

### Proposed Dyke in Livingstone Channel, Detroit River.

The report of the Dominion Marine Association's executive committee, presented at the annual meeting recently, contained the following reference to the Livingstone channel: "This great work which has been in process of building for many years was completed for navigation during the past season. It has been arranged that only downbound vessels shall use this channel, upbound boats continuing to use the old channel along the Amherstburg shore. The engineers of both governments have for some time had under consideration the building of a dyke across the section of the river between the head of Bois Blanc Island and the eastern foot of the cofferdam used in the construction of the Livingstone cut, their purpose being to remove in this way the cross current now flowing through this section of the river into the lower part of the new channel. Objection is made that the current in the Amherstburg channel will be much increased and that other unknown effects will follow. The Department of Public Works, as well as the Chief of the Hydrographic Survey, have through this Association asked for the opinions of Canadian masters of vessels on this question and efforts have been made to procure information. It appears that the current in question does not materially affect the smaller boats but that it is a serious matter to the larger vessels. On the other hand, the effect of the dyke in the old channel is much feared and no Canadian master has definitely advocated the proposal as yet. In view of the doubt, the International Joint Commission, after examining the site, has agreed to hold a public session at Detroit in February, and it is proposed that this Association be represented and produce expert evidence on that occasion.

"The enquiry has so far developed a general expression of opinion from masters of vessels of both countries strongly opposed to the present method of lighting the new channel, on the ground that it is not possible to maintain a straight course with certainty on the 'blinking' or occulting lights now in use.

"Early in the season a request was made by the American Association of Passenger Steamboat Lines that special privileges as to the choice of these channels should be extended to passenger steamers, and the Dominion Marine Association was asked to endorse this request. Your committee declined to accede to the request believing that a general rule should be strictly enforced regarding upbound and downbound vessels."

The matter came before the International Joint Commission, at Detroit, Mich., Feb. 14, when evidence was presented for and against the proposal. Counsel for the United States Government put in the evidence of Col. Patrick and other members of the corps of engineers in charge of the district who made the plans of the proposed dyke. He also put in the evidence of masters for some of the largest U. S. steamboats and the evidence of the chairman of the committee on aids to navigation of the Lake Carriers Association. W. Livingstone, President of that Association, also gave his views. All of these persons advocated the building of the dyke, and expressed fear of the cross current now flowing in the Livingstone channel. On the other hand, F. King, Counsel, Dominion Marine Association, put in the box the masters of three of the largest Canadian lake vessels, the Emperor, the E. B. Osler,

and the W. D. Matthews, all of whom stated that the dyke was not a necessity, that they did not fear the cross current now flowing in the Livingstone channel, but that they did fear to some extent the possible consequences of new currents to be developed by the dyke. Experts for the Dominion Government gave evidence closely agreeing with that of the experts for the United States Government Corps, but differing as to the advisability of building the dam until the Chicago Drainage Canal question is settled, and contending that it is inadvisable to interfere with levels or build compensating works until the withdrawal of water at Chicago is confined to proper limits now authorized by Federal authority.

Mr. King, in addressing the commission, made it clear that the opposition of the Dominion Marine Association was not based on any local considerations; neither was it its desire to show the slightest lack of appreciation of the good work being done by the U. S. government in the improvement of navigation on the Detroit River. The association felt, however, that it would be a fatal mistake to follow a piecemeal policy



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in the development of international waters. Mr. King showed that the masters of vessels navigating the river were largely of the opinion that the cross currents did not create such a dangerous condition as to make the construction of a dyke necessary. As to the necessity of the dyke to compensate for the lowering of the water by the Livingstone channel, he represented very strongly that this question could not properly be considered without taking into account other factors affecting the levels of the Great Lakes, and connecting waterways, notably the unauthorized diversion of water for the sanitary canal at Chicago, the effect of which was to more than counteract any advantage that might be derived from the proposed dam.

The Commission reserved its decision.

The Union Steamship Co.'s s.s. Cheslakee, which is being overhauled and repaired at Esquimalt, after her recent accident at Texada Island, is being converted into an oil burner. She is also being lengthened by 19.3 ft.

### A Ship Captain's Responsibility When a Pilot is on Board.

In Canadian Railway and Marine World for February, some comment was made in connection with various criticisms of recent judgments by the Dominion Wreck Commissioner, on the question of the responsibility of a steamship's captain during the period when a pilot was on board, and the Wreck Commissioner's opinion, and the section of the Pilotage Act, governing this point, were quoted.

This matter was dealt with during the course of the enquiry into the St. Lawrence pilotage system, at Montreal, early in March, and C. Anger, one of the pilots, in response to a question, stated that he considered himself, when on board, in full charge of the navigation of the vessel, though he made no claim to interfere with the master in any other department, and gave an instance, which occurred in the St. Lawrence some years ago when he was piloting a vessel, when he gave orders to anchor the vessel during the night, the captain insisting that he should proceed to Quebec, and ordering that the anchor be raised. This order the pilot countermanded, absolutely declining to take the vessel further that night. For this, he stated, he was commended by the head of the line, and requested in future to report any captain who attempted to interfere with his navigation between Montreal and Quebec.

T. Robb, one of the commissioners, stated that the commissioners' understanding of the law is that pilotage is voluntary, so the pilot is only on board in an advisory capacity, and the captain is the person responsible, the pilot merely giving him the benefit of his local experience.

In response to other questions, Pilot Anger, said that if he were drunk or otherwise incapable, the captain would have the right to order him off the bridge and take charge himself, but if a captain refused to allow his orders to be carried out, he would leave the bridge of his own accord and leave the responsibility with the captain.

From the point of view of those officially connected with navigation interests, it is contended that pilotage is voluntary on the captain's part, that he is in full charge at all times, and that for all practical purposes, this matter is settled by secs. 473 and 474 of the Canada Shipping Act, which read as follows:—

"473. No owner or master of any ship shall, in any case, be compelled to employ or to give his ship into the charge of a pilot, either on the ground of his being compelled to pay pilotage duties to any person, or otherwise."

"474. Nothing in this part shall exempt any owner or master of any ship from liability for any loss or damage occasioned by his ship to any person or property, on the ground of either such ship being in the charge of a licensed pilot, or of such loss or damage being occasioned by the act or default of a licensed pilot, or on any other grounds."

So far as lake navigation is concerned, captains are definitely instructed on this point, that they are at all times in charge of the vessel, and responsible for anything that may occur in the course of navigation, and that they should be on the bridge when navigating in difficult waters, and making lock passages. When such vessels enter Montreal harbor, they come under the pilotage authority, and must pay pilotage dues, whether they take a pilot or not, a provision that the Dominion Marine Association is strongly opposed to.

We are informed that it is not known that the question of a captain's responsibility with a pilot on board has ever been considered in a Canadian court.