

IN SENATE,

April 26, 1845.

REPORT

Of the select committee of the Senate, appointed to investigate "the cause and circumstances of the late disaster of the Steamboat Swallow, on the Hudson river."

Mr. Barlow, from the select committee of the Senate, to whom was referred the investigation "into the cause and circumstances of the late disaster of the steamboat Swallow, on the Hudson river, and report the same to the Senate, together with their opinion whether any legislation is necessary to prevent like disasters, hereafter; and who were also directed to inquire and report to the Senate the names of the proprietors or owners of the said boat, and what measures, if any, have been taken by them, to raise the said boat and restore to their friends the bodies (if any,) of those who still remain in said boat,"

REPORTS:

That on the 14th day of April, they repaired to the wreck of the vessel and took an examination of her situation, and made provisions for a diagram of the same, which is hereto annexed.

She was wrecked upon a rock near the Athens shore, nearly opposite Hudson, from 28 to 30 miles distant from Albany. She started from Albany about 6 o'clock in the afternoon of the 7th of April instant,

and struck the rock about 8 o'clock the same evening. The committee believe the time of running from Albany, will not vary five minutes from two hours.

She was sound in her timbers, so far as discoverable.

She struck the rock at right angles, and ran her bow to an elevation of twenty feet above the top of the rock, and she ran to that height and stopped before she broke in two. After she came to a rest, and partially settled in the water aft, she broke 44 feet back of the bow and 12 feet forward of the bulkhead or gangway. The top of the rock is 10 feet above high tide, and 15 feet above low tide, and is 60 feet by 70 feet in size, at the surface of the water at high tide. At the time of the disaster, the water was about two-thirds ebb tide, and the boat ran up to an elevation of over 33 feet above the surface of the water.

She lies on a course of about SSW, forming an angle with the centre of the channel, in which she ought to have been, and showing a departure of from 180 to 270 yards, or from one-sixth to one-quarter of a mile from the line of her proper course.

Her whole length is 257 feet, and width 52 feet across her main deck. She lies in a cramped condition, careening from SW to NE.

That part which is broke off, runs up at an angle of about forty-five degrees with the main deck, but at a greater angle with the surface of the water, by reason of the stern lying deeper beneath the surface.

She struck with a violence which was heard a mile or over, and sensibly shook the earth for half a mile.

There was a tide mill upon this rock many years ago, but no vestige of it is now remaining. About forty-five feet east of the rock, from the edge of the water, is remaining an old dock, covered by about three feet of water. Off that dock is thirteen feet depth, and had the boat ran a more easterly direction, so as to have avoided the rock, and had run upon the obstructions between the rock and dock, the boat must have been instantly upset, and sunk off in the deep waters of the channel, with scarce a hope of saving a life.

The bow rests upon the upper edge of this high rock, and upon a point of rock, seventeen feet below, in the edge of the water; and the committee believe she did not change her bearing in anywise material, from the moment she struck, to the time she settled and became stationary.

She drew about five feet water, and must have first struck eighteen or twenty feet back of the point of rock upon which she in part rests, as above stated.

She lies in water twenty-four feet deep by her boilers, one hundred and eighty-eight feet from the bow, and fifteen feet deep twenty-four feet back of the break. It is one hundred and forty-eight feet from the bow to the water, on the promenade deck, and ninety-six feet on the main deck, making about one hundred and nine feet of the after-part of the promenade, and one hundred and sixty-one feet of the main deck under water. Above the saloon and over the state rooms is the roofing or covering of the boat, (by some called the hurricane deck,) and about seventy feet of the after-part of this roofing is under water.

The rock is on a line with the Athens landing and Titus' point, and about one hundred yards north of the north dock of Athens: and could the boat have continued in the same course as when she struck to a point opposite that dock, she would have run inland, and west of it the distance of about seventy yards.

The courses usually run by steamers through the Athens reach, is first, after doubling the four mile point, to run on a southeasterly course nearly toward Hudson, a half or three quarters of a mile, then on a more westerly course until about opposite what is generally known as the "Livingston House," standing on a prominence on the west uplands, a mile and a half or two miles above the rock; then on a more southerly bearing to the westerly side of what is called Mount Morino, a very bold and prominent hill or highland near the south end of the reach, on the east side of the river, a mile and a half or two miles below the rock. These courses keep the middle of the channel and run clear of the rock, as estimated by experienced captains and pilots, a distance of from one hundred and seventy to two hundred and forty yards, the width of the channel being estimated at that place from one-third to a half mile, that is from the rock to the west side of the middle grounds, separating the Athens channel

from the Hudson channel. The shores of the channel by the rock and middle ground, are very bold, and the channel is considered one of the safest and easiest on the river, and entirely without danger with ordinary skill and care.

