

HALIFAX EXPLOSION, 1917

DECISION OF PRIVY COUNCIL

The appeal to the Judicial Committee of the Privy Council in the case of the Ship *Imo* vs. the *Mont Blanc*, was heard by Viscount Haldane, Lord Dunedin, Lord Atkinson, and the Lord Justice Clerk, with Admiral Sir Nelson Omanney, K.B.E., and Commander W. F. Caborne, C.B., as Nautical Assessors.

Their Lordships dismissed these cross-appeals from a judgment of the Supreme Court of Canada of May 19 last in a suit relating to the collision of the two vessels in Halifax Harbor in 1917. The *Times* Law Report is as follows:

The action arose out of a collision between the two vessels in the harbor of Halifax, Nova Scotia, on December 6, 1917, shortly before 9 a.m. The *Mont Blanc* was loaded with a cargo of high explosives. The impact of the two ships ignited that cargo, which exploded and devastated a large part of the city of Halifax and the town of Dartmouth, causing many hundreds of deaths and destroying property worth several millions. The owners of the *Mont Blanc* claimed \$2,000,000 as damages, and the owners of the *Imo* counter-claimed for a similar amount.

Mr. Justice Drysdale, assisted by nautical assessors, tried the case at Halifax. The trial occupied 13 days. The judge pronounced the *Mont Blanc* solely to blame. The owners appealed to the Supreme Court of Canada, and the appeal was heard by five judges, two of whom found the *Mont Blanc* wholly to blame, two found the *Imo* solely at fault, and the fifth judge was of opinion that both were equally responsible. In the result the Supreme Court allowed the appeal and held both ships equally liable. From that decision both sides appealed.

At the time of the disaster the *Imo*, belonging to the port of Christiania, was going in ballast to sea on a voyage to New York under a charter, made between her owners and the Belgian Relief Commission. The *Mont Blanc* was the property of La Compagnie Generale Transatlantique, and was going from New York to Halifax with a full cargo of picric acid, T.N.T., benzol and gun-cotton, belonging to the French Government. Each was in charge of a qualified pilot. The collision took place in about mid-channel while the *Imo* was steering down channel from the Narrows to sea, and the *Mont Blanc* was going up channel intending pass through the Narrows. There was, it was admitted, no wind and very little tide, and for all practical purposes there was sufficient visibility.

The *Imo* alleged against the *Mont Blanc* that she was travelling at excessive speed, and that she starboarded her helm and attempted to cross the

bows of the *Imo*, that she waited to reverse engines until the instant of or only a few seconds before the collision, that she crossed to the Halifax side of the channel instead of keeping to the starboard side of mid-channel, and that she did not give the proper whistle signals or navigate in accordance with the whistle signals. Stress was also laid on the fact that she had no interpreter on the bridge through whom the Canadian pilot could give orders to the French officers.

The *Mont Blanc* submitted that the negligent navigation of the *Imo* was the sole cause of the collision. It was alleged that while the *Mont Blanc* was keeping to her right side of the channel and giving appropriate signals, the *Imo* adhered to her wrong side, thus putting the *Mont Blanc* into a position of difficulty when it was necessary to take immediate action. The putting of her helm hard a-starboard was, it was submitted, the best course to have adopted to avoid a disaster.

Lord Atkinson, whose judgment was read by the Lord Justice Clerk, went in great detail into the cases, and the evidence on both sides, and, in conclusion, said: Their lordships have, upon the whole, come to the following conclusions: First, that the *Mont Blanc* from the time when she passed the *Highflyer* till she starboarded her helm in the agony of the collision, never left her own water though she may no doubt before she was actually struck have forged ahead so as to cross the middle line of the channel. Second, as she steamed up through her own waters her speed was not immoderate. Third, the *Imo*, in order to inflict the injury to the *Mont Blanc* which it is proved she did inflict, must have struck that ship with more force and at a higher rate of speed than her witnesses admit. Fourth, the *Mont Blanc* must at the time of the collision have had little, if any way on her, else the stern of the *Imo* would have been twisted to some extent, which it was not. Fifth, the inclination of their lordships opinion is that the *Imo* could, when she first reversed her engines, have crossed into and remained in her own water, as she was bound to do, but never did. It is not necessary, however, absolutely to decide the last point, because on the case of both ships it is clear that their navigators allowed them to approach within 400 feet of each other on practically opposite courses, thus incurring risk of collision, and indeed, practically bringing about the collision, instead of reversing their engines and going astern as our assessors advise us they, as a matter of good seamanship, could and should have done, long before the ships came so close together. This actually led to the collision. The manoeuvre of the *Mont Blanc* in the agony of the collision may not have been the best manoeuvre to adopt, and yet be in the