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REPORT

OF THE

ROYAL COMMISSION

APPOINTED TO ENQUIRE INTO AND REPORT UPON THE

PILOTAGE SYSTEM

AND ITS ADMINISTRATION AT THE PORT OF

HALIFAX, N. S.

AND TO RECOMMEND WHAT CHANGES, IF ANY, ARE
DESIRABLE THEREIN.

OTTAWA
J. DE LABROQUERIE TACHÉ
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
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Commission on Pilotage at the Port of Halifax, N.S.

To the Hon. C. C. BALLANTYNE,

Minister of Marine and Fisheries of Canada.

SIR,—We have the honour to submit to you the following report in connection with the Pilotage District of Halifax.

The terms of the Commission, under which we have been conducting our inquiry, authorized us to inquire into and report to you upon all matters connected with the pilotage system and its administration at the ports of Halifax, St. John and Sydney, and to recommend what changes, if any, seem desirable therein.

This was taken by your Commissioners to include everything in connection with the administration of pilotage, such as the examination of apprentices and pilots, their qualifications and conduct, besides the organization of the district, the appointment, duties and supervision of local officials, together with all questions directly affecting shipowners and other employers of pilots.

During our investigation it was considered necessary and desirable to direct our attention mainly to the general principles underlying the law and administration of pilotage, and to avoid as far as possible inquiry into particulars local and personal details.

At our first meeting held in Halifax on Friday, the 8th February, 1918, arrangements were considered for the oral examination of witnesses deemed to be in a position to enlighten the commission on the various phases connected with the pilotage question in the Halifax district.

The Commission held its first public session in the Court House at Halifax, and its subsequent sessions in the rooms of the Halifax Board of Trade, which were kindly placed at the disposal of the Commission through the courtesy respectively of Sheriff James Hall, Chairman of the Pilotage Commission, and Mr. D. McGillray, President of the Halifax Board of Trade.

During the open sessions of the Commission, held from the 9th to the 15th of February, inclusive, thirty-three witnesses were examined, including in addition to the Commissioners, steamship owners and agents, naval and Government officials, pilots and apprentices as well as shipmasters, and valuable evidence was adduced dealing with the various subjects coming within the scope of your Commission.

Among those who gave evidence before the Commission were Captain E. H. Martin, R.N., the Captain-Superintendent of the Halifax dockyard; Sheriff James Hall; Messrs. A. R. Colwell and S. Barrow, on behalf of Messrs. The Robert Reford Company, Limited, and the various interests they represent; Captain Farquhar; A. E. Jones, Esq., representative of the White Star-Dominion Line; J. E. DeWolfe, Esq., on behalf of the Canadian Pacific Railway and Elder, Dempster & Company; F. K. Warren, Esq., sailing vessel agent; C. H. Harvey, Esq., agent of the Marine Department, and C. E. Bryant, Esq., of Messrs. Furness, Withy & Company.

The Commission desires to place on record its appreciation of the cheerful and willing assistance extended by the various witnesses in assisting the Commissioners to elucidate the points involved, and to testify to the pleasure experienced in hearing such clear and frank evidence as that rendered.

The review of the exhibits filed with the various depositions before the Commission has entailed a considerable amount of time and labour.

The subject-matter of the investigation is of very great importance, particularly with regard to the regulations for public safety while navigating in pilotage waters.

The evidence taken at Halifax has been carefully analyzed at some length, and your Commission has thought it advisable to first submit an interim report on the Halifax pilotage district, and to deal with the St. John and Sydney situation at a later stage.

While it is important to investigate and improve any such public service as that entrusted to your Commissioners, there was a very special reason for investigation in respect of the Halifax Pilotage District, arising from the terrible calamity which had so recently befallen the city of Halifax; and the need there of certain reformation, reorganization and improvement was obviously apparent in view of a succession of serious accidents to vessels in the port of Halifax, a number of such vessels being in charge of pilots, culminating in the *Mont Blanc-Imo* collision and the loss of the hospital ship *Letitia*.

HISTORY OF HALIFAX PILOTAGE.

The earliest history we can gather *re* the pilotage system of Halifax, goes no farther back than 1874. The first meeting of the Commissioners of the pilots for the port of Halifax was held on the 30th June, 1874. Seven Commissioners and one Secretary-Treasurer, this gentleman in his dual capacity was appointed by the approval of the Marine Department at Ottawa, the other members as follows:—

Three (3) of the Commissioners, appointed by the Department at Ottawa.

Two (2) nominated by the city of Halifax council.

Two (2) elected by the Chamber of Commerce.

