

was loaded with a cargo of high explosives and the distressing feature of the case is that the impact of the two ships ignited the cargo of the "Mont Blanc" which shortly afterwards exploded and devastated a large part of the City of Halifax and Town of Dartmouth causing the death of many persons, including all the navigating officers of the "Imo" and the destruction of much property.

3.—The endorsements of claim and counterclaim and the Preliminary Acts filed on behalf of the respective vessels will be found on pages 1 to 9 of the Record.

4.—An investigation before the Wreck Commissioners took place at Halifax on the 13th, 14th, 15th, 17th, 18th, 19th, 20th, and 21st December 1917, 10 21st, 22nd, 23rd, 25th, and 28th January 1918, and the Chairman of the Commission was the Local Judge in Admiralty, who subsequently was also the Trial Judge in the Action. It was agreed between the parties that the evidence made before the Wreck Commissioners should be used at the trial of the action, but the right was reserved to either side to give further evidence. The only additional evidence adduced before the learned Trial Judge was that which was given by one Makinney on behalf of the Respondents, and which the learned Judge severely discredited in his judgment.

5.—The case made on behalf of the Appellants in their Preliminary Act or proved in evidence at the trial was as follows:—

At about 8.50 a.m. on the 6th December 1917 the "Imo," a steel screw steamship belonging to the Port of Christiania in the Kingdom of Norway, of 5041 tons gross and 3161 tons net register, fitted with triple expansion engines of 424 horse power nominal and of the length of 430 feet, was proceeding in ballast to sea from the Port of Halifax in Nova Scotia on a voyage from Rotterdam to New York, under a charter between her owners and the Belgian Relief Commission manned by a crew of 39 hands all told.

The weather was clear generally but there was a slight haze in the upper part of the Narrows. There was no wind or tide.

The "Imo" left her anchorage on the Western shore of Bedford Basin on 30 the morning of the collision shortly after eight o'clock, in charge of a duly licensed pilot, Hayes.

A number of ships were anchored in the Basin between her anchorage and the entrance to the Narrows, and the "Imo" had to pursue a zigzag course through them and necessarily her speed was slow.

Her course was through the Narrows to the Main Harbour. In the upper part of the Narrows, above the bend at Pier 9, the course of the "Imo," as of all steamers coming out of the Basin, was of necessity, owing to the configuration of the channel, directed to the Dartmouth shore which was on her port side.

As the "Imo" was about to enter the Narrows, in which the collision took place, an American Tramp Steamer was coming up the Narrows on the Halifax side, which for her was the wrong side of the channel.

The American Tramp refused to get on her own side of the channel. The "Imo" blew a one-whistle signal to her, but the American blew a two-blast signal in reply, and remained on the Halifax side, and in the "Imo's" waters.

387. L. 14

404. L. 16

446. L. 42

285. L. 26

413. L. 27

445. L. 29

444. L. 22

447. L. 22

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