The usual speed of the Swallow was from twelve to fourteen miles the hour, and she was capable of being crowded to sixteen or seventeen. Seventeen miles is the highest that witnesses have testified to, when running with the tide. Ever since she was last repaired, which was a few months since, she has been in good trim, easy to manage, and ready to obey her helm. She had been lengthened by twenty-four feet being inserted between her engine and boilers, and subsequently trimmed or balanced by moving her machinery farther aft.

When she left Albany she ran, as the pilot testified, at the rate of five or six knots for four or five miles. If we make this allowance, the boat must have ran the rest of the distance at a rate exceeding her greatest possible speed of seventeen knots.

It is said by some witnesses, including the pilot, that she was slowed to six or seven miles the hour back at Four Mile Point, and was not running over that speed when she struck. The committee cannot come to such a conclusion for several reasons.

She averaged fourteen or fifteen knots from Albany, and started but a quarter or half mile in advance of the steamer Rochester, and ran in advance so as to be ahead a mile and a half or two miles when she struck. The steamer Express also started immediately after the Rochester, and was close in the rear of the Rochester.

The Rochester and Express were running at the rate of about fourteen knots; and if the Swallow had thus slowed her speed to six or seven, as pretended, the Rochester and Express would have come up to her before the wreck, when in fact they were farther aft than when near Albany. Beside this, the committee see no reason for slowing the boat on the Athens channel, as this reach is open, wide, free and safe, and without any danger whatever with ordinary skill and care, at a time when the lands can be seen or boats should be suffered to run. The channel above the point is narrow and difficult, but below safe and wide, and for running with speed through to the Athens reach, and then slowing the boat, they believe no good reason can be given.

The Rochester and Express continued their speed and in the middle of the channel, carrying them safely and clearly from the rock, the distance as above stated, of from a sixth to a quarter of a mile, where the Swallow with ordinary care would and should securely have run. And although the boats were running at such fearful speed, there seems not to have been any unusual strife or racing; still it is difficult to account for the Swallow getting so far in advance without some feeling of strife, when the other boats were following with such rapidity.

The pilot testifies himself that he could see the lands and shores, and saw the Athens lights distinctly some time before he struck. And he says that he perfectly knew where he was; his course, and the rock, and the distance he was from it; and the reason rendered by him for the collision is, that when within two or three lengths of the boat from the rock the wind and snow from the northwest struck the boat, and rendered it so dark that he could not see—that he intended to steer clear, but the force of the wind changed the course of his boat—that he extended his hand to ring the bell for the engineer to stop just as he saw it from the bow lights as she struck.

The committee cannot reconcile this story with the facts.

It seems strange that a pilot should continue on a course so pregnant of danger at such speed, well knowing where he was running and what must be the result, until within so short a distance as two or three lengths of the boat of the fatal point.

The idea that the wind changed the direction of the boat is not sustainable by truth or philosophy. The other boats experienced no such wind, and it is contradicted by all of the witnesses examined, with the exception of one or two. The passengers who were immediately out after the collision deny its severity; and there was no sensation experienced on board like a swaying sideway of the boat before striking, which must have been the case before her course could have been changed by the wind. Beside this, it could not have been possible for the direction of the boat to have been changed, as pretended, before she ran the short distance of two or three times her length, so as to have brought her so square upon the rock, had she been running a course which otherwise would have cleared her, considering the great speed she was going.

The committee believe, from the apparent force with which she struck, the appearance of the rock, the elevation to which she ran, the bruises upon the boat, and for reasons hereafter to be given, the vessel must have been running at the rate of fourteen or fifteen knots when she struck, and that she sunk within from two to five minutes.

It appears from various witnesses, and from the statements of the pilot of the Swallow, that the Livingston house and Mount Morino were plainly visible the night of the wreck.

It appears also from the evidence presented before the committee, that the pilot had, heretofore, been addicted to the use of ardent spirits to a greater or less extent—but that for several months past he has not made use of it so as to affect him—and they have not been able to learn of his drinking anything stimulating for some time previous to the disaster, except a glass of beer.

But it appears that several accidents have befallen steamers under his pilotage within five or six years past—that he had before ran the Swallow ashore twice, and against a sloop and sank her.

The evidence shows, that he had been once dismissed from his station as pilot upon the river, for alleged carelessness.

The pilot presented the names of several witnesses with statements of what he desired to prove before the committee, which they would willingly have examined; but what he desired to prove by those witnesses, if true, and which will not be denied, would not change any conclusion the committee would come to without that testimony.

And after hearing and examining fully into the matter, in order to report the cause, the committee come to the conclusion that the fatal disaster was caused by the gross neglect and carelessness of the pilot at the wheel at the time.

