

# In the Privy Council.

No. 129 of 1919.

30 30 of 9-9

## ON APPEAL

FROM THE SUPREME COURT OF CANADA.

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BETWEEN—THE SHIP “IMO” ... .. APPELLANTS  
AND  
LA COMPAGNIE GENERALE TRANS-  
ATLANTIQUE ... .. RESPONDENTS.

### The “MONT BLANC.”

*and Cross Appeal*

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#### 10 CASE ON BEHALF OF THE APPELLANTS.

*and Respondents in Cross Appeal*

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1.—This is an appeal and cross appeal from the Judgment of the Supreme Court of Canada delivered on the 19th day of May 1919 reversing, by a majority, the Judgment of the Honourable Mr. Justice Drysdale, Local Judge in Admiralty for the Nova Scotia District of the Exchequer Court of Canada delivered on the 27th April 1918 in an action brought for damages by collision by the owners of the steamship “Mont Blanc” (the Respondents) against the owners of the steamship “Imo” (the Appellants).

RECORD.

20 The claim in the action brought by the Respondents was for \$2,000,000 and the Appellants counterclaimed for the sum of \$2,000,000. The action came on for trial before the Honourable Mr. Justice Drysdale, Local Judge in Admiralty, assisted by nautical assessors who pronounced the “Mont Blanc” solely to blame for the collision.

The Respondents appealed against the said judgment to the Supreme Court of Canada. On the appeal to that Court two Judges (Sir Louis Davis and Idington J.) upheld the decision of the trial Judge, finding the “Mont Blanc” wholly to blame, two Judges (Brodeur and Mignault J.J.) found the “Imo” wholly to blame, and the fifth Judge (Anglin J.) found that both ships were equally to blame. In the result the decree of the Supreme Court of Canada allowed the appeal with costs and held that both ships were equally  
30 liable, and directed that damages be assessed accordingly, without costs to either party, in the Exchequer Court.

2.—The action was brought in respect of a collision between the steamship “Mont Blanc” and the steamship “Imo” which occurred at about 8.50 a.m. on the 6th December, 1917, in Halifax Harbour, Nova Scotia. The “Mont Blanc”