June, 31, 1875, by-laws, rules and regulations, approved by the Governor in Council on June 25, 1875, and ordered to be published, it was confirmed in the *Canada Gazette* June 26, 1875.

July 23, 1875.—Seventeen (17) pilots selected, and requested to take out their licenses.

July 30, 1875.—Secretary was ordered to notify the public through the press, that the new Pilotage Act goes into force August 1, 1875.

July 31, 1875.—Licensed one more pilot, making in all eighteen which the Commissioners think sufficient until those persons *who held branches under the old law* returned from their fishing voyages.

September 14, 1875.—Seven (7) more pilots were licensed, bringing the number up to twenty-five as specified in the by-laws.

November 30, 1875.—Resolution to exempt all coasting vessels under 120 tons, from compulsory pilotage.

April 1, 1877.—Two and one-half per cent off pilotage earnings for superannuation fund.

June 8, 1877.—Pilotage dues to be paid before customs clearance is granted.

July 5, 1878.—Proposed to reduce the number of pilots, earnings being only an average of \$44.93 per month.

July 11, 1878.—Decided not to reduce the number of pilots.

April 18, 1879.—Six (6) apprentices taken, this appears to be the first entry *re* apprentices.

The following is the list of pilots at end of certain years, with the date:—

July 31, 1879.—(19) nineteen branch pilots.

July 31, 1880.—(18) eighteen branch pilots.

July 31, 1881.—(19) nineteen branch pilots, (3) three second class, and also (7) seven special licenses for various coast ports.

July 31, 1884, 1885, and 1886.—(27) twenty-seven branch pilots.

July 30, 1898.—(21) twenty-one branch pilots and (3) apprentices.

July, 1899.—(22) twenty-two branch pilots and (7) seven for outports.

March, 1903.—(22) twenty-two branch pilots and one special pilot for Halifax harbour for Government vessels, and (7) seven for outports.

December, 1904.—(22) twenty-two branch, and (7) seven out port pilots.

December, 1905.—(20) twenty branch and (7) seven out port pilots.

December, 1906.—(23) twenty-three branch and (8) eight out port pilots.

December, 1907.—(23) twenty-three branch and (8) eight out port pilots.

December, 1908.—(19) nineteen branch, and (4) four 2nd class pilots, also (8) eight out port pilots.

February, 1917.—(18) eighteen branch pilots.

January, 1918.—(13) thirteen branch and (8) eight apprentices.

We note (judging from the Minute Books) in the earlier stages of this Halifax Pilotage Commission, when as previously stated they met for the first time June 30, 1874, the general discipline and jurisdiction of the Pilots was much better than in recent years, it is apparent that the apprentices were: after three years' service, examined, and if found proficient, granted a second class license, which permitted them to Pilot vessels not over 700 tons. This your Commission finds to be illegal, granting any license until the expiration of their five (5) years apprenticeship. We would note here, in the earlier days, a record seems to have been kept of the standard of the examinations these apprentices passed at the expiration of their three year service; this of more recent date is conspicuous by its absence, in fact even the date they passed, and also when the pilots received their branch is not recorded in the Minutes. The pilot schooners were regularly inspected by their Commissioners and reported in the Minutes, as to the condition they were found in, also the Log Books of the schooners which have been sadly neglected in later years.

ADMINISTRATION.

The records of the Halifax Pilotage Office have been poorly kept, as for instance no record of the apprentices' attendances had been maintained by the Secretary. The books were audited in so far as the total receipts and expenditures were concerned; but the details of the actual pilotage earned by the pilots were only shown summarized. The pilotage collected from vessels where no pilot was supplied, and for the movages in the harbour, could not be given in detail; and it was only when the Commissioners decided to put in an auditor to check these accounts that the Secretary produced copies of the monthly statements, which he said did not belong to the Pilotage Commission, but were the records of the division of the monies and dividends to the pilots, expenses of the pilot boats, and dividends to the owners of the pilots boats. This was his excuse for not producing them in the first instance.

On going through these statements, they were found to contain sums of \$20, \$10 and \$5 which had been given to masters of vessels as gratuities, and the explanation was submitted to the Commissioners that this money had been handed to the masters of the vessels for signing the pilotage bills on vessels not paying full pilotage, or not having taken a pilot at all, in order to enable clearance at the Customs.

The Commissioners found that section 471 (Canada Shipping Act) forbids the Customs granting clearance to any ship liable to pilotage dues at any port in Canada. The evidence showed that it was presumed that the vessels were liable to pilotage dues, all vessels being required to have a certificate from the pilotage authority to the

Customs. This is a revenue, but the exact amount collected we were unable to arrive at.

