

HOUSE...No. 298.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, May 4, 1855.

The Joint Standing Committee on Mercantile Affairs and Insurance, to whom were committed the Report of the Commissioners for the Revision of the Pilot Laws of the Commonwealth, together with various Petitions and Remonstrances on the subject of Pilotage, have considered the same, and

R E P O R T :

There are objections and difficulties in the way of adopting any system of Pilotage which will give entire satisfaction to all the mercantile interests of the State. As an evidence of the difficulty involved in adopting a satisfactory system, we need only allude to the fact that a Board of Commissioners composed of learned and practical men appointed in 1853 to revise the Pilot Laws, has only been able to report after the lapse of nearly two years, and to present a very unsatisfactory plan after so long a consideration.

The plan for regulating Pilotage, as embraced in the Bill submitted by the Commissioners, so far as your Committee

have been able to understand the views of the large number of seafaring men and merchants who have appeared before them, meets with general disapproval. A more uniform and equal system is demanded.

In trying to arrive at some practical result on this subject, the principal point of difficulty has seemed to be to choose between a compulsory and a voluntary system of Pilotage. There is, even among your Committee, a diversity of opinion on this point, while all are agreed that the system to be adopted, whichever of the two it may be, should be uniform throughout the State.

Your Committee have not been able, during the short time they have had the Report of the Commissioners under their special consideration, even with the extra indulgence granted them by the legislature, to prepare such a code of Pilot Laws as would satisfy themselves or the public. An earlier reception of the Commissioners' Report might have been of some advantage, in point of time, for a more thorough investigation of the whole subject.

The Committee have come to the conclusion, as the best course they can recommend, and as being an important step towards a decided improvement on the present pilot system, to propose the creation of a Board of three Commissioners to superintend and direct the appointment of Pilots, with power to propose and enforce rules and regulations for their government, under the supervision of the Governor and Council; said Commissioners to be paid for their services without expense to the State. If such a commission should be established, as provided for in the accompanying Bill, it would be of the highest importance that practical men, well versed in nautical affairs, should be appointed as such Commissioners. We have no doubt the Governor and Council, in composing such a commission, would have a full regard for the proper qualifications indispensable to enable a person properly to perform the important and responsible duties contemplated by the provisions of our Bill.

Your Committee, in view of the suggestions herein submitted, ask to be discharged from the further consideration of

the Report of the Commissioners, and the several petitions and remonstrances on the subject of pilotage, and they recommend the passage of the accompanying Bill.

J. M. HOOD, *Chairman.*

Commonwealth of Massachusetts.

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

AN ACT

To establish a Board of Pilot Commissioners for this
Commonwealth.

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

1 SECT. 1. The governor, with the advice and con-
2 sent of the council, is hereby authorized to appoint
3 and commission three persons to execute the office of
4 Commissioners of Pilots for the State of Massachu-
5 setts, who shall hold their office during the term of
6 three years unless sooner removed by the governor
7 and council.

1 SECT. 2. The said commissioners shall grant com-
2 missions for pilots to such persons as they may deem

3 necessary, and they may upon satisfactory evidence of
4 misconduct, carelessness or neglect of duty, suspend,
5 for a term not exceeding three months, any pilot who
6 now holds or shall hereafter hold a branch commis-
7 sion or warrant; but no commission or warrant shall
8 be revoked except by the consent of the governor and
9 council.

1 SECT. 3. No person shall receive a commission or
2 exercise the office of a pilot until he shall have de-
3 posited with the treasurer of the Commonwealth a
4 bond in the penal sum of one thousand dollars,
5 payable to the said treasurer, and with sureties satis-
6 factory to the said commissioners for the faithful
7 performance of all the duties required by law of any
8 pilot.

1 SECT. 4. The commissioners of pilots shall keep
2 an office to be open at all times to receive and con-
3 sider complaints by and against pilots, and to examine
4 the evidence concerning the same; and in case any
5 pilot shall be guilty of any act whereby the condi-
6 tion of this bond shall be broken, the said commis-
7 sioners shall make individual complaint thereof to
8 the treasurer of the Commonwealth, who shall cause
9 a suit to be forthwith commenced, and security to be
10 taken for the benefit of all persons who may have
11 suffered by the misconduct or negligence of such
12 pilot; and the like proceedings and judgment shall
13 be had and rendered in such suit as in the case of
14 sheriffs' bonds.

1 SECT. 5. Once in every three months each pilot

2 shall render to the said commissioners of pilots an
3 account of all vessels piloted, and of all moneys
4 received by him or by any person for him for pilot-
5 age ; and he shall pay to the commissioners six per
6 cent. on the amount thereof, which shall be taken in
7 full for their official services and for the expenses of
8 the office, and said pilots may add six per cent. to the
9 rates established by law at the time when they shall
10 perform the service of piloting any vessel, and they
11 may collect the same in the like manner as they are
12 now authorized to collect the pilotage fees ; and if any
13 pilot shall make a false return of moneys so received
14 he shall forfeit a sum not exceeding fifty dollars.

1 SECT. 6. The commissioners of pilots may from
2 time to time alter or amend any of the existing regu-
3 lations and may make any new regulations therefor ;
4 and all such altered, amended and new regulations,
5 after being approved by the governor and council and
6 being published one week in one of the newspapers
7 printed in the county or city to which such regula-
8 tions apply, shall be binding on all persons ; and the
9 said commissioners, at least twice a year, shall publish
10 all the regulations which shall at such times be in
11 force concerning the pilotage of the Commonwealth,
12 and also shall see that the said regulations and the
13 laws concerning pilots and pilotage are duly observed
14 and executed ; and the publishing of all the laws and
15 regulations which may be deemed necessary shall be
16 paid by the said commissioners.

1 SECT. 7. The commissioners of pilots shall keep
2 a record of all their doings, and on or before the first

3 day of January in each year shall make a return of
4 the same to the secretary of the Commonwealth.

1 SECT. 8. If any person, not having a branch
2 commission or warrant as a pilot, shall undertake to
3 pilot into or out of any harbor of this Commonwealth
4 any vessel excepting such as are excepted in the sev-
5 enth section of chapter thirty-two of the Revised
6 Statutes he shall forfeit a sum not exceeding fifty dol-
7 lars for each offence.

1 SECT. 9. This act shall take effect from and after
2 the first day of July in the year one thousand eight
3 hundred and fifty-five, from which time all acts and
4 parts of acts inconsistent with the provisions of this
5 act are hereby repealed.

