

Marine Department

The Dominion Wreck Commissioner and the St. Lawrence Pilots.

At the conclusion of an investigation at Montreal, recently, the Dominion Wreck Commissioner, Capt. L. A. Demers, made the following statement: The court at this juncture wishes to comment favorably on the work of pilots, both of the Montreal and Quebec Districts, in connection with last season's work, which has been free from serious accidents, and advises them that there must be no relaxation in fulfilling their responsibilities. The season is not yet ended. The reputation of the St. Lawrence route must be without a stigma. Masters of vessels look to the pilots as their advisers, and practically pin their faith on them, hence it devolves on pilots to execute all prudence and prevent damage and delays, which are as important almost, even if no damage is sustained by the vessels. This court has a mandate to fulfill, and it is to penalize those who are found to be lacking in performing their duties in a practical common sense manner. The St. Lawrence is well buoyed, lighted and equipped, and there is nothing wanted which modern ingenuity, with a view to facilitating navigation, could devise. The pilotage is efficient, and sober and intelligent men form the association. Yet with all this, there must not be a moment of forgetfulness or inattention found in the pilots' actions. Varying climatic conditions must be expected and met with foresight, judgment and proper action. The court is deeply imbued with the idea that there must be no cause for reflection to be made on the administration and composition of the men engaged in bringing vessels to our ports, and trusts that henceforth pilots will be thoroughly awake to their responsibilities.

Long Sault Development Co's Project.

Canadian Railway and Marine World for January referred to the final quashing of this project, the United States Supreme Court having dismissed the company's appeal against the New York courts' annulment of its franchise, and mention was made of the fact that the project had been persistently fought at every stage by the Dominion Marine Association and the Shipping Federation of Canada, on the ground that it would interfere considerably with the safe navigation of the St. Lawrence River. The Dominion Marine Association, particularly, performed very important work in this connection, kept in close touch with what was going on, and lost no opportunity to protest against the proposals as occasion required. Latterly it was not necessary for the association to move in the matter, as it was relying upon no progress whatever being made without the assent of the Canadian Government and the International Joint Commission.

Our attention has been called to the fact that the Dominion Conservation Commission also took a very active part in opposing the project from the commission's inception in January, 1910. In 1913 the commission published a report of nearly 400 pages, including all available data respecting the company and its project, and subsequently assisted the State

of New York at every stage of its fight with the company. When the case was heard by the U. S. Supreme Court in April, 1916, the Conservation Commission had a shorthand reporter present and procured a stenographic report. When the court ordered a rehearing, the commission had the only record of the arguments and furnished the State of New York with a copy. The order for a rehearing was totally unexpected, and the State of New York would have been much inconvenienced had a report of arguments by counsel been unavailable.

Lake and Rail Rates Over Canada Atlantic Transit Co's Line.

The Interstate Commerce Commission gave the following decision at Washington, Dec. 11:

At the close of navigation on the Great Lakes for the season of 1915 the operation of the lake and rail rates on cotton and cotton linters, named in a tariff of the Chicago, Rock Island & Pacific Ry. Co., and therein made applicable in connection with all the lake lines, was superseded, for the closed season, by a supplement in due form properly filed. On Mar. 17, 1916, another supplement to the same tariff was filed to take effect on three days notice under the authority of rule 12 (b) of Tariff Circular 18-A relating to the restoration of rail and water rates so temporarily withdrawn. While on its face this supplement cancelled the previous one of Nov. 30, 1915, specific provision was made for the restoration of the rates only in connection with the Lehigh Valley Transportation Co. It did not purport to cancel the rates theretofore applicable over the other lake lines named in the tariff; and under the commission's rules the cancellation of the other routes could legally be effected only upon 30 days notice. Although the railway company subsequently was granted permission, on one day notice, to restore the rates theretofore applied in connection with the Canada Atlantic Transportation Co., that course was not followed, because of a disagreement between the two companies respecting divisions. Finally another supplement was filed, to become effective on May 15, 1916, in which the Rock Island Ry. sought to eliminate the transit company from participation in its tariffs. The effectiveness of this supplement, upon the protest of the latter company, was suspended under an order by this commission.

The respondent contends that the lake and rail rates, having been suspended in the fall of 1915 and not having been restored in the spring of 1916, the only result that could have been effected by the supplement of May 15 was the elimination of a tariff anomaly, the tariff itself naming the transit company as a party to the lake and rail rates while the two prior supplements thereto indicate that the rates do not apply in connection with that line. This is not a correct view of the effect of the tariff situation disclosed on the record before us. As the supplement of Mar. 17 did not make specific provision for the cancellation of the route in connection with the transit company, and could do so only upon 30 days notice, its effect was to restore the rates formerly applicable in connection with that route. It follows, therefore, that the supplement

proposing to eliminate the Canada Atlantic Transit Co., if permitted to have become effective, would have cancelled the rates then in effect in connection with that line. As no reason has been offered of record for this course other than the failure of the railway company and the transit company to agree upon the divisions, we find that it has not been justified as required by law, and the respondent and its receiver will therefore be required to cancel the supplement in so far as it proposes to cancel the application of the respondent's lake and rail rates over the route in question.

The commission ordered that the Chicago, Rock Island and Pacific Ry. and its receiver be required to cancel said schedules, on or before Feb. 12, 1917, in so far as they propose the elimination of representation by the Canada Atlantic Co. in Chicago, Rock Island & Pacific Ry. tariff I.C.C. no. C-9896.

The Dominion Wreck Commissioner and His Critics.

The stranding of the British s.s. Middleham Castle on Matane Reef, Que., July 27, was a comparatively small affair, and the enquiry into the causes leading to it, held at Montreal, Aug. 3, by Capt. L. A. Demers, Dominion Wreck Commissioner, was not marked by anything noteworthy, either in the way of evidence or final judgment. It was held that the master, Capt. Kelly, had been guilty of reckless navigation in unknown waters, but owing to the general circumstances surrounding the case, he was merely reprimanded. Apparently the master was quite satisfied, and from reports was pleased that he had been dealt with so leniently. No sooner, however, had he returned to England, and apparently made complaint to the Mercantile Marine Service Association, than there was a perfect whirlwind of vituperation, either by the association or by the Liverpool Journal of Commerce on the association's behalf, directed at the Wreck Commissioner's report, his method of dealing with cases in general, and the St. Lawrence route and everything connected with it. For such a trivial case, as the one mentioned, the expenditure of printer's ink alone is an extravagance. While the case was being brought into so much prominence in the Liverpool paper, the association communicated with the Dominion Minister of Marine, and a reply was sent by the Deputy Minister, to which was attached a copy of a report on the case by the Wreck Commissioner, and at the same time a copy was sent to the Journal of Commerce, in answer to the criticism in the paper, as mentioned above. Following is a copy of the Wreck Commissioner's report to the Deputy Minister:—

"Referring to the criticism which has been made by the Journal of Commerce, and to the letter which has been written to the Minister of Marine, by the secretary of the Mercantile Marine Service Association, re Middleham Castle, I may say I do not think the criticisms are justified or based on facts. My condemnation of the action of the master of this vessel was to the effect that his sailing within three quarters of a mile of a coast absolutely unknown to him was a subject for censure; secondly, that provision or steps had not been taken at Syd-