The Swallow was owned one-third part by "The New-York and Troy Steamboat Association," at Troy; and two-thirds by "The People's Line of Steamboats on the North River." The whole of the boat was under the control of the Association, who transact their business through five trustees, and those trustees through three directors. There are very many persons interested as proprietors or stockholders in the two companies. The committee have obtained the

names of the stockholders of the association, and of the trustees, and have appended the same to this their report.

On Wednesday the 9th of April, the trustees wrote to New-York, to employ a Mr. Lewis, a man engaged in the business of raising wrecks, to raise the Swallow.

On Thursday the 10th, Mr. Lewis came up to Troy, and the next day the trustees went with him to the Swallow, and bargained for raising her. It requires a power sufficient to raise the estimated weight of 300 tons, and it is believed there are no means or power short of New-York capable of doing it. The boat is to be secured at the break, a water-tight bulkhead to be put in, chains drawn under her, barges braced through mid-ship to be placed along each side—timbers about eighty feet long, and of sufficient strength to sustain that great weight to be run across, and she is to be raised by tidge and screws to the surface. The committee believe it a slow, difficult and heavy job, and that the proprietors have made every exertion to accomplish it.

They have employed also a Mr. Capes, a ship-builder, to assist, with orders to employ as many men as could work to any advantage.

The work is progressing, and it is believed she will be raised by Saturday the 26th April instant. Although it is for all to judge from the facts stated, as to who are in fault; yet the committee will add, that the trustees have rendered all possible aid in forwarding the examination, and have opened to the committee their interests and agency in the matter, with willing and laudable liberality, encouraging free scope of investigation.

The following is a list of names of passengers, as full as practicable. It is possible and probable there were others on board who were either saved or lost. But conjecture must speculate upon this question until time shall determine it.

The committee obtained the original entries of the names of passengers, so far as they were taken on the boat.

The entries were identified and verified by the oath of the clerk of the boat, who had charge of them at the time, and the committee believe them to be the true original ones. From these, it appears that

there were 199 passengers, whose names were entered, who paid their passage fare ; 16 entered, but unpaid ; 9 free ; 20 deck passengers whose names were not taken, as it was not customary to take the names of such ; 11 Poughkeepsie passengers, whose names were not taken ; and four names entered who may or may not have been on board, as their names were taken in course of the day, and fare not paid. They might not have gone down the river, or might have taken some other boat.

These, taken together, number 259, and agree with the number as published in the Troy Daily Whig of the 14th inst., excepting the four whose names were entered in course of the day, and a child, which were not included in the list rendered the Whig for publication. The reason rendered by the clerk for not including them, was the uncertainty of the four, and the fact that the child was free and not named as a passenger.

We also publish the names of the drowned, being Mrs. Walker, two Misses Coffins, Mrs. Conklin, Mrs. Bassett, Mrs. Parker, Miss Torrey, Miss Spencer, Miss Briggs, two Misses Wood, Mr. Davis and Mrs. Lambertson, whose bodies have been found, making 13. Three are claimed, of whom there is no account.

The little son of Gen. Mather is among the drowned, but not found, making the number drowned 14.

How many more may have lost their lives, future disclosures must determine, but there is reason to fear others will be added to the melancholy catalogue. There may have been others on board who had not paid nor rendered their names, but how many, or if, in fact, any, the committee are not yet able to say. The ticket receiver of the steamboat Rochester gives the following statement of the number of passengers :

He says, he thinks he received 152 tickets from those who got on board the Rochester ; there were 20 without tickets ; 50 went on board the steamer Express ; 13 bodies found ; 30 landed at Athens ; and three claimed, but not found, making 268 ; being nine more than is accounted for from the Swallow.

This account of the receiver (Mr. Trumpber,) would render it reasonable to believe that there were more on the Swallow than had paid, or rendered their names.

It cannot determine anything definite, as the circumstances of the matter from beginning to end are left open to mere opinion and uncertainty, beyond the entries made, payments of fare, and accounts for free passengers.

The statement of Mr. Trumpber was not on oath, but given by the committee to show the opinions, based upon some reasonable data, of a person who had an opportunity to judge, to show the probability of a greater number of passengers than the information from the Swallow could determine.