Our attention was specially directed to the case of six United States destroyers which visited the port of Halifax, only the leading ship having a pilot in charge, the other five vessels not having pilots were charged pilotage, making six pilotages for the one pilot. The fact of this charge being made without precedent is supported by an opinion recently given by the legal advisers of the Pilotage Commission of the District.

We would specially direct your attention to this incident in view of the important international bearing which it may have on many matters.

The principal duties of the secretary treasurer appear to be of a clerical nature and not in any sense administrative. He is assisted by a boy who answers the telephone, runs errands, etc., and at times there is a pilot in attendance. This boy of 16 has been acting as intermediary between the pilotage office and the naval authorities by means of the telephone, being entrusted with reporting the inward and outward movements of vessels to the dockyard, of which no office records were kept.

The system in vogue is for the local ship agents to communicate with the pilotage office when requiring pilots for vessels outward bound, and as far as possible the pilot bringing the vessel in has the preference of taking her out.

INWARD PILOTAGE.

This branch of the service has two schooners available, which are stationed outside the harbour, each a week in turn.

The dimensions of one of the schooners, the *America*, are as follows: Length, over all, 80 feet; breadth, 20 feet 6 inches; depth, 10 feet, built at Shelburne, N.S. in 1898, of 57 tons register, with small auxiliary engine.

The other schooner is of somewhat similar dimensions, and each has accommodation for 8 pilots, 4 apprentices and cook.

The pilot boats are owned jointly, the shares being held by the pilots and deceased pilots estates. One of the pilots holding three shares realized \$600 from his investment in 1917. These schooners originally cost about \$5,000. The upkeep, provisions and stores are paid for out of the pilotage dues. The total earnings of the pilots for the month are divided among them in equal shares, after allowing one and a half shares to be credited to the owners of the pilot boats.

General complaints were made in reference to the antiquated service given by the schooners to incoming vessels, and strong recommendations were submitted that a suitable steam pilotage tender should be provided, capable of extending to the radius of the pilotage limit under all weather conditions.

The general feeling was that a vessel of this character would be able to put further out to sea. From the shipmasters' point of view it was recommended that the proposed steam tender should be equipped with all modern means of communication on account of the prevailing fogs on this coast.

The earnings of the pilots mentioned in the various statements presented, are deceptive and misleading. For instance, Pilot Gorman gave sworn evidence as to his earnings being as follows:—

1912.—Earnings	\$1,468 75
Movages	150 00
1913.—Earnings	1,730 44
Movages	233 74
1914.—Earnings	1,631 42
Movages	213 00
1915.—Earnings	1,846 58
Movages	306 19
1916.—Earnings	2,603 45
Movages	505 45
1917.—Earnings	5,490 52
Movages	1,976 23

This was supported by the sworn evidence of the secretary insofar as the year 1917 was concerned, when he considered that the gross earnings of each pilot were about \$8,000.

It has not been possible for your commissioners to get any detailed statement from the secretary of the Halifax Pilotage Commission as to the gross earnings of the pilots. The figures given are entirely misleading, as will be seen from the earnings of the foregoing witness. The earnings as they appear in the return made to the department do not include the movages. This appears to your commissioners to be a serious dereliction of duty on the part of the secretary of the Halifax Pilotage Commission, and we strongly recommend that immediate steps be taken to have proper and intelligent returns made to the department giving the entire earnings from the pilotage service.

This has detained your Commissioner's report as we have carefully tried to unravel the different statements handed in by the secretary, without avail.

Your Commissioners desire to draw your attention to the amount of movages earned by the pilots, as for instance that of \$1,976.13 by Pilot Gorman, which is only an individual case, for 1917, which is comprised mainly of what we consider to be irregular charges on vessels bound directly to Bedford Basin from sea, or vice versa, which we understand has been discontinued as a result of the opinion received by the Halifax Pilotage Commissioners from their legal advisers.

We desire to call attention to the annual returns submitted to the Marine Department, which apparently do not include the amounts received by the pilots for movages in the "receipts."

APPRENTICES.

We especially bring to your notice the laxity of both Commissioners and pilots regarding these young men. It is obvious that during their apprenticeship they are kept on board the two pilot schooners, only one of which is on the station at a time, and alternately is in dock in the harbour, i.e., one week in port and one week on the station.

As the apprentices never go on board the steamers with the pilots, we fail to see where or how they gain the experience required in order to handle ocean steamers, and on questioning some of them they were found to very deficient in the general chart exercises, marks on lead line, etc., but to have a fairly good local knowledge of the soundings at the entrance to the harbour. The material is certainly in these young men if they are only given a fair chance to develop it.

