

## Dominion Wreck Commissioner's Enquiries, Judgments, Etc.

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

### Lakeport-Howard W. Collision.

Held at Montreal, Dec. 16, by Capt. L. A. Demers, Dominion Wreck Commissioner, assisted by Capt. C. Lapierre and C. A. Ouellette, as nautical assessors, into the collision between the s.s. Lakeport, owned by Peterson and Collins, Cleveland, Ohio, and the Webster Steamship Co.'s s.s. Howard W., of Montreal, Oct. 29, 1919, near Hamilton Island in the River St. Lawrence. The court found that the responsibility for the accident rested solely on the s.s. Howard W. The master was absent from the bridge at a time and place when his presence was most needed, especially so in view of the fact, that the mate, his son, is very young, with only very limited experience as a mate. While accepting the master's statement that his absence was obligatory, yet his evidence and that of the wheelman differ somewhat as to where he was at the time of the collision, and the court has heard similar excuses so many times that, while it cannot reject that part of the master's evidence, it finds it very peculiar that these absences coincide so frequently with shipping casualties. The two ships were meeting at a point where a slight alteration of course was necessary, the s.s. Lakeport, bound east, was descending with the tide, and the green light of the Howard W. on her starboard side was broad enough to permit the mate to assume that though they were about to pass on the wrong side of the channel, according to the International Rules of the Road, since at that time the adoption of the Rules of Road for the Great Lakes had not been specified by whistle, and in view of the fact that the Howard W. was well to starboard, from the situation of both vessels it was considered safe for the Lakeport to continue on her course. The green light on the Howard W. alone was seen with her masthead light. It was said by the Lakeport that the range light of the Howard W. was not visible, but this was disproved by independent witnesses, but it may, at the time, have been obscured by smoke. The exact direction of the Howard W. could not be ascertained, but when at a ship's length from each other, it was perceived that she was coming obliquely on to the Lakeport, a turn of the wheel to starboard was given and the collision occurred. The court expressed the opinion that the Lakeport was in such water as to permit her to go full speed, that continuing full speed was good seamanship, as a diminution or reversal would undoubtedly have caused more damage, by bringing about a collision of greater violence. There was no lookout, but the absence of this did not contribute to the casualty. The collision happening 200 ft. from the Hamilton light does not clearly indicate that the Howard W., after having been sighted well south of the channel had attempted to steer over to the north side whilst having the green light, or even the three side lights of the Lakeport on her starboard side. There was ample proof that the Howard W.'s red light was not burning, or, if not, that it was so low as not to be seen by the Lakeport. Had this been in order when the Howard W. chose to cut across, its appearance would have caused, or compelled, the Lakeport to signal

sooner. Hence the court did not find any reason for criticism of the action of the Lakeport's crew. The Howard W. was being navigated, if not carelessly, at least with a lack of ordinary prudence. The master had left his post at a place where extreme caution had to be exercised on account of change of courses which descending and ascending vessels have to adopt, leaving the mate, his son, who had had but one season's experience. The Lakeport did not comply with the letter of rule 25 of the Rules of the Road of the Great Lakes, but the court expressed the opinion that the spirit of the rule had been observed. The court, therefore, found that the Lakeport, having the right of way, and it being clear weather, exercised the necessary precautions which the unforeseen situation demanded, and its officers were therefore exonerated from blame. With regard to the Howard W., there was lack of judgment and prudence on the part of mate L. J. Daigneault, and he was therefore held to blame for the collision, and for his failure to comply with rule 25, his certificate as mate was suspended for 7 months, from Dec. 20, 1919, to July 20, 1920. The master, L. Daigneault, was given the benefit of the doubt, as to his absence from his post, and he was warned that the same excuse could not always be accepted. The court also took occasion to advise owners and agents of ships, to impress upon their officers the importance of maintaining a look out.

### Grounding of s.s. Canadian Volunteer.

Held at Montreal, Dec. 22, 1919, by Capt. L. A. Demers, Dominion Wreck Commissioner, assisted by Capt. C. Lapierre and C. J. Stuart, as nautical assessors, into the Canadian Government Merchant Marine's s.s. Canadian Volunteer striking a buoy and bottom near buoy 90 Q, River St. Lawrence, Dec. 6, 1919.