The following were the names as entered :

PAID—Ellwood, Henslar, Drake, Chichester, Hall, Jervis, McMurray's man, Whipple, Carl, Arnold, Dennis, John K. Pruyn, Spear, (or Stear,) Pratt, C. P. Gregg, F. G. Ransford, John C. Merriam, W. C. Raymer, Daniel Car, Wm. L. Vincent, J. A. Moore, Houghton, Hall, Whipple, Whipple, Albro, Liney, Naffew, N. Noble, Earl, Griswold, Goodell, Hubbard, Eddy, Gordon, Bramer, Valentine, Stevens, Wibert, Wilson, Wilson, Clark, Carpenter, Carpenter, Potter, Fellows, Graham, Crawford, Sherman, Harvey, Leiler, Kneeland, Haring, Richards, Rev. J. McLane, Swartwout, Rice, Loveland, Hayner, Johnson, McMurray, Reed, Cowles, Anderson, Andres, Morris, Root, Newcomb, Flack, Rev. Mr. Twing, Dixon, Potter, Harrington, Buell, Walker, Caswell, Wakeman, Mr. Mann and lady, McMannus and two ladies, Weed, Tallmadge, Miss Platt, Hayner and lady, Hinsdale, Hicks, Bridges, Wicks, Gillespie, Kellogg, Hand, Crandall and lady, M. L. Lenghi, Cogswell and Lady, Carpenter, Rogers, Dyer, Baker, Miss Conklin, Mrs. Robinson, Mrs. Conklin, Mrs. Oakley, Miss Briggs, Miss Hazen, Miss Spencer, Miss Loveland, Mrs. Cramer, Mrs. Marshall, Mrs. Goodell, Miss Goodell, Mrs. Heartshorn, Mary J. Noble, Angeline R. Pratt, Mrs. Coffin, Mrs. Starbuck, Mrs. Thayer, Mrs. Thayer, Mrs. Coffin, Mrs. Gilson, Mrs. Wilson, Miss Onia, Mrs. Shin, Mrs. Truesdell, Mrs. Nash, Mrs. Wilson, Mrs. Robinson and child, Miss Allen, Miss Millwood or Hillman, Mrs. Robinson, Mrs. Jackson, Mrs. Albro, Mrs. Mayher, Mrs.

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Cramer, Lambertson, Mr. Banner, Humphrey, one deck passenger, D. Fiske, Mr. Baldwin, Mr. Ackerly, Miss Wood, Miss Wood, one deck passenger, Mr. Gilden, Mr. Davis, Miss Davis, Mr. Walker, Mrs. Walker, Mr. Hale, Mr. Furman, Mr. Maxon, Mr. Leech, Mr. Davidson, Mr. Crawson, Mr. Stevens, Mr. Eaton, Mr. Williams, Mr. Hempstead, Mrs. Bassett, J. Lane, Mr. Wallace, Mr. Mann, Mr. Donaldson, Mr. Donoley, Mr. Conklin, Mr. Peters, Mr. Bevier, two deck passengers, Palmer, Miss Torrey, Polhemus, Judson, Clark, Watkins, Bailey, Watkins, Carey, Piper, Morgan, Perkins, Shillon, Church, Ladue, French, Bramell, Thurber, Delany, Ricket, Ray, Graves, Hungerford.

Deck passengers, 20.

Passengers for Poughkeepsie, paid, 11.

Free passengers—Mr. Paine, lady, daughter, and son, Rynders, Russell, Wilson, E. F. Cook, Phipps.

Those aboard, but unpaid—Frisby and friend, Frisby, Mrs. Fellows, Fellows, Mr. Fellows, Gen. Mather, Mrs. Mather and son, W. H. McConnell, Miss French, Rebecca Oakley, Sarah Oakley, Mrs. H. B. Walker, drowned, H. B. Walker, Burill.

Names entered in pencil, and may or may not have been on board G. A. King, O. B. White, P. R. Church, M. D. Dyer.

Directly over the gentlemen's cabin, is the main deck of the boat. On the main deck is the Captain's office, and the ladies' cabin or saloon. The ladies' cabin is on the after end of the main deck, and directly over that runs the promenade deck extending the length of the boat. Upon the promenade deck were the state rooms. These did not run back to the stern by about forty feet, but left open that large part of the promenade deck, from which many were supposed to be swept.

From the best information, it seems that immediately after the collision, there was a general rush toward the bow of the boat, but a voice was raised, believed to be that of the captain, declaring that all was safe—that the boat had only struck a raft—that by remaining quiet all would be well, and directing a return to the stern, or after

part of the boat. The next movement of the passengers in the consternation was to rush aft.

Many on the main deck ran through the ladies' cabin up the back stairs to the promenade deck.

It is estimated that from seventy-five to one hundred passengers were on the main deck when she struck.

It is impossible to obtain an accurate history of the particular circumstances for the short time she was sinking, because of the prevailing excitement. But it appears that many of those who ran aft on the promenade deck, ran back through the state room hall, out at the doors upon the deck, and were either swept off by the rushing current, or saved themselves by climbing up by the rods and stanchions, upon the roofing of the boat above. It is estimated that from thirty to fifty thus ran out upon the deck—that from twelve to fifteen succeeded in getting upon the roofing, and the rest were supposed to have been swept away. Eight were picked up by boats from the water, three of whom had floated over three hundred yards down stream.

