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In the Privy Council on
appeal from the Supreme

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In the Privy Council.

ON APPEAL FROM THE SUPREME COURT OF CANADA.

Between:

THE SHIP "IMO", (Southern Pacific Whal-
ing Company, Limited, Owners), (*Defendant*),
Appellant.

AND

LA COMPAGNIE GENERALE TRANS-
ATLANTIQUE, (*Plaintiff*),
Respondent.

RECORD OF PROCEEDINGS

VOLUME 1.

CONSTANT & CONSTANT,
3 East India Avenue,
London, E. C., 3,
Appellant's Solicitors.

WILLIAM A. CRUMP & SON,
17 Leadenhall Street,
London, E. C., 3,
Respondent's Solicitors.

In the Privy Council.

No. 129 of 1919.

30 30 of 9-9

ON APPEAL

FROM THE SUPREME COURT OF CANADA.

BETWEEN—THE SHIP “IMO” APPELLANTS

AND

LA COMPAGNIE GENERALE TRANS-
ATLANTIQUE RESPONDENTS.

The “MONT BLANC.”

and Cross Appeal

10 CASE ON BEHALF OF THE APPELLANTS.

and Respondents in Cross Appeal

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.

30 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 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”

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.

387. L. 14 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 404. L. 16 course through them and necessarily her speed was slow.

Her course was through the Narrows to the Main Harbour. In the 446. L. 42 upper part of the Narrows, above the bend at Pier 9, the course of the "Imo," 285. L. 26 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 413. L. 27 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 445. L. 29 "Imo" blew a one-whistle signal to her, but the American blew a two-blast 444. L. 22 signal in reply, and remained on the Halifax side, and in the "Imo's" waters. 447. L. 22

The "Imo" was then compelled, in order to avoid a probable collision with the American tramp, to blow a two-blast signal to her and to pass her in the upper part of the Narrows starboard to starboard instead of port to port. When passing the American tramp the speed of the "Imo" was four to five knots.

P. 444, L. 23
P. 445, L. 29
P. 448, L. 31
P. 446, L. 33

Just after getting past the American tramp, the ocean-going tug "Stella Maris," going up the Narrows towing two heavily laden unwieldy barges with long tow lines, appeared in front of the "Imo."

P. 377, L. 3
P. 383, L. 1

10 The "Stella Maris" was heading to cross over to the Dartmouth side from the Dry Dock on the Halifax side, and was about out to mid-channel when the "Imo" first saw her, but did not continue this course when the "Imo" came in sight, but turned back towards the Halifax side, thus putting herself across the channel and on the wrong side and in the "Imo's" waters.

P. 405, L. 31
P. 235, L. 11
P. 487, L. 25
P. 325, L. 18
P. 424, L. 20

The "Imo" was also compelled by the manoeuvre of the "Stella Maris" to pass her starboard to starboard.

P. 419, L. 36

Before getting down to the "Stella Maris," the ~~latter~~ ^{former} blew a one-blast signal for the "Mont Blanc," which had previously been seen at a considerable distance.

P. 481, L. 17
P. 487, L. 39
P. 496, L. 4

20 When the "Imo" blew her one-blast signal the "Mont Blanc" was not keeping in close to the Dartmouth shore, but was working out to mid-channel, angling across to the Halifax side, and cutting the course of the "Imo."

P. 496, L. 4
P. 241, L. 27
P. 318, L. 6
P. 560, L. 23
P. 269, L. 20
P. 416, L. 19
P. 227, L. 26
P. 214, L. 15

The "Imo" was always keeping as close as practicable to the Halifax side.

P. 410, L. 22
P. 487, L. 39

When abreast of the "Stella Maris" off Pier 9, the "Imo" blew a three-blast signal and reversed her engines. The distance between the "Imo" and the "Mont Blanc" at this time was from one-half to three-quarters of a mile.

P. 214, L. 22
P. 217, L. 33
P. 233, L. 42
P. 482, L. 1
P. 378, L. 30
P. 368, L. 10
P. 561, L. 24

30 When the engines were reversed at this time, the bow of the "Imo" swung to starboard towards the Halifax side, so that witnesses on board steamers moored at the dry dock, on the Halifax side, could see her port side, on a small angle.

P. 230, L. 10
P. 226, L. 10
P. 234, L. 1
P. 238, L. 1
P. 563, L. 8

From that time until the time of the collision, the "Imo" was never heading towards the Dartmouth shore, but was heading towards the Halifax side, and under port and steady helm.

P. 226, L. 9
P. 231, L. 6
P. 234, L. 1
P. 238, L. 1
P. 467, L. 3
P. 468, L. 14
P. 468, L. 38
P. 473, L. 2
P. 489, L. 13
P. 559, L. 29
P. 564, L. 10
P. 653, L. 33

After the engines of the "Imo" were reversed at this time, they were stopped, and remained at stop until just before the collision, when they were, as hereafter appears, again reversed.

P. 388, L. 10
P. 561, L. 24

After the first reversing, the "Imo" was barely moving through the water up to the time of the collision.

P. 472, L. 6
P. 483, L. 14
P. 561, L. 39
P. 214, L. 2
P. 409, L. 17
P. 240, L. 13

P. 217. L. 35
P. 243. L. 6
P. 243. L. 35

The next signal was a one-blast signal of the "Mont Blanc," said by some of the witnesses to have been quickly repeated.

P. 237. L. 10
P. 218. L. 10
P. 220. L. 18
P. 238. L. 25
P. 483. L. 3
P. 494. L. 17
P. 643. L. 15

This was followed by another one blast signal from the "Imo," and the "Imo" was kept turning to starboard in accordance with her signal.

P. 230. L. 1
P. 242. L. 31
P. 294. L. 30
P. 413. L. 2
P. 471. L. 2
P. 471. L. 31

The "Mont Blanc" had then worked out pretty well to mid-channel, but the two ships were then in their own respective waters, and were heading on courses under which they could and should have passed in safety port to port.

P. 413. L. 2
P. 220. L. 43
P. 225. L. 29
P. 242. L. 18
P. 469. L. 10
P. 471. L. 27
P. 483. L. 21
P. 490. L. 12
P. 64. L. 31

The "Mont Blanc" then blew a cross signal of two blasts and swung to port on a starboard helm, throwing herself across the channel in front of the bows of the "Imo" and making a collision inevitable.

10

P. 413. L. 19
P. 489. L. 3
P. 495. L. 21
P. 389. L. 3
P. 236. L. 25
P. 218. L. 21
P. 37. L. 20
P. 49. L. 24
P. 130. L. 17

The "Imo" immediately blew a three blast signal and reversed her engines full speed astern, but the collision could not be avoided.

P. 38. L. 12

The starboard side of the "Mont Blanc," about opposite No. 1 hold, struck the stem and port bow of the "Imo," the blow leading forward on the "Mont Blanc."

P. 202. L. 11
P. 278. L. 1
P. 627. L. 19

The stem of the "Imo" was not injured in any way and the only damage to the "Imo" was that made apparently by her anchor, which was hanging over the port side, pressing against the starboard side of the "Mont Blanc."

P. 65. L. 1
P. 560. L. 26
P. 662. L. 35
P. 409. L. 31
P. 227. L. 34
P. 238. L. 30
P. 334. L. 41
P. 337. L. 44
P. 347. L. 28
P. 470. L. 43

The collision took place on the Halifax side of the channel.

P. 65. L. 30

After the collision smoke and flames appeared from the "Mont Blanc" and she continued making headway and grounded on the Southern side of Pier No. 6 on the Halifax side, where she was at the time of the explosion, which occurred about 20 to 25 minutes later.

