

This Pilot Commission with its lengthy and continuous existence is the oldest Commission in the State of California. It was created by the first legislature to be the governing body of the already established San Francisco Bar Pilots.

**LAWS**  
**OF THE**  
**STATE OF CALIFORNIA,**

PASSED AT THE FIRST SESSION OF THE LEGISLATURE, BEGUN THE FIFTEENTH  
DAY OF DECEMBER 1849, AND ENDED ON THE TWENTY-SECOND DAY OF APRIL, 1850

AT PUEBLA DE SAN JOSE

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**Chap. 18**

*AN ACT to establish Pilots and Pilot Regulations for the Port of San Francisco.*

Passed February 25, 1850

*The People of the State of California, represented in Senate and assembly do enact as follows:*

- § 1. It shall be the duty of the Governor to appoint two resident Merchants, and two experienced and resident shipmasters, who together with the harbor master of the port, shall constitute a board of Pilot Commissioners for the Port of San Francisco.
- § 2. The persons thus appointed shall take an oath for the faithful discharge of their duties, and shall hold their office for the term of one year, and until their successors are appointed and qualified.
- § 3. The Commissioners shall keep an office at San Francisco, and shall meet therein on the first Monday of each month; a majority shall constitute a quorum for the transaction of business.
- § 4. They shall appoint a Secretary, who shall hold his office for one year. He shall give bond with security to be approved by the Commissioners, payable to the State of California, in

the sum of ten thousand dollars, conditioned for the faithful discharge of his duty, which bond shall be filed in the office of the County Clerk, and be for the use of the party aggrieved.

- § 5. The Commissioners shall make by-laws and rules for their own government, not inconsistent with the provisions of the laws of this State or the United States.
- § 6. The Commissioners shall have power to purchase an iron safe for the keeping of money, papers, books or other things of value belonging to their office.
- § 7. It shall be the duty of the Secretary to keep correct minutes of all the proceedings of the Commissioners in books provided for that purpose. To receive all money and pay out the same, when ordered to do so by the board, and shall register the names of all pilots, with the date of their licenses: their registers and books shall always be open to public inspection.
- § 8. He shall keep a monthly record of the arrival and departure of the pilot boats, names and residences of all Pilots, and perform such other duties as the board may direct.
- § 9. The Secretary shall receive for his compensation such sum as the Commissioners shall deem just.
- § 10. Neither the Commissioners nor the Secretary shall have any interest directly or otherwise in any pilot boat or the earnings thereof.
- § 11. The Commissioners shall have power to appoint in the manner prescribed in this Act, such number of pilots for said port as they may deem necessary.
- § 12. Persons applying for license to act as pilots for the port of San Francisco shall be American citizens, and not under the age of 21 years; and in presence of one or more licensed pilots shall be rigidly examined by the Commissioners, touching their qualifications concerning their knowledge of the management of square rigged vessels; of the tides, soundings, bearings, and distances of the different shoals, rocks, bars, and points of land, and night lights of the harbor and bay, and if deemed to be qualified shall receive a license as pilot which shall expire at the end of twelve months.

- § 13. Every licensed Pilot, previous to entering on his duties, shall give bond to the amount of five thousand dollars payable to the State of California, for the faithful discharge of his duty; which bond and security shall be approved by the Commissioners, and shall be filed in their office.
- § 14. The Commissioners shall have full power to suspend Pilots or revoke their licenses, on proof of incapacity or misconduct.
- § 15. As soon as a sufficient number of pilots are associated to keep a boat, such boat shall be numbered by the commissioners in the order of application, and her name and number duly recorded by the Secretary, and such number shall be distinctly painted in black figures, to be at least two feet long, and above the balance reef of the foresail of such boat; the pilots shall then select one from their number, whose duty it shall be to make reports to the Commissioners.
- § 16. On the first Monday of every month, the person so selected shall pay over to the Secretary the amount of percentage assessed by the Commissioners for the purpose defined in this act, and report the names of the vessels and amount received from each, verified by his signature.
- § 17. Every pilot on boarding a vessel, when required by the master thereof, shall exhibit his license to such master, and on refusal so to do, shall be liable of a penalty of fifty dollars.
- § 18. Any pilot absenting himself from his duty for more than two months, except on leave granted by the Commissioners or by sickness, shall be considered as having forfeited his license.
- § 19. In case a pilot does not apply at the end of the time for which his license was granted, for a renewal of the same, he shall be considered as suspended.
- § 20. If any licensed pilot shall become intoxicated whilst having charge of any vessel as pilot, he shall be suspended or dismissed as the Commissioners may elect.
- § 21. Not more than six pilot shall be in co-partnership, or interested at any one time in the business of piloting, and for any infringement of this section shall be subject to such penalty as may be determined by the Commissioners.