Capt. E. C. Sears stated that the ship is built of steel, 1,910 tons net, 3,188 tons gross, 320 ft. long, 44 ft. 2 in. broad, and draws 17 ft. 2 in. forward and 19 ft. 4 in. aft, equipped with single screw and triple expansion engines for a speed of 10 knots, supplied with all necessary instruments for navigation, and has 36 of a crew, including 2 officers on this occasion and 3 engineers with certificates. He left Montreal Dec. 6 and experienced snow when he anchored, gradually proceeding later. On Dec. 8 he had been on deck practically all the time; but absented himself for two minutes to look at the chart, and reached the deck when the ship struck. The engines were stopped and helm put hard to port, then full speed astern, the ship striking a second time. It was found the ship was making water. At the time of grounding the steering pilot was acting on pilot Hamelin's advice and orders. The wind was light northeast. It was one minute after the buoy was seen that the ship came in contact with it.

Capt. J. D. Weir, Superintendent of Lights, stated that the buoy was reported as having disappeared.

J. O. Michaud, clerk of the Pilotage Office, stated that he had received orders from the agent for one pilot; but sent the two which were in turn on the list. He had been shown a letter purporting to be an agreement between the pilots and the Shipping Federation of Canada, with respect to placing the pilots on

board; but had not read it. He had also received telephone orders from the Superintendent at Quebec to that effect. He acknowledged having sent the second pilot on the request of pilot Hamelin.

F. Hamelin, pilot, stated that he had been a pilot for 13 years, 11 of which he worked steadily for the C.P.R. This was his first enquiry. He was on deck, the second pilot steering under his orders. He saw the buoy 90 Q a quarter point on the starboard bow, Grondines ranges were opened slightly to the south. He tried to detect St. Emilie range, the aids for the turning point; but could not do so in time. The current was setting to the south and the tide was half ebbing. He ported the helm, and saw it was done, but owing to the quantities of ice floating in the channel the ship did not obey as promptly as expected, and struck a buoy in the vicinity of the bridge on the starboard side. The ship's engines were stopped, the helm hard aported, then full speed ahead. The ship struck a second time, and then proceeded. The weather was clear, though sky cloudy, wind light and the ground was covered with snow, which prevented him from sighting St. Emilie range. He saw the buoy, which was about 3 ft. above water, when about 700 ft. distant, adopting the same method as in former navigation; but the current, which was about 2½ knots, carried him on swiftly towards the buoy and the masses of ice prevented the ship from responding to the helm with the promptness required at this turn. The buoy, when first sighted, must be on the starboard side as it is necessary to make the turn to the north in order to counteract the current setting south, which would tend to throw the ship on the south bank. He stated that he was the responsible pilot, pilot Rivard acting only on his orders. The only time he left the latter to his own devices being when he had to absent himself from the bridge, selecting parts of the river where there was ample room.

F. X. Rivard, pilot, said his duties consisted of steering. He did not remember how the Grondines lights were opened. He watched the steering only and obeyed the orders given him by the pilot. He did not remember if the buoy was a quarter point or more on the starboard bow.

R. Proteroe, third officer, stated that he was on deck, on the port side of the bridge, the buoy when seen being half a point on the port bow. He noticed by the movements of the arms of the wheelman that the wheel was starboarded, bringing the buoy three points on the starboard bow, when the ship drifted towards the buoy, striking in line with the funnel. The helm was then put port; and hard to port, the ship striking a second time. The engines were stopped. He then left the bridge.

Having heard arguments by Hon. A. W. Atwater, K.C., for the Shipping Federation of Canada, and G. H. Bernier, for pilot Hamelin, the court adjourned to Dec. 27, when its judgment was announced, of which the following is a summary: The evidence shows a striking contradiction between the statements of pilot Hamelin and the ship's third officer. The pilot's evidence, which was corroborated by his assistant, was that the buoy was first sighted on the starboard side, while the third officer stated that it was first sighted on the port side, and