No record of the attendances of the apprentices appears to have been kept, their principal duties during apprenticeship being those of members of the crews of the pilot schooners, and while the schooners are in dock they have absolutely nothing to do.

In the case of the pilot of the *Letitia*, it was ascertained from the minutes that he was received as apprentice on January 17, 1912, and apparently obtained his second-class license towards the end of January, 1915, although there is no minute of his passing any examination then, and we presume he received his branch license in January, 1917, as he appears in the minutes of February 1, 1917, among the list of branch pilots, although again there is no record of his having passed an examination.

This man had only six months' experience as a branch pilot when the casualty to the *Letitia* occurred.

Judging from the lack of experience gained by the apprentices during the term of apprenticeship, we find the opportunity offered of learning the duties of a pilot to be most inadequate. This and other instances confirms and verifies our opinion that the system of educating these apprentices is far from satisfactory.

PILOTS' SUPERANNUATION FUND.

Subsection 1, section 433, part VI, chapter 113, R.S.C., 1906, authorizes the Halifax Pilotage Commissioners to provide a fund for the relief and superannuation

of infirm pilots, their widows and children, and to make by-laws and regulations for administering the fund, which have to be approved by the Governor in Council.

The maximum superannuation allowed by Order in Council of July 30, 1915, is \$600 to any one pilot. The amount of superannuation to be granted to widows and children is not to exceed \$300 in any case.

The general administration of the fund is left to the Halifax Pilotage Commissioners.

The fund is derived from 3 per cent of the gross earnings of the pilots, and now totals \$44,384.44, invested as follows:—

Dominion stock.	\$ 4,012 36
Canadian war bonds.	37,492 13
Royal Bank.	2,379 95

EYESIGHT TEST.

The only examination for eyesight is made when the apprentices are entering the service, and is conducted by two of the Commissioners of the district.

POOLING OF PILOTS' EARNINGS.

The total earnings of the pilots, after deductions for management and superannuation, are pooled amongst the pilots.

This system appears to your Commissioners to be pernicious and to remove all incentive to individual ambition in striving to reach the top of the tree.

Re USE OF LIQUORS.

Your Commissioners' attention was drawn to the fact that intoxicating liquor was being permitted to be taken on board the pilot schooners, and there were several instances recorded in the minutes of the Halifax Pilotage Commissioners of inebriety amongst the pilots; and while the Commissioners of the District have recently dismissed some of these delinquents, we cannot but think that they were not strict enough in dealing with the pilots in this respect.

GRATUITIES GIVEN BY PILOTS.

It appears that after the pilots have drawn their money collectively from the Halifax Pilotage Commissioners, the Secretary-Treasurer prepares a statement dividing the earnings among the pilots, after deducting for store-supply of the schooners, crews' and apprentices' remuneration, the balance being divided into shares, one and one-half shares being allotted to the owners of the pilot schooners, as previously mentioned.

In this statement are certain gratuities paid the masters of vessels, and the explanation given for this procedure was that it was to compensate the masters for signing a voucher to enable the Secretary-Treasurer of the Pilot Commission to justify the collection of pilotage dues from the steamship agent.

This is a very bad feature in the matter.

Additional evidence was given by one of the witnesses to the effect that one of his barges was making from five to six trips a month, and the master of the tug in charge had been receiving a gratuity of \$5 each trip.

This appears to have come about through a misunderstanding arising from the Customs authorities requiring a clearance from the pilotage office that the pilotage dues had been paid.

LICENSING OF PILOTS FOR OUTPORTS.

It came out in evidence that the Commissioners had been issuing licenses to pilot vessels to and from the neighbouring outports. This has been found to be illegal and appears to have been stopped since 1908.

PERMITS TO PILOTS TO LEAVE DISTRICT TO MEET VESSELS.

Evidence was also given showing that the Commissioners had granted permits to certain of the Halifax pilots to go to St. John to bring vessels from that port to Halifax, thereby permitting them to do work outside of their district.

TARIFF.

No evidence was submitted either by the Pilotage Commission, shipping interests, or the pilots, as to the unreasonableness or otherwise of the present tariff.

It is therefore taken for granted that there are no complaints in regard to this matter.

MOVAGES.

This question appeared to be one that caused considerable irritation amongst both the pilots and the shipping interests, and after giving it careful consideration we cannot do otherwise than recommend the strictest application of section 462 of the present Canada Shipping Act to the parties concerned, as this appears to be fair and reasonable, and defines when a pilot may leave a ship which he has undertaken to pilot.

