UNIVERSITY OF CHICAGO  
DEPARTMENT OF THE HISTORY OF ARTS  
AND ARCHITECTURE  
OFFICE OF THE CURATOR  
540 EAST SOUTH EAST  
CHICAGO, ILLINOIS 60607  
TEL: 773-936-3300  
FAX: 773-936-3301  
WWW.HA.UCHICAGO.EDU

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