P. 657. L. 30
P. 131. L. 40
P. 33. L. 11

The pilot, officers and crew of the "Mont Blanc" got into their boats when the "Mont Blanc" was 40 yards from Pier No. 6 on the Halifax side, and rowed across the Harbour to Dartmouth where they took refuge in the woods.

P. 656. L. 1
P. 650. L. 8
P. 84. L. 10
P. 249. L. 1
P. 410. L. 34

No warning was received by the men on the "Imo" or the men on the wharves or on steamers as to the nature of the cargo of the "Mont Blanc" and the danger of the explosion. The "Imo" did not, therefore, attempt to get away from the vicinity, although there was ample time to do so, and her captain, pilot, chief officer and others were killed in the explosion.

30

6.—The charges of negligence made against the "Mont Blanc" in the Pleadings or at the Trial were (inter alia):—

- (A) Travelling at an excessive rate of speed.
- (B) Starboarding her helm and attempting to cross the bows of the "Imo."
- (C) Not reversing engines long previous to the collision, but waiting until the instant of the collision or twenty or thirty seconds before the collision.
- (D) Not keeping to the starboard side of mid-channel but crossing over to the other or Halifax side.
- (E) Not giving proper whistle signals and not navigating in accordance with her whistle signals.
- (F) Placing herself in the position of a crossing ship in relation to the "Imo," involving risk of collision with the "Imo" on starboard bow of "Mont Blanc," and not keeping out of the way but attempting to cross the bows of the "Imo."
- (G) Not having an interpreter on the bridge through whom the pilot could give orders to the French officers.

10

7.—The case made on behalf of the Respondents by their Preliminary Act and attempted to be proved at the trial was as follows:—

About 8.45 a.m. on the 6th December 1917, the "Mont Blanc," a steel screw steamship belonging to the Port of St. Nazaire, of 3121 tons gross and 2252 tons net register, fitted with triple expansion engines of 247 horse power nominal and of the length of 330 feet, was proceeding up Halifax Harbour making for Bedford Basin for the purpose of joining a convoy on a voyage from New York to France with a cargo of high explosives, benzol and guncotton, manned by a crew of 41 hands all told.

The weather at the time was fine, the wind very light from the Southward, and there was practically no tide.

30 The "Mont Blanc," which was in charge of a duly licensed pilot for the Halifax District, had arrived in the harbour the evening before, too late, however, to pass up to Bedford Basin, where ships assembled awaiting convoy. She was heading about N.3° W. and making about four knots, and was keeping to the Dartmouth side of the harbour, that is the side of the fairway or mid-channel, which lay on her own starboard hand.

A good look-out was being kept.

The "Imo" was first seen at the entrance to the Narrows going up to the Basin at least one mile away.

40 The "Mont Blanc" was then on her starboard side of the channel close in to the Dartmouth shore about 320 or 330 feet distant from it.

The "Mont Blanc" blew one short blast.

According to the evidence of her pilot, the course of the "Mont Blanc" was not changed at that time but her captain says the course was directed more to starboard.

This signal was immediately answered by a two-blast cross signal from the "Imo," the ships being then at least three-quarters of a mile apart. No

P. 127. L. 21
Vol. 2, P. 19.
L. 18

Vol. 2, P. 19.
L. 18
P. 129, L. 1

P. 129, L. 1
P. 145, L. 11
Vol. 2, P. 19.
L. 18
P. 53, L. 7

P. 128, L. 34
P. 129, L. 10

further whistle signal was blown by either ship until the "Imo" had approached to within "400 not over 500 feet" from the "Mont Blanc," when the "Mont Blanc" blew another signal—one short blast.

P. 129, L. 40
 P. 146, L. 1
 P. 145, L. 24
 P. 129, L. 18

The helm of the "Mont Blanc" was then ported a little.

P. 146, L. 19
 P. 146, L. 5
 P. 53, L. 7
 P. 36, L. 40
 P. 36, L. 29
 P. 129, L. 15
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 L. 25

This manœuvre brought the "Mont Blanc" within 200 to 300 feet of the Dartmouth shore.

This signal was immediately answered by the "Imo" with another two-blast signal and the "Imo" was trying to wedge in between the "Mont Blanc" and the Dartmouth shore.

P. 291, L. 41
 P. 36, L. 42
 P. 200, L. 40
 P. 208, L. 32
 P. 150, L. 22
 P. 165, L. 8

The "Mont Blanc" then blew a two-blast signal and swung across the channel heading towards the Halifax side, the order being "hard to port" (using this term in accordance with its meaning on French ships) according to the French captain and wheelsman, but only "just a little" starboard helm (using the term "starboard helm" in accordance with its meaning on British ships) according to Pilot Mackey.

P. 169, L. 25
 P. 129, L. 40
 P. 54, L. 15

When this two-blast signal was blown by the "Mont Blanc" the ships were between 300 and 400 feet apart.

P. 130, L. 5
 P. 136, L. 1
 P. 180, L. 39
 P. 169, L. 35
 P. 36, L. 42
 P. 55, L. 3
 P. 54, L. 31

When the "Mont Blanc" had been swung to port after this two blast signal, the two ships were then said to have been in a parallel position, and able to pass safely starboard to starboard with the "Mont Blanc" heading to the Halifax side and the "Imo" to the Dartmouth shore, the distance between their bows being between 300 and 400 feet, and between the parallel course 100 feet, both ships being close in to the Dartmouth shore.

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 L. 31
 P. 55, L. 10
 P. 204, L. 14
 P. 202, L. 1
 P. 40, L. 9
 P. 133, L. 4

The blame for the collision was placed on the "Imo," because at this juncture she is alleged to have reversed her engines and swung round 60 or 70 degrees to starboard as if on a pivot, starting to swing when she was "perhaps 100, perhaps 150 feet distant," the stem of the "Imo" striking the "Mont Blanc" on her starboard side, opposite No. 1 hold, at a little more than an angle of 90° from the bow of the "Mont Blanc."

P. 42, L. 37
 P. 119, L. 5
 P. 132, L. 4

The collision occurred in mid-channel.

P. 306, L. 33
 P. 312, L. 17
 P. 313, L. 32
 P. 315, L. 32
 P. 316, L. 37

The evidence of the engineers of the "Mont Blanc" was that the engines were going half speed ahead for a long time before the collision. After half speed ahead, the orders before the collision were slow, stop and reverse. These orders came so rapidly that although the blackboard was only three yards away, there was not sufficient time for the engineers to mark down any of them before the collision.

P. 257, L. 22
 P. 254, L. 18
 P. 268, L. 41

The man in charge of the telegraph, Lieut. Leveque, on the "Mont Blanc" says that no signal to reverse engines was given before the collision.

P. 48, L. 33
 P. 189, L. 27

The captain and pilot of the "Mont Blanc" say that the engines were reversed but only twenty to thirty seconds before the collision.

P. 48, L. 11
 P. 130, L. 40

No three blast signal was given assuming the engines were reversed.

8.—The charges of negligence made against the "Imo" in the Preliminary Act were that:—

- (i) She was proceeding at excessive speed.
- (ii) She did not keep to her own side of the channel.
- (iii) A good look-out was not kept on board of her.
- (iv) She improperly starboarded across the course of the "Mont Blanc."
- (v) She improperly ported and attempted to cross ahead of the "Mont Blanc."
- (vi) She was not navigated in accordance with signals given by her.