- § 22. The Commissioners may require pilots to renew their bonds and securities whenever it is deemed necessary, and they may take away the license of any pilot for willful infringement of his duty, or negligently losing any vessel, or for mental derangement, or habitual drunkenness, provided due notice in writing be given to such pilot, and an opportunity be afforded him of being heard in his own defense.
- § 23. For carelessly or negligently losing a vessel, on conviction thereof, the pilot having charge of said vessel at the time shall be incapable ever after of acting as pilot, and shall moreover be liable for damages on his bond. If a vessel be run ashore by a pilot, no pilotage shall be charged, and if negligently done, the pilot shall be liable for all damages.
- § 24. It shall be the duty of every pilot in charge of a vessel arriving in the harbor, to have the vessel safely moored in such position as the master of the vessel or harbor master of the port may direct.
- § 25. When complaint is lodged with the Commissioners against a pilot for misbehavior or neglect of duty, it shall be reduced to writing and sworn to; notice thereof must be then given to the pilot, and he shall be notified to appear within fifteen days to answer the complaint. If the answer be not satisfactory, he may be fined not exceeding five hundred dollars or deprived of his license, at the discretion of the Commissioners. An appeal may be made by the pilot within fifteen days from the decision of the Commissioners to the County Court of San Francisco.
- § 26. Each and every pilot boat shall keep on board a journal noting in detail all incidents of weather, and all discoveries which may be made of rocks, shoals, or bars, in the Bay of San Francisco and vicinity, such as may be considered dangerous to navigation; false entries therein shall subject the parties so offending to fine or loss of license, or both, at the discretion of the Commissioners; and the said journals shall be open to the inspection of the Commissioners.
- § 27. No person except those licensed by the Commissioners, shall pilot vessels in or out the Harbor or Bay of San Francisco for hire, under the penalty of five hundred dollars for each and every offense. This penalty is not incurred when the master of a vessel acts as his own pilot, or in case of distress.

- § 28. Applications for pilots for vessels outward bound shall be made at the office of the Commissioners. The Secretary shall then direct a pilot to such duty, giving preference to the pilot who brought the vessel in, and a pilot refusing or neglecting, shall be fined not exceeding five hundred dollars, or suspended, according to the discretion of the Commissioners.
- § 29. The Commissioners may make all needful rules and regulations for the government of the pilots, and establish penalties for the breach thereof, and shall prepare printed instructions for pilots, and furnish each of them with a copy of such rules, regulations, and instructions, together with a copy of this act.
- § 30. The pilot boats on the station, whenever a pilot is discharged from an outward bound vessel, shall give all reasonable aid for taking out and receiving such pilot, as also for sending him to the city or quarantine.
- § 31. The following fees shall be charged by the pilots of the Port of San Francisco:--
1. For bringing in a vessel from or within a line of San Pedro, Farrallones, and Point de Los Reyes into the harbor, shall be eight dollars per foot draught.
  2. For bringing in a vessel beyond the above-mentioned line, ten dollars per foot draught.
  3. For piloting a vessel out of the harbor, eight dollars per foot draught.
  4. Foreign vessels not entitled to equality by treaty shall pay one fourth more than the above rates.
  5. American or foreign men of war, twelve dollars per foot draught, either inward or outward bound.
- § 32. The pilotage from quarantine to the anchorage opposite San Francisco, and for piloting vessels about the harbor, shall be at such rates as may be agreed on between the parties.
- § 33. Any vessel with a pilot on board being detained more than twenty- four hours by contrary winds, bad weather, or other cause not the fault of the pilot, shall pay to such pilot the

sum of eight dollars per day, exclusive of his regular fees, for each day's detention, whether such vessel be inward or outward bound.

