

# The Daily Astorian.

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No. 29.

## THE PILOT BILL

An Act to Provide for Pilotage on the Columbia and Willamette Rivers.

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. The bar pilotage ground shall be deemed to extend from the uppermost dock or wharf at the port of Astoria or Knappa-ton to the open sea, at least ten miles beyond the uttermost buoy, and the river pilotage ground shall be deemed to extend from the lowermost dock or wharf, at the port of Astoria to the head of navigation on the Columbia and Willamette rivers and their tributaries: And the branches or wharves issued by the board of pilot commissioners herein after provided for to pilots, appointed by them shall define the ground covered by the pilot's authority and the fees to which he is entitled.

Sec. 2. The pilot commissioners for said bar and river pilot ground shall be appointed for the term of three years each, except as herein otherwise provided as follows: One by the governor of the state one by the board of trade of Portland, and one by the chamber of commerce of Astoria. And in case either of said boards shall fail or neglect to make any such appointments for a period of twenty days, then it shall become the right and duty of the governor to make the same.

Sec. 3. Each of said commissioners shall be commissioned by the governor: And before entering upon the duties of his office shall take and subscribe an oath of office and file the same with the secretary of state, to the effect that he will support the constitution of the United States and of this state, and faithfully discharge the duties of the office of pilot commissioner according to the law and the best of his ability.

Sec. 4. A pilot commissioner shall hold his office for the period for which he is appointed, and until his successor is appointed and qualified; and a vacancy in such office must be filled for the remainder of the term by the authority that made the last appointment thereto.

Sec. 5. A pilot commissioner may be removed for cause by the authority that appointed him; but such cause must be incompetency or neglect to discharge the duties of his office and be definitely stated in the act, or order of removal.

Sec. 6. The pilot commissioners shall organize as a board to be known as "The Board of Pilot Commissioners," by the election of a president and secretary, who shall hold their office as follows: The president during his term as commissioner, and the secretary during the pleasure of the board.

Sec. 7. The board must appoint the time and place of its meetings; but the president may in the case of an emergency, call a meeting thereof, upon reasonable notice to the other commissioners; and a majority of the commissioners shall constitute a quorum of the board for the transaction of business.

Sec. 8. The president of the board is authorized to administer oaths in any matter properly before it for consideration or enquiry; and to issue subpoenas for witnesses to appear before it in like cases, who may reside or be found within 120 miles from the place where the board is sitting.

Sec. 9. Such subpoenas shall be signed by the president and issue in the name of the State of Oregon; and the same may be served and returned in the manner and with like effect as a subpoena issued and signed by a county clerk.

Sec. 10. A witness who neglects or refuses to obey any such subpoena or who neglects or refuses to answer any lawful question, concerning any matter then pending before the board, shall forfeit and pay to the use of the same a penalty of \$100; and such witness may also be proceeded against, upon the complaint of the president, in the circuit court for the county in which such witness was served or required to appear, as for a contempt of the authority of said court as provided in Title 4 of Chapter 7, of the code of Civil Procedure.

Sec. 11. The duties of the secretary shall be as follows:

1. To keep a correct journal of the proceedings of the board:

2. To issue and countersign licenses to pilots when ordered by the board:

3. To keep a register of the name and residence of each pilot licensed for the bar or river pilot-ground, and in the former case the name of the boat to which he is attached, together with the date of such license, and the suspension and revocation of the same, if any:

4. To keep a register of the name, tonnage, nationality, class and draft of each vessel crossing the Columbia river bar, with, or without pilot:

5. To act as treasurer of the board; and as such to receive and safely keep all money paid to the board, and to disburse the same according to the order thereof; and to keep full and correct account of all such receipts and disbursements.

6. To perform such other duties consistent with law as the board may direct, and to be otherwise subject to its control in the discharge of his duties.