TRANSPORTATION FOR PILOTS TO AND FROM VESSELS IN HARBOUR.

A good deal of conflicting evidence was given as to the steamship agents being required to provide transportation to pilots from the wharves to vessels lying in the harbour.

In the unanimous opinion of your Commission, the pilotage authority should make arrangements for taking these men to and from their work.

RE NOTIFICATION OF CHANGES IN AIDS TO NAVIGATION.

From the evidence of Captain Martin it appears that the Naval Service notifies the Marine Department to effect the changes in aids to navigation, and the Marine Department undertakes to carry them out.

Captain Martin has admitted notifying the Pilotage Commission of intended changes, and the Marine Department have, in other instances, issued notices to mariners.

PRESENT SHORTAGE OF PILOTS.

From the evidence of a number of witnesses, and the information we obtained from the different authorities, we gathered that there was a shortage of pilots at present, and as this required urgent attention, your Commission, not having immediate power to take action, asked the present Halifax Pilotage Commissioners to immediately appoint seven pilots from the list of applications from masters and mates, which had been received in reply to their advertisement.

This is now being done and will meet the urgency of the present situation.

LICENSING OF MASTERS AND MATES OF CANADIAN REGISTERED VESSELS.

Section 477 of chapter 113, R.S.C., exempts certain steamers from pilotage dues, while employed in trading from port to port in the same province, or in certain defined limits.

Section 478 permits the pilotage authority of Halifax to determine, with the approval of the Governor in Council, whether any and which, if any, of the steamships employed, shall be exempt, and under what circumstances, from the compulsory payment of pilotage dues.

From the evidence submitted there is a strong feeling that the charge made to vessels trading regularly to the port from the different provinces, constituted more or less of a handicap to these enterprising vessels, the masters of which undoubtedly are experienced and expert to navigate the ship within the Halifax Pilotage District.

COMPULSORY AND NON-COMPULSORY PILOTAGE.

The term 'compulsory pilotage' is one which is little understood on this Continent.

The question of 'compulsory pilotage' has only been lightly touched upon by the Commission owing to the fact that pilotage is not 'compulsory' in Canada, and the present Acts impose no obligation on the Master to take on a pilot, but only require the Master, whether a pilot is taken on or not, to pay the pilotage dues; this system tends to do away with what should be the primary consideration, i.e. of safety.

The Canada Shipping Act, Chapter 113, R.S.C. 1906, Part VI, Section 473, provides that:—

"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 dues to any person or otherwise, R.S. c. 80, s. 57."

In the year 1911 the Minister of Marine and Fisheries introduced a Bill during the 3rd session of the 11th Parliament, which, if enacted, would have made the Pilotage in the Montreal and Quebec Districts 'compulsory.' The proposed bill read as follows:—

"473. *When employment of pilots is not compulsory.*

"Except with regard to such ships only for which the employment of pilots is made compulsory within the limits of the pilotage districts of Montreal and Quebec, 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 dues to any person or otherwise."

When the matter came before a Committee of the House the different interests for and against the Bill had a consultation with the Minister of Marine, and it was mutually agreed with the interests to withdraw the compulsory provisions from the Bill.

This means that there is no compulsory employment of pilots applicable to the Dominion of Canada, the masters or owners of the ships being merely compelled to pay the pilotage dues, or conversely, that any vessel can enter Canadian ports without employing a pilot, as long as the vessel pays the dues.

The term 'Compulsory pilotage' is applied to certain ports in Great Britain where the owners are compelled to employ a pilot. This exempts owners from liability for the acts of the pilot and relieves them of responsibility for any damage done while their vessels are under the care of a pilot in such ports. In order to be more explicit in this connection, we append the following extract from Marsden's "Collisions at Sea" (6th ed. 1910):—

"A pilot whom the owner or master of a ship voluntarily employs to navigate the ship is the servant of the owner for that purpose, and the owner is answerable for a collision caused by his fault or negligence.

"In some waters, and under certain circumstances, the law requires a ship to be placed in charge of, and navigated by, a qualified or licensed pilot; and in such cases it is a statutory offence on the part of the owner or person in charge of the ship not to take a pilot on board. A pilot taken under these circumstances, called a 'compulsory pilot' is held to be placed in charge of the ship by the law, and to supersede the master in the conduct of the ship so long as she is in pilotage waters. He is not the servant or agent of the owner; and for a collision caused entirely by his negligence neither is the owner answerable at law nor the ship in the Admiralty. In such case the remedy of the injured person is against the pilot alone.

