

## Wreck Commissioner's Enquiries and Judgments.

Enquiries have been held and judgments delivered in connection with the following marine casualties:—

### Margaret Hackett-Brookdale Collision.

Held at Montreal, July 30, before Capt. L. A. Demers, Dominion Wreck Commissioner, assisted by Capt. C. Lapierre and C. J. Stuart, as nautical assessors, into the cause of the collision of the George Hall Coal Co.'s tug Margaret Hackett, and barge Gladys H. in tow, with the Canada Steamship Lines' barge Brookdale, in tow of the same company's s.s. Maplehurst, near buoy 25, Lake St. Peter, July 16. The court found that the mate, O. Portelance, of the tug Margaret Hackett, was solely responsible for the casualty, and though he is not required to carry a certificate as mate of a tug, he was judged unfit to hold the certificate he has, as master of a tug, and it was cancelled. The master of the tug Margaret Hackett, W. Allison, was exonerated from all blame, but he was criticized for sailing the tug until she sank in deep water, instead of selecting a shallow spot. The barges Brookdale and Gladys H. were exonerated from blame, but the officers were advised to keep a better lookout in future. The s.s. Maplehurst was also exonerated, but the master, K. LaRush, was found in default for not carrying properly constructed lights in accordance with article 3 of the International Rules of the Road, and was severely reprimanded. He was also censured for not making more enquiries into the condition of his barge and the tug Margaret Hackett, as had there been any loss of life, the court would have held him criminally responsible. The pilot, J. S. Raymond, was cautioned that it is essential for him, and all pilots, to ascertain for themselves the condition of the navigational lights of ships they are piloting, also of the tow, if any. The mate of the s.s. Maplehurst was cautioned to keep his watch on the bridge, and to bear in mind constantly his responsibilities as an officer. The court recommended to all concerned, a stricter supervision and examination of aids to navigation and their equipment.

### Appeal re Stranding and Loss of s.s. Chelston.

In connection with the stranding of the British s.s. Chelston, at St. Paul's Island, in the Gulf of St. Lawrence, Oct. 9, 1919, the master of the ship, Capt. A. M. Fotheringham appealed, in the Admiralty Division of the English High Court, against the decision of the Dominion Wreck Commissioner, concurred in by the two nautical assessors, by which he was held to have erred gravely in judgment, and his certificate suspended for three months. The judgment on the appeal stated that questions of principle were raised which might have far reaching consequences, and in particular that there was a challenge of the powers of the Canadian Parliament to make amendments of the Merchants Shipping Act, as done by the Canada Shipping Act of 1908, so far as they affect certificates of British masters. There was also the question as to whether the rules made by the Dominion Marine Department, which governed procedure in Canada under the Merchants Shipping Act, provided sufficiently for the protection of mariners implicated by charges. The most substantial ground of the appeal was that the master had no notice of the charges on which his certificate was dealt with.

There was a further point that the Canadian procedure did not satisfy the requirements of the British law, and was ineffective to sustain a finding that prejudiced a master's certificate. In the court's view the rules made by the Lord Chancellor were rules governing procedure in British wreck commissioners' courts, and the rights of British shipmasters in Canadian courts were to be ascertained by considering whether the provisions of the Canadian Parliament diminished in any way the safeguards of the masters' interests, which were afforded by British legislation. In the court's view, they did not, but on the contrary Canadian legislation amply protected the rights of British shipmasters. The case was merely the efficacy of the procedure of the Canadian statutes to give the protection. Sec. 36 of the Canada Shipping Amendment Act 1908 provides that a certificate shall not be cancelled or suspended unless the holder of such certificate has an opportunity of making his defence. No charge was presented against the master, and the first notice he had of such a charge was the finding of the court that he was guilty. Therefore the appeal must be allowed, and the master's certificate restored, free from any suspension.

## Canadian Notices to Mariners.

The Marine Department has issued the following:—

**New Brunswick.**—The fixed red light on the north side of the gully at South Tracadie, in the Gulf of St. Lawrence, will be discontinued about Sept. 1.

The Kouchibouguac bar range lights in Kouchibouguac Bay, Northumberland Strait, have been changed in position, as follows: The front range light on the east side of south beach has been moved about 212 ft. north of its old position, and the back light about 32 ft. north of its old position and 365 ft. from the front light.