Sec. 12. Before entering upon the duties of his office, the secretary must file with the secretary of state his official undertaking in the sum of \$3,000, signed by himself and two sureties, which undertaking shall be approved by the president of the board; and shall be substantially in the following form:

Whereas, A. B., on—188—, was appointed secretary of the board of pilot commissioners, we, the said A. B. for himself, and C. D. and E. F. as his sureties, do hereby undertake that if the said A. B. shall neglect to perform his duties as such secretary, or fail to pay over and account for, according to law, all monies which may come into his hands by virtue of his office, then we, or either of us, will pay to the state of Oregon, for the use of whom it may concern, the amount of all damage or loss by such neglect, or failure, not exceeding \$3,000.

Sec. 13. The board has the power, and it is its duty, under this act, to maintain a sufficient number of capable pilots upon the bar and river pilot-grounds, and to exercise a general supervision over the subject of pilotage upon said grounds and to that end may do and provide as follows: 1. Examine and license pilots for said pilot-grounds, and limit the number of pilots and pilot boats, allowed thereon. 2. Hear and determine all complaints against any of said pilots. 3. Make and alter rules for the government of such pilots and the maintenance of an efficient pilot service on the pilot-grounds aforesaid not inconsistent with the laws of this state, or the United States, and to enforce the same by any lawful and convenient measures, including the suspension or removal of any such pilot and the imposition on him of a penalty of not exceeding \$250, for any violation thereof.

Sec. 14. It is the duty of the board to make a report to the governor of the state by the 1st day of August annually, which report shall contain: 1. A summary of its proceedings for the year ending June 30, including a copy of all rules made by it. 2. A statement of all moneys paid for pilotage on each of the pilot-grounds aforesaid, and an account

of all moneys received by the board from any other and what sources, and the disposition of the same. 3. A summary of the facts concerning the vessels crossing the Columbia river bar, and the issuing and revocation of licenses, of which the secretary is required to keep a register. 4. Any recommendation or other information which may, in its judgment, be of interest or advantage to the pilot service or commerce of the river aforesaid.

Sec. 15. An application for a pilot license must be made in writing to the board, stating briefly the applicant's name, place of birth, age, and experience as a navigator and pilot, and if upon careful examination, such applicant is found worthy and qualified as herein provided, and the number is not complete, he shall be licensed for the term of one year.

Sec. 16. A license granted to a pilot under this act, shall as a matter of course, be annually renewed, unless the board determines that there is good cause for withholding such renewal, in which case it shall direct the secretary to notify such pilots in writing, at least ten days before the expiration of his license, of such determination, and the cause thereof. And such pilot may thereupon apply within ten days for a hearing in regard to such cause for withholding the license, which shall be granted; and if upon such hearing it appears to the satisfaction of the board that there is no sufficient cause for withholding the license, it shall be renewed, of course not otherwise.

Sec. 17. No person shall be licensed as a pilot by the board unless he is an American citizen of the age of 21 years, of temperate habits and good moral character, nor unless he possesses the requisite skill and experience as a navigator and pilot, together with practical knowledge of the currents, tides, soundings, and bearings and distances of the several shoals, rocks, bars, points of land, lights and fog signals of, or pertaining to, the navigation of the pilot ground for which he applies for a license to act as pilot; nor in case of the bar pilot-ground, unless it satisfactorily appears that the applicant is provided with, or attached to, a pilot boat of such character and condition as the board has prescribed for that service.

No bar pilot license shall be issued to the owner or owners of any steam tug boat, or to any person or persons in the employ of any such tug boat, or the owners thereof; and it shall be unlawful for any bar pilot to be employed or interested in any such tug boat in the capacity of a bar pilot, and any bar pilot violating this provision shall forfeit his license.

Sec. 18. Before receiving his license a pilot must deliver to the secretary an official undertaking in the sum of \$5,000, signed by himself and two sureties approved by the president of the board, which undertaking shall be substantially in the following form: Whereas, A. B. on—188—, was duly licensed as a pilot for the bar pilot-ground (or the river pilot-ground, as the case may be) we, the said A. B. for himself and C. D. and E. F., as his sureties, do hereby undertake that, if the said A. B. shall fail or neglect to faithfully and diligently perform his duties as such pilot, then we, or either of us, will pay to the state of Oregon, for the use of whom it may concern, the amount of all damage or loss caused by such neglect or failure, not exceeding \$5,000.