Several, frantic with fear, cast themselves into the river, some with settees to aid them as buoys, and some with nothing.

But two bodies of the drowned have as yet been found in the river. Eleven were found on the main deck, but none in the state rooms.

The chambermaid was at tea in the cabin when the boat struck. She says she thinks there might have been ten children in the ladies' cabin before the collision. The servants were all at tea, and all of them and the hands were saved. She says she ran, after the boat struck, from the table in the forward cabin, back to the after stairs, and up through the ladies' cabin—that the ladies' cabin had been full, but was entirely vacated when she went through it. She ran to the stairs to go up to the promenade deck, and went by several ladies in the water on the main deck, struggling—that she went up and ran forward.

There is no evidence showing that any were in fact drowned in the cabin below, but it is possible there may have been some lost there.

The accident was on Monday evening : on Tuesday and Wednesday the state rooms and ladies' cabin were torn away by the current and hands, and all of the bodies which may have been in them, if any, must have been carried away by the tide and current washing over the wreck, and it is not very probable any more remain in the boat.

The next day after the disaster, the proprietors of the boat engaged in searching for bodies, and on that and the succeeding day found thirteen, all that have as yet been found. It was too windy on Tuesday to rake the river—but on Wednesday, men were engaged with rakes and boats, and commenced the search, and were kept in busy employ by the proprietors of searching the river for about ten days.

It appears to be the practice with prudent, experienced captains on the river, to stand at the wheel by the pilot very much, nights especially, if so dark as to require watchfulness : and the committee believe no man ought to be allowed to master a boat without being familiar with the river, and an experienced pilot. He should be held responsible for all acts of his officers and hands under him; and the proprietors of the boat should stand as bounden sureties for all.

He should have power to control all that are employed about the boat, and to discharge when he thinks there is cause.

Various opinions now obtain, whether the captain can dictate the pilot and engineer in their peculiar duties on the river.

All say he can, as to stopping, starting, and landing ; but some say the pilot is exclusive judge of course, and the engineer of quantity of steam. This divides the responsibility, and renders it uncertain, when it ought to be single and well known.

It would seem at first view, that by providing skilful pilots through Boards of Commissioners and licenses, might answer the desired end. But the committee have no confidence in such a measure. Skill is not all that is needed; active vigilance, and strict faithfulness are essential to safety; and of these things, those who are to be held directly responsible should be allowed to judge. Let the responsibility rest upon all interested, and especially the captain—give it head, centre and extent—then none but competent pilots will be employed. By allowing commissioners to determine who shall be employed, the responsibility must by every principle of justice and fairness rest upon

them, and proprietors and masters will feel in fact relieved of it; and no principle will exist as a basis for penal and salutary laws. Every captain should be a skilful pilot, and be allowed to bring every one he would have at the wheel to the test of his own knowledge, and be held to answer accordingly. The idea therefore, of finding anything in the nature of a remedy through the medium of a monopolizing system of licensing, which may be governed by favoritism and controlled by irresponsible men, appears entirely groundless, to the committee. Such a system is not wise even upon our seaboard, where ship masters cannot acquire that perfect familiarity with the ports, and it can have no apology on our inland rivers which are traversed daily by the captains, affording an opportunity to learn and acquire all the skill of safe pilots.

The committee believe that in many cases persons are employed as masters for their personal address, peculiar faculty of gaining passengers, or for particular personal favor, who have no experience as pilots, or knowledge of the river.

The security of passengers is overlooked, and the first and principal study is to devise schemes and measures to add to their numbers.

Every available inducement is held out, and stratagems resorted to, to influence as many as possible to board particular boats.

Agents are sent strolling the streets, assailing and annoying passengers, out and upon the public highways and railroads, with their thousand stories and studied falsehoods, to direct the travelling world to boats, worthy or unworthy, safe or unsafe, for which they are mercenary runners.

Competition in speed and fare is crowded to a dangerous and discreditable extremity ; and in the case of the *Swallow* your committee are informed from good authority, that passage tickets were offered and sold a short time before starting upon her way to destruction, at half price, (two shillings,) to compete with the other steamers which were to start simultaneously with her. It would be no stretch of presumption to believe that some of those who found a hasty watery grave were prevailed upon to embark from such appliances.

Whether there is any correction for such disreputable resorts for patronage except in popular opinion, the committee are not prepared

to say ; but where persons are induced by such means to change their direction from a safe conveyance and take passage on board of a vessel upon which they may lose their lives, as a consequence, those interested, or who acted as agents in the matter, will be left to the workings of their consciences and to that high tribunal which takes cognizance of more perfect rules of action than man prescribes.