"Pilotage is held to be compulsory, so as to exempt owners from liability for the acts of the pilot in all British waters, and for all ships in and for which the employment of a pilot is enforced by penalty, or where the pilotage charge can be recovered against the ship or her owners, whether the pilot is employed or not.

“In some foreign waters pilotage is compulsory in the sense that payment of the pilotage charges is compulsory, but the shipowner is nevertheless liable for the pilot's negligence. This difference in the owners' liability due to the different position and authority of the foreign pilot, is explained below:—

“In the Suez Canal local regulations having the force of law oblige the shipowner to take on board and pay a charge for a 'pilot.' The legal position of the Suez Canal pilot is similar to that of the pilot in this country. His duty is not to take charge of the ship; but to advise the master as to the navigation of the canal. The responsibility of the owners is expressly reserved by the local regulations and for a collision which occurs when the pilot is on board, and caused by his negligence the owners are liable. As an instance the following is one of the cases cited:—

“A collision between the *Winston Hall* and the *Guy Mannering* was caused by the bad navigation of the *Guy Mannering* while she had on board one of the company's pilots, and it was held by the Court of Appeal that the owners of the *Guy Mannering* were liable for the injury done to the *Winston Hall*. The decision was based upon the ground that by the law of the country in which the collision occurred, the pilot was on board merely to advise the master in matters requiring local knowledge; that the master and not the pilot had the command and charge of the vessel, and was responsible for her navigation.”

Section 474 of the Canada Shipping Act provides as follows:—

“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 either of 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 ground. R.S. c. 80, s. 57.”

In Great Britain a bill to consolidate and amend the laws of pilotage, was introduced in 1911, and came into operation on the 1st of April, 1913.

The Act deals with uncertainty and confusion in the pilotage laws and although the Board of Trade have been recognized as the central authority, their powers were inadequate properly to discharge this function.

The power to make by-laws given to the pilotage authorities by local acts, frequently differs from that given by the Shipping Acts, and the confirming authority is sometimes different.

There are instances of by-laws which are obviously inconsistent with the general rule, being confirmed. In many districts there are no by-laws in existence at all, or they are quite inadequate for the proper regulations of pilotage. For the purpose of revision of pilotage organization, the Board of Trade are required to appoint commissioners. Clause 15 provides as follows:—

“Notwithstanding anything in any public or local Act, the owner or master of a vessel navigating under circumstances in which pilotage is compulsory, shall be answerable for any loss or damage caused by the vessel or by any fault of the navigation of the vessel in the same manner as he would if pilotage were not compulsory.”

“(2) This section shall not take effect until the first day of January, nineteen hundred and eighteen, or such earlier date as His Majesty may fix by Order in Council, certifying that it is necessary to bring the section into operation in order to enable His Majesty to comply with an international convention.”

“(3) As from the date of the coming into operation of this section, section six hundred and thirty-three of the Merchant Shipping Act, 1894, shall cease to have effect.”

THE POSITION AND AUTHORITY OF A PILOT IN CHARGE OF A SHIP.

The following is an extract from the report of the Royal Commission on pilotage held in Great Britain in 1911:—

“Section 258. Position under the present law. According to English law the position of a compulsory pilot is that he is solely in charge of the navigation of the ship. He supercedes the master in all matters connected with the navigation of the ship. He is entitled to have all his orders promptly and diligently carried out, and any neglect in this respect, or any interference with him in the performance of his duties will, in the case of an accident resulting, making the owner liable. The master is not allowed to interfere with the pilot except in extreme cases of the latter's manifest incapacity to take charge of the ship, and to judge when such occasion has arisen is a matter of great difficulty; to quote the words of Sir Kenneth Anderson, giving evidence before us: ‘As the law stands, the pilot being absolutely in charge and over the captain, intervention places upon the captain an almost intolerable responsibility. He must be able to show so incontrovertible a case for intervention as to create a probability that he will not interfere until it is too late.’ It has been held by the courts that when a pilot was taking a ship on the wrong side of the river, in distinct violation of the law, the master was not at fault for not interfering, and that he would not be justified in so doing. On the other hand, when an incorrect light was exhibited by the orders of the compulsory pilot it was held that the owner was liable, as it was a matter in which the master should have interfered.”