9.—On the 27th April 1918 the Honourable Mr. Justice Drysdale, who had seen and heard all the witnesses give their evidence, gave judgment finding 10 the "Mont Blanc" solely to blame for the collision. He condemned the "Mont Blanc" because:—

- (i) The collision occurred on the Halifax side of the fairway or mid-channel, where the "Mont Blanc" had no right to be.
- (ii) The "Mont Blanc" from her proper position on the Dartmouth side of the channel improperly starboarded across the harbour reaching for the Halifax wharf, and threw herself across the bows of the outcoming ship "Imo."
- (iii) The story told by the witnesses on the "Mont Blanc" was absurd and impossible.

20 The Judgment will be found at page 747 of the Record.

10.—From the Judgment of the Honourable Mr. Justice Drysdale the Respondents gave notice of appeal. The said notice of appeal will be found on page 751 of the Record.

The factum filed on behalf of the Appellants will be found in Vol. 2 of the Record. The factum filed on behalf of the Respondents will also be found in the same volume.

11.—The Appeal was heard on the 11th, 12th and 13th days of March 1919 by the Supreme Court of Canada, composed of the Right Honourable Sir Louis Davies Chief Justice, the Honourable Mr. Justice Idington, the Honourable 30 Mr. Justice Anglin, the Honourable Mr. Justice Brodeur and the Honourable Mr. Justice Mignault, sitting with a nautical assessor. Judgment was delivered on the 19th day of May 1919. Sir Louis Davies Chief Justice and Mr. Justice Idington gave judgments dismissing with costs the Appeal of the present Respondents the owners of the "Mont Blanc."

Mr. Justice Anglin gave Judgment finding that both vessels were equally to blame and allowed the Appeal accordingly. Mr. Justice Mignault and Mr. Justice Brodeur gave Judgments allowing the appeal.

The Judgments of the Supreme Court of Canada will be found on pages 752 to 772 of the Record.

40 12.—The Appellants submit that the Judgment of the Supreme Court is wrong and that the "Mont Blanc" ought to be held alone to blame for the collision for the following amongst other

REASONS.

- (1) Because on the admitted facts the "Mont Blanc" was not kept on her own starboard side of the channel and has committed a breach of Article 25 of the Regulations for preventing collisions at sea and such breach in fact caused the collision.
- (2) Because the helm of the "Mont Blanc" was improperly and at an improper time starboarded.
- (3) Because the "Mont Blanc" improperly failed to pass the "Imo" port to port.
- (4) Because the "Mont Blanc" failed to act in accordance with 10 the signal which she first gave.
- (5) Because the engines of the "Mont Blanc" were not duly or in due time eased or stopped or reversed.
- (6) Because the Trial Judge saw and heard the witnesses and his Judgment is right and ought to be affirmed.

BUTLER ASPINALL.
HUGH C. S. DUMAS.

ON APPEAL

FROM THE SUPREME COURT OF CANADA.

BETWEEN

The Ship "IMO" APPELLANTS

—AND—

LA COMPAGNIE GENERALE
TRANSATLANTIQUE ... RESPONDENTS.

SS. "MONT BLANC."

Case on behalf of the Appellants.
The Ship "IMO."

CONSTANT & CONSTANT,

3 East India Avenue.

London, E.C. 3,

Appellants' Solicitors

In the Privy Council.

ON APPEAL
FROM THE SUPREME COURT OF CANADA.

BETWEEN

THE SHIP "IMO" (SOUTHERN PACIFIC WHALING
COMPANY LIMITED : OWNERS) ... (Defendant) APPELLANT

AND

10 LA COMPAGNIE GENERALE TRANSATLANTIQUE
(Plaintiff) RESPONDENT.

AND IN CROSS-APPEAL

BETWEEN

LA COMPAGNIE GENERALE TRANSATLANTIQUE
(Plaintiff) APPELLANT

AND

THE SHIP "IMO" (SOUTHERN PACIFIC WHALING
COMPANY LIMITED : OWNERS) ... (Defendant) RESPONDENT.

CASE

ON BEHALF OF THE RESPONDENT AND CROSS-APPELLANT.

20 1.—The Appeals in this case are asserted from a decision of the Supreme Court of Canada in an action brought by the Respondent, the owner of the steamship "Mont Blanc," against the steamship "Imo," belonging to the Appellant. The action arose out of a collision between the steamship "Mont Blanc" and the steamship "Imo," which took place on the 6th December 1917, at about 8.45 or 8.50 a.m., in the Harbour of Halifax, Nova Scotia. The action was tried in the Exchequer Court of Canada in Admiralty, the Nova Scotia Admiralty District. The Respondent was Plaintiff in the action, the Appellant Defendant. The Exchequer Court held the "Mont Blanc" solely to blame for the collision. Both sides appealed to the Supreme Court
30 of Canada. The Supreme Court by a majority held both vessels equally to blame. The Appellant on this Appeal contends that the "Imo" ought to be held alone to blame.

2.—In consequence of the said collision an explosion took place on board the "Mont Blanc," which was destroyed. The "Imo" was greatly damaged,

Vol. I, p. 27 and much damage and loss of life was caused in the vicinity. An inquiry into the circumstances attending the collision was held in the Wreck Commissioners' Court at Halifax before the Honourable Arthur Drysdale, Justice of the Supreme Court of Nova Scotia, assisted by Captain Demers and Captain Hose as Nautical Assessors. The case was tried before the same Judge apparently without Nautical Assessors. One witness was examined orally before the Admiralty Court; it was agreed between the parties that the evidence taken in the Wreck Commissioners' Court should be used at the trial. Much of the evidence contained in the Record is irrelevant to the issues involved in the action or unimportant; and there is much multiplication of evidence as to matters not in dispute or sufficiently proved. The facts necessary to be considered for the determination of the issues in the case lie within a comparatively narrow compass. 10

Vol. I,
pp. 12 to 26
Vol. I, p. 10

Vol. I, p. 98 3.—The Plaintiff vessel, the "Mont Blanc," was a single-screw steamship registered at St. Nazaire, of 3,121 tons gross and 2,252 tons net register, 330 feet long and 40 feet beam. Her draught on the day of the collision was Vol. II, p. 2 (Factum.) 20 feet 5 inches astern and 19 feet 5 inches forward. Her full speed was about 7½ to 8 knots; at the time in question she was under way bound to Halifax from New York, manned by a crew of 41 hands, and in charge of a duly qualified pilot; she carried a full cargo of picric acid, T.N.T., benzol, and casks of gun cotton, all the property of the French Government. 20

Vol. I,
pp. 78, 79

The "Imo" is a single-screw Norwegian steamship registered at Christiania of 5,041 tons gross and 3,161 tons net register, 430 feet long, 45 feet beam, and 22 feet 2 inches draught. She formerly belonged to the White Star Line, her ordinary full speed was 11 to 12 knots; at the time in question she was outward bound from Halifax in ballast, manned by a crew of 39 hands and in charge of a duly qualified pilot.