The Troy association have usually hired the officers of their boats, and the captains have hired their hands. In this case the captain was a stranger to the river, and all of the officers and hands were hired by the association. He had been master of steamers on the western lakes for ten or twelve years past, and assumed the command on the river this spring for the first time. He had control of pilot, engineer and all hands, on the lakes, where they run by compass ; but here he found different customs prevailed, and men placed in charge of the engine and helm over whom he had not that full control.

When the boat struck he was in his office ; and perhaps the committee should state that the evidence would not justify a conclusion that he was in neglect. They would not exonerate him from that blame the circumstances would cast upon him, but add that he disclosed to them every thing bearing upon the subject with readiness and frankness.

Most of the passengers who were saved were taken from the wreck by the steamers Express and Rochester, the captains of which (Hitchcock and Cruttenden,) made every possible exertion for early relief.

We now have laws relative to the speed and racing of boats,—bursting of boilers,—taking on and setting off or landing passengers, and punishing carelessness in certain cases ; but none extending the liability as far as it ought to go, to operate as a preventive of occurrences of this kind.

It is not enough to exonerate all persons who are interested in the boat from all just blame, to say that they have no direct agency in any accident that may happen. They should be considered as tied together by the cord of common interest,—as sharers of the profits and losses,—and as moral participants of all acts pertaining to the business in which she may be used ; and the law should hold them accountable.

It is a question of great importance, to determine in what manner, and how far, the power of government can be exercised, in regulating the navigation of the river, without interfering with natural individual rights. But the committee believe there is no doubt but that any laws may be passed, essential to the personal safety of travellers, against the wrongful acts or neglects of others.

Every individual has a strong, undeniable claim upon the government under which he may live, for protection against personal injury ; and most especially is this the case with citizens of our country. Our safety at our fireside is sacredly secured to us, by our laws. Our houses are recognized as our castles, and no man can enter, to molest or endanger us. We pride ourselves upon this high privilege of being recognized as independent in the enjoyment of our natural rights within the domestic circle.

And when we consider that governments are instituted to protect against wrongs which may be committed by one against another, we see that a shield should be thrown around us, as a life-guard, abroad as well as at home.

Commerce must be carried on,—free intercourse must be tolerated, and man cannot be prohibited, by any just human laws, in travelling from place to place over the common field of all.

No individual can have a right to engage in any business dangerous or injurious to the rights of others, or the public ; and of all these things, government must be the judge and regulator,—tolerating or prohibiting, or rendering them safe by salutary laws and ample indemnities.

The celebrated Vattel, in speaking of the powers, purposes, and duties of government, says—

“It is evident, that, by the very act of the civil or political association, each citizen subjects himself to the authority of the entire body, in every thing that relates to the common welfare. The authority of all over each member, therefore, essentially belongs to the body politic or State.”

Again, he says, “If a nation is obliged to preserve itself, it is no less obliged, carefully to preserve all its members. The nation owes

this to itself, since the loss even of one of its members, weakens it, and is injurious to its preservation."

Again,—“The sovereign has jurisdiction over, and must command, in all public places,—on rivers, highways, &c.,—and every thing happening there, is subject to such authority.”

The necessity and propriety of a recognition of these principles, the committee think cannot be denied; and they believe government should be watchful, and impose strict regulations and high responsibilities upon those engaged in business upon public thoroughfares so hazardous to life.

That the propelling power of steamboats is a “deadly weapon” in its abuses, and should be only in the hands of the careful and skilful, must be admitted. The confiding traveller takes his passage, conscious of the terrible power that is to carry him on his way, but trusts his life with confidence in the hand of the master of the craft. He believes that care and skill, aided by experience, are at the helm, and his thoughts are quietly given to his business and home. He pays his fare as a consideration for a safe conveyance, and the vessel shoots along with the swiftness of the winds, driven by a power little short of omnipotence, and perhaps through a darkness alike to that of Egypt, “which might be felt.”

A misguided or neglected turn of the helm, or a moment's forgetfulness of the engineer, may sink him in a watery grave, or hurl him to a more dreadful fate. But with care and skill all is safe.

A communication has been handed to the committee, from the pen of R. V. De Witt, containing, in their estimation, very important suggestions, and well worthy the attention of the Legislature, and they submit it for the consideration of the Senate whilst acting upon this subject.

The committee cannot feel as having discharged their duty, without calling the attention of the Legislature to the propriety of allowing the use and sale of ardent spirits, by retail, on board of vessels transporting passengers. Our present excise laws do not prohibit it. There are bars on most of the boats, and quite generally furnished with spirituous liquors for sale to passengers; and in the case of the Swallow it appears the hands and officers were allowed to drink at pleasure, on

paying for the same, although it seems that the trustees disapprove of their drinking. The profits of the bar belonged to the proprietors, who kept a bar-keeper in charge of it. The committee are unable to see any propriety in tolerating such a traffic. The proprietors cannot claim it as a right not to be taken from them, when serious disasters may result from a single glass. It will hardly be said by the travelling community, at this day, that a bar is essential to their convenience, when but ten or twelve hours will carry them from port to port, at each of which they can get the favorite beverage, if desired. But few will insist they cannot forego their glass for so brief a time, for the purpose of rendering more secure the lives of thousands. They would therefore recommend a total prohibition of the traffic.