In one very important respect the British Act alters from January 1, 1918, the legal effect of compulsory pilotage. The British Departmental Committee were unanimous in recommending that a shipowner should not, as hitherto, be released from liability for damage done by his vessel when a pilot is compulsorily on board. The Act will give effect to that recommendation. Presumably this alteration in the law must leave the ultimate responsibility for the safe navigation of the ship with the master, but, probably rightly, no attempt has been made to lay down by law the working relations between him and the pilot. When the suspensory provision ceases to operate the legal effect of compulsory pilotage under British law will become the same as under the laws of most maritime countries, and another step will have been taken towards that international uniformity which is specially desirable in connection with maritime affairs.

RECOMMENDATIONS.

Your Commissioners have the honour to recommend as follows:—

That the administration of the pilotage service by the present Commission has been found unsatisfactory, and we unanimously recommend the enactment of legislation appointing the Minister of Marine and Fisheries the pilotage authority for the District of Halifax;

2. That it is urgent that a Superintendent having sea-going experience, with a clean record, should be immediately placed in full charge of the District, to reorganize and administer its affairs, and be directly responsible to the minister;

3. That such Superintendent should not have been a pilot of the Halifax Pilotage District at any time;

4. That a qualified assistant be appointed, if found necessary, in order that the pilotage office may be kept open night and day.

Re APPRENTICES.

5. That the apprentices be indentured to the Minister of Marine and Fisheries;

6. That public notice be given when there are vacancies for apprentices, and that an examination of candidates be conducted under proper supervision, written answers being required to printed questions, and each candidate being required to pass a physical and eyesight test before final admission to apprenticeship;

7. That the apprentices be required to pass, either before or after being indentured, the examination of a grade not lower than that required of a second mate of a seagoing ship, before being granted a license as a branch pilot. If the apprentice already holds a second mate's certificate he may be considered as having passed the examination.

8. That the term of apprenticeship shall be as at present, five years; but in the case of an applicant possessing a second mate's seagoing certificate, he may be, when admitted, considered as having served the first two years of apprenticeship;

9. That an apprenticeship pilot be employed in accompanying branch pilots during the last three years of his apprenticeship and that each pilot be required to enter the name of the apprentice who accompanies him, names of vessels, etc., in the card to be filed in the pilotage office;

10. That in view of the lack of experience of the present apprentice pilots, we are of opinion that no second-class licenses should be issued, or any permits be granted to the apprentices until such time as they satisfy the minister of their proficiency;

11. That instructions be issued to immediately examine the present pilots, as well as the apprentices, as to their eyesight;

12. That the present apprentices be required to accompany the branch pilots on at least 100 round trips before the expiration of the term of their apprenticeship, and that each pilot who takes an apprentice under his charge shall be obliged to add to his report to the pilotage office (which shall also bear the endorsement of the master of each respective vessel) the name of the apprentice pilot accompanying him, and that these records shall constitute the sole recognition of the apprentice having completed this service;

13. That the card system as at present in use by the Department of Marine in the districts of Montreal and Quebec be adopted in Halifax.

PILOTS' SUPERANNUATION FUND.

14. This fund is created by a resolution of the Board of Pilotage Commissioners, deducting 3 per cent from the gross earnings of the pilots, from which the necessary expenses of administration, including salary of secretary-treasurer and assistant, office rent and other expenses, are the first charge, the surplus being applied to a fund for the relief and superannuation of infirm pilots, their widows and children.

We will deal with the question of the pension fund generally in our final report.

15. In the meantime an arrangement should be made so that any of the masters and mates now admitted as pilots shall pay the same proportion as the pilots to the pension fund, and when leaving the service shall be entitled to a refund of whatever they have paid in, plus the interest thereon. In all other conditions they should be on an equality with the present pilots.

EYESIGHT TEST.

16. We recommend that the examination test with regard to the eyesight of the apprentices and pilots should be conducted annually, and that the system in vogue in the Quebec and Montreal districts be adopted, as set forth in by-law 16 of the Montreal district, which requires all licensed pilots and apprentice pilots to undergo

every year an examination as regards eyesight and for colour-blindness and hearing, before a medical officer and an officer of the Department of Marine, both selected by the minister, and that the sight tests shall be the same as those passed by candidates for masters' and mates' examinations.

URGENT.

17. In view of the fact that the apprentices and pilots have not been examined since they entered into the service, it is essential that an oculist be appointed, along with an official of the Department of Marine, to effect immediately the examination of the eyesight and hearing of the pilots and apprentices of the Halifax district.

POOLING OF PILOTS' EARNINGS.

In Liverpool the pilots have a system which might be called pooling of earnings, but which is entirely different from that in vogue in Halifax, which tends to create and maintain a monopoly of a body whose interests are not identical with the best public interest, who are aware that they get a share of the pool whether they work for it or not, and whose services are not so readily or so cheerfully given as if employment depended on their efficiency and competency, and the amount of work obtained by each individual pilot.