- § 34. The pilot first offering his services to any vessel shall be entitled to half pilotage, though his services may be rejected; provided that all vessels engaged in the coasting trade of this State or Oregon, not exceeding one hundred and seventy-five tons burden, shall not be liable to the provisions of this section.
- § 35. Pilots blown off or carried to sea against their will, when a boat is in attendance to receive them, shall be entitled to receive the sum of eight dollars per day while absent, which, if not paid by the master or owners, shall be collected from the consignee or consignees, or either of them.
- § 36. The master, owner, or consignee of any vessel to whom any pilot may have rendered, upon request of either of them, any extra service for the preservation of such vessel, while in distress, shall pay such pilot, in addition to his regular fees, such amount as the Commissioners shall determine to be a reasonable and just reward; provided no special agreement shall have been made between such master, owner, or consignee of such vessel and the pilot.
- § 37. A pilot boarding any vessel having a signal for a pilot, shall be entitled to receive full pilotage.
- § 38. If a vessel, bound to San Francisco, be lost within the line of San Pedro, Farrallones, and de Los Reyes, having had a signal for a pilot, and been in sight of either of the above named points, and not having been able to procure a pilot, the Commissioners shall cause inquiry into the facts, when, if it shall appear that the pilots have been neglecting their duty, the Commissioners shall suspend or displace the parties guilty, and shall publish the result of their investigations.
- § 39. The Commissioners shall have power to assess all fines and penalties, either on the pilots or any other person or persons, for a violation of any of the provisions of this act, and shall have power to sue for and collect the same in their own name; and money so collected shall be appropriated to the use and benefit of the Marine Hospital, which may be established at San Francisco, and paid to such person as may be entitled by law to receive the same.

- § 40. The Commissioners shall be entitled to charge for each and every license to a pilot and exceeding the sum of fifty dollars, and any master of a coasting vessel, being an American citizen, can, upon application to the Pilot Commissioners, obtain a special license for the use of such vessel only, by paying unto said Commissioners for the same at the rate of one dollar per ton; all such vessels to be under one hundred and seventy-five tons.
- § 41. The Commissioners shall be entitled to receive a percentage, which they shall determine, upon the joint earnings of the pilots, sufficient only to pay all necessary expenses for the employment of Secretary, rent of office, stationery, lights and fuel; at the end of twelve months, any surplus of such percentage over and above such expenses, shall be held in trust, and paid as prescribed in section thirty-nine of this act.
- § 42. All claims against said Commissioners shall be considered at a stated meeting, and if current shall be allowed and paid.
- § 43. At the expiration of every six months the Secretary shall cause to be published in a newspaper published in San Francisco, a full account of all receipts and expenditures for the said time.
- § 44. When cruising off or standing out to sea, Pilots shall go to the vessel nearest shore, or in the most distress, under a penalty of one hundred dollars, and for refusing to go on board a vessel when required, a like penalty of one hundred dollars shall be imposed, and in either case upon complaint and conviction, the Pilot may be suspended or expelled at the discretion of the Commissioner.
- § 45. Pilots shall at all times keep a boat in good condition and seaworthy, and of sufficient capacity to cruise seaward beyond the headlands of the harbor, also such boarding or row boats as shall be necessary.
- § 46. If any Pilot, in endeavoring to assist or relieve any vessel in distress, shall suffer loss or damage in his boats, sail, tackle, rigging, or appurtenances, the master, owner, or

consignee of such vessel shall pay the value of such loss or damage to be assessed by the Commissioners.

§ 47. Pilots heretofore appointed, or who may hereafter be appointed, shall conform to and be governed by the provisions of this Act and such quarantine laws as may hereafter be enacted.

§ 49. That the Act entitled “an Act in relation to the appointment of Pilots for the different ports and harbors of California,” approved January the eighth, one thousand eight hundred and fifty, so far as relates to the Port of San Francisco, be, and the same is hereby repealed.