Vol. II, p. 8 The locality in which the collision took place will be seen sufficiently for the present purpose by reference to the chart on page 8 of Volume II. This chart is a not quite accurate reproduction of the Admiralty Chart No. 311, which will be found in the cover. The following points will facilitate the understanding of the evidence:—At the North-Western end of the chart is "The Narrows," above which and not shown on the chart is Bedford Basin. At the South-Eastern end of the chart between the Exhibition Buildings on the Dartmouth shore and No. 4 Wharf on the Halifax shore lay H.M.S. "Highflyer" at anchor in about mid-channel. From H.M.S. "Highflyer" to the bend below the Narrows is a distance of about a mile; the width of the channel varies from 450 to 600 yards. On the Halifax side of this channel below the bend of the Narrows is No. 9 Wharf; next to it No. 8 Wharf; below that again No. 6 Wharf; farther down a Sugar Refinery; then a Dry Dock marked "Dock"; and lower still No. 4 Wharf. On the Dartmouth side above the word "Narrows" is a conical hill on a point of land near Tuft's Cove; and about halfway down the channel on the same side the Army and Navy Brewery Chimney and Cable Wharf. The collision took place in about mid-channel, and about in a line between the Brewery Chimney and the Dry Dock while the "Imo" was proceeding down channel from the Narrows to sea and the "Mont Blanc" up channel intending to pass through them to Bedford 40

Vol. I, p. 327

Basin. At the first moment of contact the "Mont Blanc" was heading for about No. 9 Wharf—or a little above it—and was about two points off her up channel course; the "Imo" struck her at about right angles and was heading towards the wharves at the Refinery and Dry Dock. There was no wind; a very little tide—setting up the harbour—and sufficient visibility for all practical purposes.

M.B.R. 4,
M.B.R. 17,
Vol. I, p. 350

4.—The following articles of the Regulations for Preventing Collisions at Sea were applicable, and these and no other rules regulated the navigation of the vessels:—

- 10 ARTICLE 25. "In narrow channels every steam vessel shall, when it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such vessel."
- ARTICLE 27. "In obeying and construing these rules, due regard shall be had to all dangers of navigation and collision, and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger."
- ARTICLE 28. The words "short blast" used in this article shall mean a blast of about one second's duration. When vessels are in sight of each other, a steam vessel under way, in taking any course authorised or required by these rules, shall indicate that course by the following signals: One short blast to mean "I am directing my course to starboard." Two short blasts to mean "I am directing my course to port." Three short blasts to mean "My engines are going full speed astern."
- 20 ARTICLE 29. "Nothing in these rules shall exonerate any vessel . . . from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case."

30 5.—The story of the "Mont Blanc," as told by her master, was shortly as follows:— Vol. I, p. 33

The "Mont Blanc" arrived at Halifax on the 5th December from New York; took on board a pilot, Francis Mackey; and came to anchor at 4.30 p.m. At 7.30 a.m. on the 6th December the "Mont Blanc" got under way; she proceeded up the harbour, passing about 100 metres to the east of the "Highflyer," which she saluted, and proceeded up the Dartmouth side of mid-channel. Shortly after passing the "Highflyer" the master observed the "Imo" for the first time; the "Imo" was near the farther end of the Narrows and seemed to be leaving the Bedford Basin and to be towards—i.e., nearer—40 the land on the Halifax side, she was heading across the course of the "Mont Blanc," her starboard side was open, and she bore about 2 to 2½ points on the port bow of the "Mont Blanc." On seeing the "Imo" the helm of the "Mont Blanc" was ported a little, and one short blast was sounded on her whistle, and the engines, which had been working half speed ahead, were put to slow ahead. The "Imo" replied with two short blasts and came a little more to the left. A few seconds after the two short blasts from the "Imo" the "Mont Blanc" sounded a second short blast, ported a little more, and

Vol. II, p. 10

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RECORD

stopped her engines. The "Imo" sounded a second signal of two short blasts. The vessels were at this time about 150 metres apart and there was danger of collision. There was only one manœuvre for the "Mont Blanc" to take, and that was to starboard and go to port; the helm was therefore put hard-a-starboard and two short blasts were sounded on the whistle. The "Mont Blanc," which was heavily laden, maintained some little speed and answered her helm, and the two vessels were brought on to opposite and parallel courses, starboard side to starboard side; but the "Imo" sounded three short blasts and, being very light and having some speed, her head altered to starboard; an order was given to put the engines of the "Mont Blanc" full speed astern, but 20 to 30 seconds afterwards the "Imo" with her stem struck the starboard side of the "Mont Blanc" in the way of No. 1 hold at an angle of 90 degrees, penetrating well into her, and causing a fire to break out. The collision was in about mid-channel, the "Mont Blanc" was heading a little outside the land on the Halifax side, but her head was carried round towards the Halifax wharves by the force of the collision.

Vol. I, p. 125

The pilot of the "Mont Blanc" told in substance the same story as the master; he added some details. He stated that when he first saw the "Imo" he saw her masts only over the land at a distance of about a mile, and that later he saw her hull at a distance of $\frac{3}{4}$ of a mile. The "Mont Blanc" at that time was steering the proper up-channel course heading for the conical hill to the North of the Narrows.

Vol. II, p. 21

He illustrated by a diagram the position of the vessels when he ordered the helm of the "Mont Blanc" to be starboarded and it was put hard-a-starboard, showing how the "Imo" was crossing from the port bow to the starboard bow of the "Mont Blanc" and was about ahead of her. He stated that the collision was in about mid-channel, that No. 9 Wharf was open about one point on the port bow, and that the head of the "Mont Blanc" had altered $1\frac{1}{2}$ to $1\frac{3}{4}$ points to port at the time of the collision, and he judged that the stem of the "Imo" penetrated about 9 or 10 feet into the side of the "Mont Blanc."

Vol. I, p. 98

The chief officer of the "Mont Blanc" gave corroborative evidence; he placed the angle of the blow at nearly a right angle leading slightly forward, and the amount of penetration about 9 feet.

Vol. I, p. 290

The helmsman of the "Mont Blanc" also gave evidence; he spoke to twice porting the helm and to putting it hard-a-starboard.

Vol. I, pp. 306,
2, 339

The chief and third engineers and other members of the crew of the "Mont Blanc" also gave evidence.

6.—The case of the "Mont Blanc" was, therefore, a very simple one; when she first saw the "Imo" she was proceeding on an up-channel course, keeping to the right of mid-channel in accordance with Article 25 of the Regulations; after seeing the "Imo" she twice edged over a little to starboard and reduced her engines from half speed to slow and then stopped them. The "Imo" when first seen was showing her starboard side and was then heading across the course of the "Mont Blanc." The "Imo" ought to have rounded the bend at the Narrows under port helm and straightened down on the Western side of the channel, bringing the "Mont Blanc" on to her port bow; instead of doing so she kept her starboard side open to the "Mont Blanc,"

crossing on to the wrong side of the channel until it was necessary for the "Mont Blanc" to take action to avoid collision. It is submitted that the best course for the "Mont Blanc" to take in these circumstances was to direct her course to port so as to bring the "Imo" on to her starboard bow and to pass starboard side to starboard side, keeping her engines stopped. To have put the engines full speed astern as was suggested, would, with a right-handed propeller, have canted her head to starboard and so have defeated the object she had in view. The helm action which she took would have avoided a collision if the "Imo" had not put her engines astern and *ported* her helm so
 10 swinging her head to starboard into collision with the "Mont Blanc."

If the evidence given to the effect that the "Imo" twice sounded a two short blast signal is to be accepted, and it is not in dispute that she sounded that signal at least once, the starboarding of the "Mont Blanc" is further fully justified on that ground also.

7.—The evidence from the "Imo" was necessarily limited by the fact that her pilot and responsible officer were killed by the explosion. Her second officer was called as a witness; he stated that the pilot, captain, and helmsman were on the bridge; he himself was on the forecastle head engaged in stowing the anchor; there was no one on the lookout on the forecastle head or in the
 20 crow's nest; he was not paying attention to the navigation. He did not notice the French ship until he heard two short blasts from the "Imo"; the "Mont Blanc" was then about 400 yards distant and nearly forward, a little on the port bow and in about mid-channel. The "Mont Blanc" answered with one short blast, right afterwards the "Imo" sounded three and the "Mont Blanc" answered with 2 or 3. He then saw the "Mont Blanc" on the port bow and then the "Imo" took the "Mont Blanc" on the starboard bow.