The State of New-York cannot be indifferent to the great questions involved in the subject of this investigation. The Hudson is the inlet and outlet of the vast stream of travelling millions to and from the unlimited regions of the west. Not only the United States, but the migrating world, have and must feel a deep and abiding interest in the matter. All who would traverse the common field of earth, see and learn the resources of nations, witness the progressive improvements of man, and the opening prospects of our promising and unbounded west, have a natural right in a safe conveyance through this thoroughfare, and will look with deep solicitude to the result of our action. We must signify to the world that life, at least, shall be sacredly defended against the danger to which it may be exposed by the means employed for public conveyances. The arm of the law should be raised, and extended to the protection of the wayfaring and dependent, and to hold in check that hazardous extravagance and strife which personal interest and ambition are too prone to run into. The instinct of self-preservation will incline the prudent and wise to shun our highways and navigable streams, if we are negligent of their safety.

We are called upon, therefore, to supply the omissions of our present laws, render them more effective against the dangers of steam navigation on the Hudson, and occurrences like that of the ill-fated Swallow. The committee therefore ask leave to introduce a bill.

THOS. BARLOW,
J. P. BEEKMAN,
C. T. CHAMBERLAIN.

DOCUMENTS.

NAMES OF STOCKHOLDERS IN TROY AND NEW-YORK STEAMBOAT ASSOCIATION.

N. S. Hollister, Troy,	C. & J. Slade, Troy,
C. & G. Belding, New-York,	Wm. A. White, New-York,
Miles Burke, "	Caroline E. F. Lane, Troy,
Edward Kellogg, "	L. Cornell, Troy,
Philo Hillyer, "	West Point Foundry,
R. Putnam, "	Stickney & Symonds, Troy,
G. F. Irving, "	Peter Comstock, Danbury, Ct.
M. Vassar, Poughkeepsie,	J. C. Heartt, Esq., Troy,
Benjamin Clapp, Hamburgh,	Halsey Rogers, "
Daniel Southwick, Troy,	Ann Sheldon, "
Le Grand Cannon, "	John D. Dickinson, Troy,
G. B. Warren, "	Daniel Hall, "
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G. M. Selden, "	Association, Troy,
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Calvin Warner, "	J. B. Brintnall, Troy.
J. H. Hooker, "	John Griffith, Jersey City,
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Jacob Merritt, Troy,	Jacob Merritt, "
Hanford N. Lockwood, Troy,	N. Starbuck & Son, Troy,
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Wm. H. Wolf, "	A. & D. Kenyon, "
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Philander Wells, Esq. Troy,	Harriet Doughty, "
John Paine, Troy,	Phebe B. Vail, "
Alfred Slauson, "	Wm. H. Hart, "
S. K. Stow, "	Wm. Howard, Trustee, N. Y.

Trustees of the Association.

Le Grand Cannon,
Daniel Southwick,
Alsop Weed,
Jonas C. Heartt,
Robert D. Silliman.

Directors.

Jonas C. Heartt,
John Paine,
Le Grand Cannon.

I certify that the within is a correct list of the stockholders of the Troy and New-York Steamboat Association, copied by me this 18th day of April 1845, from the stock book of the Association.

T. C. WILBUR,

Book-keeper of Troy and New-York Steamboat Association.

LETTER

From Mr. DeWitt to Mr. Croswell.

New-York, April 16, 1845.

DEAR SIR—After my return home, after the short conversation I had with you on the loss of the Swallow, observing that the Legislature had deputed a committee to visit the wreck and investigate the causes of the loss of that ill-fated vessel, and thinking further, that their report might possibly originate some legislative action to prevent, as far as possible, such accidents in future, I thought it not amiss to address to you some suggestions on the subject, which might contribute at least a feather weight in the scale of deliberation on the subject.