Sec. 19. A person whose application for a pilot license has been refused, may apply again after the expiration of one year, but not sooner, and a pilot, whose license has been revoked or withheld for negligently, ignorantly, or willfully running a vessel aground or on shore, or otherwise putting her in danger of serious injury, is therefore ineligible to receive a license as pilot.

Sec. 20. A pilot who is guilty of any violation of the provisions of this act, shall be liable to be punished by imprisonment in the county jail not more than six months, or by a fine of not more than \$500, or by both such imprisonment and fine.

Sec. 21. In the following cases a vessel is exempt from compulsory pilotage, and is not required to pay a pilot unless one is actually employed: 1. A vessel engaged in the whaling or fishing trade. 2. A vessel licensed and engaged exclusively in the coasting trade between any port in Oregon and any port on the Pacific coast.

Sec. 22. The compensation allowed for pilotage of a vessel upon or over the bar pilot-grounds for foot draft of said vessel is as follows: For piloting an inward-bound or outward-bound vessel to or from Astoria, over the bar or from within the bar, to the open sea, six dollars; for piloting the first

board unless it be reduced to writing and verified as a complaint in a civil action; and when such complaint is filed with the secretary the pilot thereby accused, must be forthwith served with a copy thereof, and required to appear and answer the same within ten days from such service, whereupon the matter shall then be heard or at a future day, appointed by the board; but this section shall not apply to, or control, the proceeding in any action taken against a pilot upon the motion and knowledge of the board.

Sec. 21. The board may license such number of pilots for the bar and river pilot-grounds respectively as it may consider best for the pilot service and the interest of commerce. The bar pilots appointed under the provision of this act, must keep a good seaworthy boat or boats, of not less than forty-five tons burthen, and shall at all times cruise outside the bar of the Columbia river unless prevented by tempestuous weather, and such pilot boat or boats shall at all times carry such sufficient supply of provisions and water as may be necessary for the relief of vessels in distress, and such pilots must at all times promptly extend aid to vessels in stress of weather, or in case of disaster, and if any such pilot or pilots fail to comply with any of the provisions of this section it shall be good cause for suspension or removal, provided that this section shall not affect any claim for salvage arising out of services involving extraordinary danger and risk.

Sec. 22. A pilot license shall issue in the state of Oregon, and contain a designation of the pilot ground for which it is intended and the rates of pilotage allowed thereon; and in case of a bar pilot, the name of the boat to which he is attached; such license must be signed by the president of the board and countersigned by the secretary.

Sec. 23. A pilot on boarding a vessel, if required by the master thereof, must exhibit his license before he is authorized to act as a pilot thereon.

Sec. 24. If a vessel or her cargo, which is under the charge of a pilot, is injured or lost, by reason of the negligence or incompetency of such pilot, he and his sureties in his official undertaking are liable to the parties interested, for the damage caused thereby.

Sec. 25. A pilot licensed under this act is authorized to take charge of any sea-going vessel over 100 tons burden, not then in charge of such a pilot. Anywhere upon the pilot-ground for which he is licensed, and to navigate her upon and over the same, and demand and receive therefor the compensation allowed by law.

Sec. 26. Any person who pilots any vessel upon or over the bar or river pilot-ground, not being then a licensed pilot therefor, nor the master or owner thereof, or any pilot who shall demand or receive any greater compensation for piloting a vessel over or upon either of said grounds, than is allowed by law, is guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail not more than six months, or by a fine of not more than \$500, or by both such imprisonment and fine.

Sec. 27. In the following cases a vessel is exempt from compulsory pilotage, and is not required to pay a pilot unless one is actually employed: 1. A vessel engaged in the whaling or fishing trade. 2. A vessel licensed and engaged exclusively in the coasting trade between any port in Oregon and any port on the Pacific coast.

Sec. 28. The compensation allowed for pilotage of a vessel upon or over the bar pilot-grounds for foot draft of said vessel is as follows: For piloting an inward-bound or outward-bound vessel to or from Astoria, over the bar or from within the bar, to the open sea, six dollars; for piloting the first

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party who were on the island  
were engaged in the  
preparation of dynamite.