The third officer was below at the time of the collision; he went on the forecastle head after the collision and saw a hole in the side of the "Mont Blanc" three or four feet deep; he felt the engines going full speed astern just
 30 before the collision, but at no other time after leaving Bedford Basin.

The chief engineer of the "Imo" gave evidence. The orders to which he spoke were:—Full speed ahead after leaving the anchorage, then dead slow and half speed and dead slow and half speed and several different orders, shortly before the collision stop and full speed astern twice before the collision, the second order being a hurry-up order; he estimated that there were several minutes between the two reverses. The "Imo" had a right-hand propeller.

The helmsman of the "Imo" stated that he was on the bridge with the pilot and the captain; in going through the Narrows the "Imo" passed an American tramp steamer starboard side to starboard side; the "Imo" came
 40 through about the middle of the Narrows; there was a low haze in the Narrows but it was clear at the place of collision; after passing the tramp he heard the pilot sound his whistle and saw a tug, the "Stella Maris" with tows; the tug pulled in to the Halifax side; he then saw the "Mont Blanc" on the Dartmouth side of the "Highflyer"; the witness was steering steady on a little port helm; he got no order to the helm unless it was a port order; signals were exchanged with the "Mont Blanc" when the vessels were pretty close, first one short blast from the "Imo," then two short blasts in answer, then three from the "Imo" a second before the collision; he saw a hole in the

Vol. I, p. 73

Vol. I, p. 276

Vol. I, p. 386

Vol. I, p. 402

RECORD — side of the "Mont Blanc" about three or four feet wide; the collision was a good deal on the Halifax side and at the time of the collision the "Imo's" head was pointing towards the Sugar Refinery almost right across the channel; when the whistle was sounded one short blast he got an order to port a little; when the "Imo's" whistle was sounded three short blasts he got an order hard-a-starboard which he carried out and his helm was hard-a-starboard at the collision; the "Mont Blanc" was going up a little on the Dartmouth side, very little, about in mid-channel.

Vol. I. p. 728 Mr. Spence, Superintendent of the Dry Dock, gave evidence: He examined the damage to the "Imo"; he found two holes on the port bow with a piece of ship's plate left in one of the holes which he thought was part of the plating of the "Mont Blanc." There was a hole on the starboard side; the stem of the "Imo" was not turned to starboard at all nor injured in any way. 10

Vol. I. pp. 213, 233, 357, 370, 371
Vol. II 8.—Much independent evidence was given; the observation and recollection of witnesses as to the whistle signals given was naturally incomplete and inaccurate but there was evidence that the "Imo" sounded a two short blast signal twice and still more evidence that she sounded this signal once. An analysis of the evidence as to whistle signals will be found at pages 36 to 38 of the Respondents' Factum.

Vol. I. pp. 323, 347, 353, 470 As regards the place of collision, most of the witnesses placed the collision in about mid-channel; there was some evidence that it was to the west and other evidence that it was to the east of mid-channel. 20

Vol. I. pp. 232, 343, 357, 371, 468, 481 & 370, 444, 481, 742 As regards the course pursued by each vessel until shortly before the collision, there was practically no dispute that the "Mont Blanc" was keeping to her right side of the channel, while there was a considerable body of evidence that the "Imo" was not doing so.

Vol. I. pp. 318, 333, 358, 372, 560, 564 & 318, 333, 494, 560, 564. 565 As regards the heading of the vessels at the moment of impact there was a considerable body of evidence that the "Mont Blanc" was heading about for Wharf 8 or Wharf 9 and that the "Imo" was heading at a broad angle for the Halifax side towards the Sugar Refinery. 30

9.—The navigation of the "Imo" was, it is submitted, clearly negligent and the sole cause of the collision. Once it is established that the collision took place nearly in mid-channel or a little to the Westward of mid-channel, that the angle of impact was a right angle or leading slightly forward of a right angle on the "Mont Blanc," that at the time of the collision the "Mont Blanc" was heading about for wharf 9, that is to say only some two points off her up-channel course while the "Imo" which had been showing her starboard side to the "Mont Blanc" was angled broadly across the channel having sufficient speed to cause serious damage to the "Mont Blanc" and to deflect the head of the "Mont Blanc," deeply loaded as she was, violently to port, while the "Mont Blanc" had not sufficient speed to carry the stem of the "Imo" to starboard, it follows that the "Imo" must shortly before the collision have been on her wrong side of the channel and have come towards her right side very shortly before the collision at a time when it was unsafe to make the attempt. It follows also that but for the belated and violent change in the heading of the "Imo" the vessels would have passed safely starboard side to starboard side. 40

10.—The judgment of the Trial Judge will be found at page 747 of Volume I of the Record. He found the "Mont Blanc" alone to blame; the reasons for this judgment are shortly expressed and appear to be as follows:—

The collision was on the Halifax side of mid-channel, the "Mont Blanc" starboarded from her own side of the channel to the wrong side of the channel, thus throwing herself across the bow of the outgoing ship, "Imo." The Respondent respectfully submits that the judgment entirely fails to deal with the matters in issue and is erroneous.

11.—In the Supreme Court, the Chief Justice (Sir Louis Davies) agreed with the Trial Judge that once you reach the conclusion that the actual collision occurred on the Halifax side of mid-channel or even in mid-channel itself, that crucial fact settled the controversy between the two ships in favour of the "Imo." On the evidence he found that the collision took place nearly in mid-channel but a little on the Halifax side. He found that the collision was caused by the fatal order to starboard the helm of the "Mont Blanc," which brought her from her right side into collision with the "Imo" which, in his view, had straightened on her course down the harbour, after passing the American tramp and the "Stella Maris," under a helm slightly a port and so continued that course until the collision occurred. He found the "Mont Blanc" alone to blame.

Idington, J., found himself unable to reconcile the evidence, as to signals given, and the alleged several relative positions, and alleged distances apart of the vessels, when such signals were given; and much less so in any way to demonstrate that the creation of the condition of things at the collision and in the place where it took place, on the Halifax side of mid-channel, was or could be consistent with the theory that it necessarily resulted from the situation with which the "Mont Blanc" at any of the several stages of its progress was confronted and therefore was in whole or part the fault of the "Imo" instead of being entirely her own as found by the Court below.

Neither the Trial Judge nor the Chief Justice nor Idington, J., attempted to deal with the facts of the "Imo" coming down on her wrong side until just before the collision and so causing the "Mont Blanc" to starboard nor with the whistle signals.

Anglin, J., after having made an exhaustive examination of the evidence, accepted the finding of the Trial Judge that the "Mont Blanc" was guilty of fault contributing to the collision. He was satisfied on the evidence that had the two vessels maintained their courses as they were immediately before the "Mont Blanc" sounded two short blasts and turned to port they would have collided, yet that they were not in such imminent danger that this departure from Articles 18 and 25 of the Regulations was justified as an emergency measure, taken "in agony of collision." He was satisfied that the "Imo" came down on her wrong side and that, until the "Mont Blanc" at a distance of 150 to 200 metres starboarded, her course was one improperly cutting into or crossing that of the "Mont Blanc" which up to that time had been properly proceeding upon her own side of the channel. He found that the "Imo" having taken the wrong side when passing the American tramp and the tug and scows, whether excusably or not, most inexcusably maintained her course on that side until just before the collision, when she reversed and threw her head

to starboard in a belated effort to reach her own side of the channel after the "Mont Blanc" had begun her mistaken manœuvre to port. It also seemed probable to him that when the "Mont Blanc" sounded two short blasts and came to port and before the "Imo" reversed the vessels were momentarily at least on parallel courses and might have passed starboard to starboard without colliding. While accepting the conclusions of the learned Judge as to the navigation of the "Imo," the Respondents respectfully submit that on the facts found by him the "Mont Blanc" ought to be held free from blame.