**Nova Scotia.**—The Public Works Department has dredged a channel 750 x 35 ft. with a least depth of 6 ft., from the main channel to the fishing boat anchorage in Fourchu Harbor, Cape Breton Island.

During the past season the channel in the East River, from Chambers point to New Glasgow, was dredged by the Public Works Department, to a least depth of 10 ft. The dredged channel, following the course of the river, is 38 ft. wide, with a turning basin in front of the government wharf at New Glasgow, 400 x 100 ft.

The light ship maintained on Lurcher shoal, off Yarmouth, will, without further notice, be removed from her station, about Sept. 15, to undergo repairs, pending which, her station will be marked by a gas buoy, painted red and showing an occulting white light. The ship will be off her station about four weeks, and further notice will be given when repairs have been completed and the ship replaced in position.

Back range light has been established at Grand Etang, on the west coast of Cape Breton Island, on the breakwater, 367 ft. from the existing light on the outer end of the breakwater. The light, which is fixed red, is shown from a locomotive headlight lantern at an elevation of 34 ft., with a visibility of 6 miles, and is mounted on a white pole with a white shed at base, 30 ft. high.

**Quebec.**—The Public Works Department has dredged the basin on the east side of the Government wharf at Mur-

ray Bay, to a depth of 15 ft., 100 ft. wide in line with the front face of the wharf, and extended shoreward 340 ft., 72 ft. wide at the inner end.

**Ontario.**—A red wooden spar buoy has been established on the north side of the St. Marys River channel at Sault Ste. Marie, about 1,100 ft. eastward of government wharf, in a depth of 21 ft.

The fog bell and auxiliary hand fog horn, about 300 ft. west from the east extreme of Davieaux Island, on the south side of Michipicoten Island, Lake Superior, will be discontinued without further notice.

The red gas buoy 64F, in 18 ft. of water, one mile east of South Lancaster, in Lake St. Francis, River St. Lawrence, will be discontinued without further notice.

L'Orignal wharf having been destroyed by fire, the fixed white electric light, on a shelf on the gable end of a brown wooden freight shed, on the outer end of the wharf, will be discontinued until further notice.

A red wooden spar buoy has been established on edge of shoal, about 55 ft. east from east side of government wharf, Brockville.

**Newfoundland.**—The diaphone fog alarm, which is operated by air, compressed by an oil engine, and which gives three blasts of 1¼ sec. every 90 sec., at Bonavista Cape, Bonavista Bay, on the east coast, has been moved to the mainland, on the south side of the lighthouse.

On the summit of Little Denier in Bonavista Bay, an occulting white light has been replaced by a flashing white light, giving a flash of 3 seconds every 30 seconds.

A flashing white acetylene gas light, showing a flash of 0.3 sec. duration every 3 seconds, has been established about 130 yd. from the northwest end of Eagle Island, Bay of Islands. The light is at an elevation of 109 ft. and consists of a white structure of open frame work surmounted by a red lantern.

**United States.**—A steel conical buoy, 17A, showing an occulting white light, has been established in 3 fathoms, off Whisky Island shoal, River St. Lawrence.

**Vancouver Drydock.**—In reference to the Vancouver press dispatch of July 21, referred to in Canadian Railway and Marine World for August, stating that the contract between the Dominion Government and J. Coughlan & Sons, for building a drydock on Burrard Inlet had been signed, and that work would be started in 60 days thereafter, we were officially advised July 27 that the agreement had not been executed, as the contractors were re-arranging the layout of plant and site, which would require the approval of new plans and specifications.

**Cuban Port Congestion.**—Major H. A. Chisholm, Canadian Government Trade Commissioner at Havana, Cuba, wrote recently that so serious has Cuban port congestion become that a commission of 17 U.S. shipping men was due to arrive in Havana within a few days to go thoroughly into the problems of the port and make recommendations for the solution of the difficulties. Ships have sometimes been held up in Havana harbor for two or three months at a time.

**U. S. Steamship Rates.**—The Interstate Commerce Commission has authorized steamship lines, subject to its jurisdiction, to increase their rates to the same extent as railways have to be authorized to do between the same points or in the same territory.