In Liverpool all pilotage rates and other earnings of the pilots, after making all proper deductions therefrom, are carried to a common fund and divided amongst the pilots according to class, and no pilot is entitled to any share of the pilotage and other earnings of the pilots in respect of any day upon which he shall be absent from duty without leave.

18. We recommend that a roster of the pilots be kept so that each pilot may be engaged in turn for outward pilots it should be kept by the pilotage office, and for inward pilots on board of the pilot tender.

This matter will be continued and be further dealt with in our final report.

RE USE OF INTOXICATING LIQUORS.

19. That no pilot or apprentice pilot shall be allowed to use intoxicating liquors,

20. Any infraction of this rule to be punishable by fine or suspension for the first offence, and dismissal for the second offence.

21. That no intoxicating liquors be permitted to be kept in the pilotage office or on board the pilot tender.

22. Any infraction of this latter rule to entail instant dismissal.

GRATUITIES GIVEN BY THE PILOTS.

23. We recommend that the solicitation by a pilot, or the use of any influence by a pilot to secure for himself, or any other pilot, the pilotage of any ship or ships required to pay pilotage or otherwise, or offering any inducement, monetary or otherwise, be strictly prohibited, and any infraction of this to be considered as an offence, and dealt with accordingly.

PERMITS TO PILOTS TO LEAVE THE DISTRICT TO MEET VESSELS.

24. That no pilot be allowed to perform any pilotage duties outside of his own district.

TRANSPORTATION FOR PILOTS TO AND FROM VESSELS IN THE HARBOUR.

25. We recommend that the pilotage authority should provide a small launch or tender to transport the pilots to and from vessels in the harbour.

NOTIFICATION OF CHANGES IN AIDS TO NAVIGATION.

26. That all information in regard to these changes, especially during the war, in the harbour of Halifax, be through the Naval Service, and in ordinary times through the Marine Department.

PRESENT SHORTAGE OF PILOTS.

27. The action taken by the Halifax Pilotage Commissioners to provide seven extra pilots will make a present total of twenty. This we consider is a sufficient number for the present; but we recommend that this number shall be further increased not to exceed twenty-five, nor to be less at any time than twenty pilots.

LICENSING OF MASTERS AND MATES OF CANADIAN REGISTERED VESSELS.

28. In order to relieve the situation it is strongly recommended that masters of Canadian registered vessels trading regularly to the port, as provided for in section 477 of the Canada Shipping Act, be licensed by the pilotage authority.

This would necessitate the amending of section 487 of the aforementioned Act, and would put the Canadian vessels trading between Canadian ports on the same basis as the United States vessels trading in American ports.

BY-LAWS.

29. That upon the appointment of the Superintendent, as hereinbefore recommended, a new set of By-laws be drawn up and adopted, defining his duties, with provisions for the management and conduct of the pilots, etc.

STEAM PILOT TENDER.

30. We strongly recommend, in order to overcome the obsolete service given by the present pilot schooners, that the Government, or Pilotage Authority, provide a steam pilot vessel with accommodation for 15 pilots, exclusive of crew; that the expense of running this vessel be borne by the Pilotage Authority.

The importance of Halifax at the present time as a Naval station, and its future development as a National port, we feel justifies us in making this recommendation.

In view of the fact that it appears from figures we have to hand for the year 1913 (prior to the war) that the expenses of upkeep of the two present schooners,—not counting the victualling,—was \$1,075, and the dividends paid to the pilots derived from the schooners, was \$4,425, making a total of \$5,500,—which has increased considerably since the war started,—this amount would be available towards the operating expenses of the Steam Pilot Vessel.

RE TARIFF.

31. We have discussed this question, as referring to charges by tonnage or draught on vessels, but are at present unable to say definitely as to what we think is the best course to pursue, and will therefore deal further with this question in our final report.

EXEMPTIONS.

32. We recommend that subsection "C" of Section 477 of the Canada Shipping Act, be amended so as to read,

"(c) ships propelled wholly or in part by steam or other motive power."

Recommendations tending toward the adoption of a uniform system in the various pilotage districts, and other matters, will be dealt with in our final report, after hearing evidence in connection with these districts.

Your Commissioners respectfully submit the above report.

THOMAS ROBB, *Chairman.*

JAS. N. BALES,

J. W. HARRISON,

Commissioners.

J. T. ROWAN,

Secretary.

MONTREAL, February 27, 1918.