Mignault, J., after reviewing the whole of the evidence, thought that the "Imo" was alone to blame, and Brodeur, J., was of the same opinion. 10

The Respondent submits that the Judgment appealed from ought to be varied and that the "Imo" ought to be held alone to blame for the collision for the following, amongst other,

REASONS.

- (1) Because it was established by the evidence that until very shortly before the collision when her helm was put hard-a-starboard the "Mont Blanc" was keeping to her right side of the channel and gave the appropriate signals.
- (2) Because it was established by the evidence that until very shortly before the collision when her engines were put full speed astern with the helm to port the "Imo" was keeping to her wrong side of the channel, and because in so navigating she was committing a breach of Article 25. 20
- (3) Because the failure of the "Imo" to keep to her own side of the channel put the "Mont Blanc" into a position of difficulty in which it was necessary for her to take action.
- (4) Because the helm of the "Mont Blanc" was properly put hard-a-starboard and the appropriate original given in order to avoid imminent risk of collision and because this was the best course to adopt in the circumstances and because in any case such action was not negligent. 30
- (5) Because the collision was solely caused by the belated action of the "Imo" in turning her head to starboard when it was unsafe to do so.
- (6) Because the "Mont Blanc" complied with the requirements of Articles 25, 27, 28, and 29 of the Regulations and with the rules of good seamanship.
- (7) Because a good lookout was not kept on the "Imo," and her engines were not eased, stopped, or reversed in due time.
- (8) Because the "Imo" infringed Articles 25, 28, and 29 of the Regulations. 40
- (9) Because the Judgment appealed from is wrong, and ought to be varied.

A. D. BATESON.
R. H. BALLOCH.

Judicial Council.

ON APPEAL

FROM THE SUPREME COURT OF CANADA.

BETWEEN

The Ship "IMO" (Southern Pacific
Whaling Company Limited)... (Defendant)
APPELLANT

—AND—

LA COMPAGNIE GENERALE
TRANSATLANTIQUE ... (Plaintiff)
RESPONDENT.

AND IN CROSS APPEAL

BETWEEN

LA COMPAGNIE GENERALE
TRANSATLANTIQUE ... (Plaintiff)
APPELLANT

—AND—

The Ship "IMO" (Southern Pacific
Whaling Company Limited)... (Defendant)
RESPONDENT.

The "IMO."

**Case for the Respondent and the
Cross-Appellant.**

THOMAS COOPER & CO.,
21 Leadenhall Street, London, E.C. 3.

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46		WYATT, COMMANDER FRED- ERICK EVANS, Re-Called, Examined by Mr. Burchell, K.C. By Mr. Mellish, K. C. By Mr. Cluney, K. C. By Mr. Robertson, K. C. By Mr. Henry, K. C. By Captain Demers. By Captain Hose.	Jan. 24th, 1918..	567, 586, 589, 595, 601 589, 590, 599 591, 595 592, 599 592 593, 600 594, 601
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48		SMITH, GEORGE R., Examined By Mr. Henry, K. C. By Mr. Burchell, K. C. By Mr. Mellish, K. C. By Mr. Cluney, K. C.		615 617 618 621

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RECORD OF PROCEEDINGS

No. 1.

ENDORSEMENT OF CLAIM.

No. 1.
Endorse-
ment of
Claim,
10th Jan.,
1918.

In the Exchequer Court of Canada in Admiralty THE NOVA SCOTIA ADMIRALTY DISTRICT.

No. 407.

(L. S.)
Between: { CAMPAGNIE GENERALE TRANSATLANTIQUE,
Plaintiff.
AND
THE SHIP "IMO." 10

*Southern Pacific Whaling
Company, limited,*
defendant.

ACTION FOR DAMAGES BY COLLISION.

ENDORSEMENT OF CLAIM.

The Plaintiff as owner of the ship Mont Blanc claims the sum of Two Million Dollars (\$2,000,000.00) against the ship Imo for damage occasioned by a collision which took place in Halifax Harbor in the Province of Nova Scotia on the 6th day of December, A. D., 1917, and for costs.

~~1918~~ 1918
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RECORD.

No. 2.

ENDORSEMENT OF COUNTER-CLAIM.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

The Defendant, the Southern Pacific Whaling Company, Limited, owner of the Ship Imo claims from the Plaintiff the sum of \$2,000,000.00 for damage occasioned by the collision which took place in Halifax Harbour in the Province of Nova Scotia on the 6th day of December, A. D., 1917 and for costs.

No. 2.
Endorsement of Counter Claim, January 17th, 1918.

No. 3.

PRELIMINARY ACTS ON BEHALF OF PLAINTIFFS, OWNERS OF MONT BLANC.

No. 3.
Preliminary Act on behalf of the Plaintiff, Owner of Mont Blanc February 16th, 1918.

10.

- | | | | |
|----|---|----|--|
| 1. | The names of the ships which came into collision, and the names of their masters. | 1. | The Mont Blanc,
LeMedec, Master.
The Imo,
From, Master. |
| 2. | The time of collision. | 2. | About 8.45 a. m. 6th of December, 1917. |
| 3. | The place of collision. | 3. | Halifax Harbor. |
| 4. | The direction of wind. | 4. | Scarcely any wind,—very light southerly. |
| 5. | The state of the weather. | 5. | Fine. |

20

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 4.
Preliminary
Acts on be-
half of
Defendants
Owners of
the Steam-
ship Imo,
February
6th, 1918.

Continued.

- (c) The Mont Blanc committed a breach of the regulations and of good seamanship in not reversing her engines and if necessary dropping anchor as soon as those in charge of the Mont Blanc thought they heard a cross-signal from the Imo indicating, according to their understanding although such 10 in fact was not the case that the Imo intended to come down the same side of the channel as that on which they were proceeding.
- (d) The Mont Blanc committed a breach of the regulations and of good seamanship in not reversing her engines at some time long previous to the collision. The Mont Blanc kept 20 going ahead though the water at an excessive and immoderate speed under the circumstances and did not reverse her engines at all before the collision or not until 20 or 30 seconds before the collision.
- (e) The Mont Blanc did not keep as far as practicable to that side of the fairway or mid- 30 channel which was on her starboard side as required by the International Regulations but crossed over to the other or Halifax side.
- (f) The Mont Blanc did not give the proper whistle signals as required by the International Regulations.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 4.
Preliminary
Acts on be-
half of
Defendants,
Owners of
the Steam-
ship Imo,
February
6th, 1918.
Continued.

- (g) The Mont Blanc did not navigate in accordance with her whistle signals.
- (h) The Mont Blanc placed herself in the position of a crossing ship in relation to the Imo, involving risk of collision, with the Imo on the starboard bow of the Mont Blanc, and the Mont Blanc did not as required 10
by Article 19 of the regulations keep out of the way of the Imo. Further the Mont Blanc attempted to cross the bows of the Imo in violation of Article 22, and also violated Article 23 in not reversing.
- (i) The Mont Blanc violated the rules of good seamanship in not having an interpreter on 20
the bridge in view of the fact that the Pilot in charge could not speak French and the French officers on the bridge could not understand English or could not understand Pilot Mackay when he talked in English.
- (j) The officers of the Mont Blanc did not follow the orders 30
given by the Pilot but came to port when ordered by the Pilot to go to starboard.
- (k) There was a divided command on board the Mont Blanc and the officers of the French ship did not obey the orders of the Pilot.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 4.
Preliminary
Acts on be-
half of the
Defendants,
Owners of
the Steam-
ship Imo,
February
6th, 1918.
Continued.