I begin by observing, as I did in our conversation to-day, that the spirit of racing, contest of speed, was the primary cause of this accident, as it has been of most of the serious accidents by steam on our river as well as the western waters. In the case of the Swallow, I take it for granted, it will be admitted by all sensible people to be the case. I consider it a settled point, that if any regulation can be effected, which shall limit the employment of the engine of a steam vessel beyond its safe effective energy, it will end all racing, and extinguish at once that wicked and reckless ambition which contends for an absurd victory at the hazard of human life. Few persons are aware of the hazards they may have encountered on our best (as is supposed,) managed boats on the river; e. g. I was informed, I think last year, by one of the most respectable engineers on the river, that on one occasion when he was a passenger in one of our crack boats, during a race, I think in 1843, he left the boat at one of the landings, because he knew the boilers were carrying steam of sixty pounds to the inch. I was told, within three months, by another respectable engineer, that he had reason to believe that in one of the remarkable trips of another of our fast boats, seventy pounds pressure of steam was carried. Now, you know, every one conversant with the most ordinary use of steam, knows that sixty or seventy pounds steam, is a degree of tension on a boiler seldom exceeded by high pressure engines, anywhere except on the Mississippi river. Locomotives, with their very strong boilers, seldom average sixty to

seventy pounds, and yet that amount has been put on the immense flat sided and hazardous structures used on the North river boats. It requires a very small stretch of imagination to conjecture what would be the result of the explosion of a pair of boilers weighing twenty tons each, during the night, in the Highlands!

A number of years ago, when some shocking occurrence had awakened the sensibilities of our people, to the importance of attempting some regulations on the subject, Gen. Gansevoort, then a senator, asked me for a sketch of some legal enactments that would put a stop to the racing mania and its consequences. I then suggested the following plan, which I still think would be perfectly effective if at all enforced.

Let the Legislature enact:

1. That every steam vessel plying within the waters of the State, shall bear in legible characters, in an exposed situation, the words *low pressure*, or *high pressure engine*; and in its printed advertisements, be required to publish the same words.

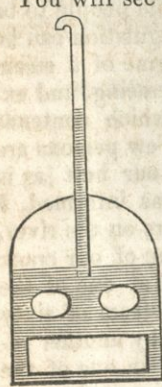
2. Forbid the use of steam of more than one hundred pounds pressure to the square inch, on the boilers of high pressure engines.

3. Require all low pressure engine boilers to be furnished with a (Watt*) safety tube, constructed after this manner: a copper or iron tube, open at each end, to be attached vertically to the boiler, so that its lowest extremity shall be six inches above the top of the highest flue, or fire surface of the boiler—the tube in no case to be more than twenty-five feet in height—and its bore to be equal to one-tenth of a square inch, for every foot square of fire surface in the boiler to which it is attached.

4. Penalty of State prison for any obstruction of this tube, and for violating any provision of the act.

5. Suitable inspection laws to carry the above into effect.

You will see at once the perfect security this affords.



The water in the boiler, acted upon by the steam, is pressed upwards in a column of a height proportionate to the pressure of the steam. The tube being limited to twenty-five feet, the hydrostatic pressure is about eleven pounds per inch, or eleven inches (speaking roughly,) of steam; the moment the pressure exceeds this, the water is forced out of the tube, and either runs into the chimney or is conducted down to the boiler room, so as to give warning on its passage out: and the boiler emptied until the lower end of the tube is above the surface of the water; then the steam will issue out, relieving the boiler, and stopping the action of the engine. Thus you perceive the interest of the engineer is enlisted in keeping his steam within legal bounds.

You also perceive that the water can never uncover the flue and

* See Watt's Engine, in Tredgold's work.

expose it to the heat of the fire, without first a stoppage of the engine occurring, and thus, warning be given of the difficulty.

I think it is perfectly manifest that this simple law would be effective. Engineers know it would be so; and that there could be no juggling and humbug about the relative powers of engines of different constructions, and boats of different forms, (you know I understand this matter pretty fully,) when the result has been accomplished by forcing the boilers to the very verge of explosion.

If the pressure upon low pressure engines were thus inevitably limited, the result would be, that the large class boats, with the heaviest and best engines, would have every advantage, and with the least proportion of expense do the work better for the public interest; for example, the Knickerbocker would require, probably, not a ton more fuel, at five inches of steam, than the Express at eleven inches, and would then reach New-York in less time.

I have thrown off these rough suggestions, because I know they are available; and if they are to be suggested to our law makers, it must be done soon.

You perceive that it is a matter which I have long had on my thoughts; and I know that whenever the Legislature choose to regulate the matter, it can be done perfectly. The contest between steamboat makers and managers, will then be, who can make vessels of the best proportions and materials, and adjust to them the most effective and complete engines, and who shall best accommodate the public; and not go on from year to year, adding imposition to imposition, and humbug to humbug, varied occasionally with a catastrophe like that of the Swallow's.

I expect to be in Albany this or next week, when it will give me pleasure to add any efforts I can make, to put an end to the *deviltries* (a very mild term, I consider it,) of steamboat engineers and captains, if there be any serious attempts to check the evil.

I have written this in a hurry, and amidst interruptions, but you will be able to pick out its meaning, and if the suggestions are available, use them in your discretion.

In haste, yours truly,

RICH'D. VARICK DEWITT.

EDWIN CROSWELL, Esq.