- (l) The Mont Blanc committed a breach of good seamanship and of Article 29 bringing a vessel heavily loaded with the most dangerous explosives and combination of inflammables into such narrow waters as at the place of the collision.
- (m) The Mont Blanc committed a breach of the Rules govern- 10
ing Halifax Harbour in bring-
ing a ship loaded with high
explosives into Halifax Har-
bour and up to the place of the
collision against the rules and
orders of the Harbour Master
under an Order-in-Council pass-
ed by His Excellency, the Gov-
ernor-General-in-Council of
Canada applicable to Halifax 20
Harbour.
- (n) The Mont Blanc committed a breach of the regulations of Halifax Harbour in coming into the same without flying a red flag indicating that she had explosives on board against the orders and rules of the Harbour Master made pursuant to said Order-in-Council. 30
- (o) The Mont Blanc committed a breach of good seamanship and of the regulations in coming into narrow waters and especially with a ship loaded with high explosives in not having a man on duty on the fore-castle head ready to drop anchor in a case of necessity.

RECORD.

No. 5.

MINUTES OF TRIAL.

Halifax, N. S., March 7th, 1918.

Drysdale, L. J. A. March 7th, 1918.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 5.
Minutes
of Trial,
March 7th,
1918.

MR. McINNES, K. C., for owners of Mont Blanc.

MR. BURCHELL, K. C., for owners of Imo.

MR. BURCHELL: If your Lordship pleases there was an agreement made during the course of the investigation in the Wreck Commissioners Court that the same evidence was to be used before your Lordship in the action and counterclaim in the Admiralty Court.

10

THE COURT: I understood that.

MR. BURCHELL: There is also the right reserved to either side to give further evidence.

MR. McINNES: We will have to call at least two witnesses and we may have to issue a commission to New York. I will not be prepared to go to trial immediately. We do not want delay but an early trial.

THE COURT: So far as I am concerned, I have been over it and have my mind made up, although other witnesses may vary it. When do you want to set the case down for.

MR. McINNES: I would ask time to communicate with New York. I 20 should be ready this day fortnight.

THE COURT: Make it the 21st at 10 o'clock A. M.

MR. BURCHELL: I suggest that the registrar ask that all exhibits and a copy of the evidence be sent back from Ottawa.

MR. McINNES: I wanted the exhibits in the criminal trial and I wrote to Mr. Cluney asking him to get the Attorney General to ask that they be sent to the Supreme Court or this Court. I have a letter saying that they are still with Commissioner Demers but that if application is made they will be returned at once.

RECORD. **THE COURT:** The Registrar had better write stating that we require the exhibits.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

MR. McINNES: I suggest that the Registrar make application to Mr. Demers and to the Deputy Minister both saying that the Judge requires the exhibits.

No. 5.
Minutes
of Trial
March 7th,
1918.
Continued.

No. 6.

EXHIBITS TENDERED BY DEFENDANT.

No. 6.
Exhibits
tendered
by Defend-
ant, April
1st, 1918.

MR. BURCHELL tenders: Exhibits tendered by Defendant.

E/1, Letter March 18th, Mr. Henry to Mr. Burchell.

E/2, Telegram to Deputy Minister of Marine from Mr. Henry, January 10 23rd.

E/3, Telegram to Mr. Burchell from Mr. Johnston, March 19th.

E/4, Telegram to Mr. Johnston from Mr. Burchell, March 16th.

E/5, Rules and Regulations amending Order-in-Council, January 13th, 1917.

E/6, Letter Mr. Burchell to General Benson, February 4th.

E/7, Letter, General Benson to Mr. Burchell, February 6th.

E/8, Affidavit of Mr. Burchell, 19th March.

E/9, Chart of Halifax Harbour.

MR. BURCHELL: By agreement all the evidence and exhibits taken 20 in the Wreck Commissioner's Court are made part of the record in this court.

MR. McINNES: We discussed them on the last day; there will be a great deal of unnecessary material; I would like to have reference to your Lordship; there may be a great deal of matter that we need not concern ourselves with, and which would encumber the record.

MR. BURCHELL: That is quite satisfactory; there are one or two matters and points in which objection was made by myself or Mr. Mellish as to documents; the same objection will apply in this court.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

PLAINTIFFS EVIDENCE.

JOHN L. MAKINY.—Called.

Sworn and Examined by Mr. McInnes.

No. 7.
Plaintiffs
Evidence
John L.
Makiny,
Called
Sworn and
Examined
by Mr. Mc-
Innes,
April 1st,
1918.

Q.—You are a Master Mariner? A.—Yes.

Q.—You have been in Halifax since July? A.—Since July 3rd.

Q.—You are in the service of the Naval Department? A.—I am.

Q.—You are in command of the Naval Tug Nerid? A.—Yes.

Q.—She is employed in the local service in Halifax Harbour? A.—Yes.

Q.—On the morning of the 6th December last, between 8 and 9 o'clock 10
you were on board the Nerid? A.—I was.

Q.—Where was she lying? A.—About a little more than half way
of No. 4 Pier Dockyard; upper end.

Q.—Did you see the Belgian Steamer coming down that morning?

A.—I did.

Q.—You could see the words "Belgian Relief?" A.—Yes, I could see
the letters on white ground, the letters were red.

Q.—Did you see the Mont Blanc, the ship that collided with the Imo?

A.—Yes, I seen her.

Q.—When did you see the Imo first? Or where did you see her first? 20

A.—I seen her somewheres about Tufts Cove; quite a little ways above
the wharf there in the Narrows.

Q.—How was she heading then? A.—She was heading coming down
the harbour to the S. E.

Q.—Which direction was her bow? A.—Coming towards us; Com-
down Halifax Harbour.

Q.—Which side of the channel was the Imo taking? A.—East side.

Q.—Did she continue to keep the east side? A.—She continued
the east side all the way down.

Q.—Describe where you first saw the French ship? A.—When I first 30
seen her between No. 1 and 2; along about 2.

Q.—You saw the Highflyer, the ship in the harbour that morning?

A.—Yes.

Q.—Where was she anchored in relation to your own ship?

A.—A little shade above me, in the middle way.

Q.—When you saw the Mont Blanc was she above or below the High-
flyer? A.—Below.

Q.—You watched her course coming up? A.—Yes.

RECORD. Q.—What side of the Highflyer did she pass? A.—On the Eastern side.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 7.
Plaintiffs
Evidence,
John L.
Makiny,
Direct Ex-
amination,
April 1st,
1918.
Continued.

Q.—The French ship was on the Eastern side of the harbour?

A.—Well on the Eastern side pretty well up, coming down head on, the two vessels. The other one was coming up; the Imo was coming down and the other one was going up.

Q.—Did you notice anything particularly about the speed at which the Belgian ship was coming? A.—She was coming quite a good speed; I could not swear just how rapidly; but there was quite a foam at her bow; she was further away than the other one.

Q.—The French ship, about her speed? A.—She was I should positively swear not four knots; very slow; she eased a great deal more after she came on a ways; that is when I first seen her I am swearing to.

Q.—Tell the signals you heard and the order in which you heard them, from both the Belgian ship, the Imo, and the French ship, the Mont Blanc. You heard whistles? A.—Yes.

Q.—Which ship did you hear blow first? A.—I heard the Mont Blanc; the French ship.

Q.—Whereabouts was she when she first blew? A.—Quite a distance below the Highflyer.

Q.—What signal did she give? A.—Two blasts,—no, one blast.

Q.—The next whistle you heard? A.—She blew again.

Q.—The French ship blew a second whistle? A.—Yes, one straight blast.

Q.—What signal did you hear from the other ship? A.—Not any for a few moments.

Q.—What blast or signal did you hear from the Belgian? A.—I heard two.

Q.—Where was the Imo when you heard the two blasts?

A.—Below the cable wharf, quite a little ways below, just above the Highflyer's bow, somewheres opposite the Niobe.

Q.—What was her position in the harbour, on which side, when she gave this two blast signal? A.—Well to the Eastward on the Dartmouth side.

Q.—What happened next so far as the Belgian ship, the Imo, was concerned? A.—She gave two blasts; she was only a few minutes, and perhaps not that long, very short time, when she gave three sharp blasts; and then she reversed her propeller; the fated ship answered the signals as he gave; he gave two blasts as he answered his blast; when he gave the two blasts, he was coming down on the Eastern shore; the other man gave the two blasts.

Q.—The French ship gave two blasts? A.—Yes, that he answered the call.

10

20

40

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 7.
Plaintiffs
Evidence,
John L.
Makiny,
Direct-Ex-
amination,
April 1st,
1918.
Continued.

Q.—Did you notice her head was altered at all; the French ship, the Mont Blanc? A.—Yes, she was altered some; she swung to the Halifax side.

Q.—What was the position of the Belgian ship's head after she reversed; at the time she reversed, when the signal was given, three blasts; what effect had this reversing upon her head? A.—Certainly it would swing her head out in the Mont Blanc.

Q.—Which side did the head come then? A.—She went around like a wheel barrow, very rapidly.

Q.—You saw the ships when they came together? A.—I heard them: 10
a tremendous crash; I watched them the whole way through; I never left my pilot house and took a strong pair of glasses and watched them distinctly when I knew the accident was going to occur.

Q.—How far away were the ships apart when the Imo gave the signal she was reversing? A.—To my best opinion I would say somewhere between 200 or 250 or 300 yards; not any more; that is my best opinion; I would not swear they were that or more; when she gave the reversing signal she was very close.

Q.—The Mont Blanc at that time she had felt the effect of her propeller and swung a little to the Westward? A.—Yes. 20

Q.—You have told us there was quite a distinct crash when they collided? A.—Yes.

Q.—What effect had the collision upon the Mont Blanc's head? A.—It had a great effect swinging her to the Westward. Shoved her quite a ways; listed her.

Q.—Just before the Imo gave her signal that she was reversing could you see either of her sides? A.—I could see the Belgian Relief on the right hand side.

Q.—Those words were in large and distinct letters? A.—Yes.

Q.—What colour? A.—I don't know as I could positively say the 30
colour; I think the colour was red and the ground work white. I think that was the colour; letters red and ground work white.

Q.—On which side of the Narrows in your opinion did the collision occur? A.—On the Eastern.

Q.—On the Eastern shore or Western side of the midway of the channel? A.—It was over on the Eastern side it occurred; that is my judgment; it was on the Eastern side.

MR. McINNES: I have had Mr. Makiny mark on a plan where he thinks the positions were.

HIS LORDSHIP: His statement is against the great weight of evi- 40
dence that the collision occurred on the Halifax side of midchannel.

Q.—You don't agree with that? A.—No, she was swung over; she might have been very near the centre but she was further on the Eastern shore when she struck.

RECORD.

CROSS-EXAMINATION.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Cross-Examined by Mr. Burchell.

CHART OF HALIFAX HARBOUR, EXHIBIT E/9.

No. 7.
Plaintiffs
Evidence,
John L.
Makiny,
Cross-Ex-
amined by
Mr. Bur-
chell,
April 1st,
1918.

- Q.—You were at the wharf at the Dockyard? A.—Pier No. 4.
- Q.—Were you at the Southern end? A.—I was up this way towards the Niobe; I laid where the derrick is, two-thirds way of No. 4; I was alongside another vessel.
- Q.—At the bow of the Niobe? A.—Stern of the Niobe; quite a ways about one-third of the way on the Niobe wharf. (Marks point "A" E/9).
- Q.—Scale the distance from the point "A" to No. 6 pier? 10
A.—Little over $\frac{1}{2}$ mile; it might be that.
- Q.—You were down below the Niobe and below the Highflyer?
A.—Little below the Highflyer; she laid a little ways above me.
- Q.—Do you know you were further away from the collision than anybody that has given testimony? A.—I don't know that.
- Q.—You gave testimony before in court in regard to Mackey A.—Yes.
- Q.—About this collision? A.—Yes.
- Q.—You told us today that the Imo was going quite a good speed when you first saw her? A.—Yes, she was going so that there was a little fuss at her bow; I won't swear to her speed at all. 20
- Q.—You noticed the fuss? A.—Yes, there was quite a little fuss.
- Q.—And you think going at pretty good speed? A.—Ordinary speed; I am not swearing to the speed; there was quite a little fuss at her bow; quite a little ruffle at the bow.
- Q.—You paid her attention? A.—Yes. I watched them from the start to the finish.
- Q.—You were asked, "Are you in a position to say at what speed she was going? I am not positive of her speed at all; I would not say anything about her speed because I didn't take any notice of that?"
A.—That is her speed; I seen her bow. 30
- Q.—Is this a correct answer or not "I am not positive of her speed at all. I would not say anything about her speed because I didn't take any notice of that?" A.—Yes; referring to her speed in the water; that is a correct answer; there was quite a little fuss at her bow.
- Q.—How big a boat is the Nerid? A.—50 foot keel; used for towing purposes, dumping, whatever the government wants her for; she was in Commander Wyatt's service when the accident happened.
- Q.—You were employed under Commander Wyatt? A.—I received my orders from him.
- Q.—You told us this morning the first signal from the Mont Blanc was 40 given when the Mont Blanc was South of the Highflyer? A.—Yes, to

RECORD. the stern of her; I think the Highflyer was stern up with the tide, or down, I am not positive; she gave one, and right about opposite the Highflyer she gave another; I heard the Mont Blanc give only two signals.

Q.—In the other court you gave testimony and I want to read this question: “When the Mont Blanc first blew one blast where would the Imo be? The Imo to my best opinion would be somewheres just about the middle of No. 6 pier coming down?” A.—She might have been a little above that; somewheres about that.

Q.—That is the correct answer in your judgment? A.—Yes.

Q.—Where do you think the collision occurred? A.—I don't think 10
at all: I am positive it occurred just a little to the Westward, quite a little ways off the Westward of the French Cable Wharf.

Q.—Where was it in relation to No. 6 pier? A.—Just opposite—a little further up—a little North; little shade across; this ship swung down quite a ways when she struck.

Q.—When the Mont Blanc blew one blast first she was below the Highflyer? A.—Yes.

Q.—And the Imo opposite No. 6? A.—She must have been further up.

Q.—You said below she was about the middle of No. 6 pier? 20
A.—I think I was referring to the two and three blasts when I referred to that.

Q.—“When the Mont Blanc first blew one blast where would the Imo be?” A.—Quite a little ways—she would be above the cable wharf below Tufts Cove; quite a little ways.

Q.—Know the distance between these two places? A.—There is only a short distance.

Q.—Know how far the ships were apart when the Mont Blanc blew the first whistle? A.—I don't, I—

Q.—Which ship did you notice first? A.—The Mont Blanc. 30

Q.—What called your attention to her? A.—I was a little early on duty and my attention called me to look at this ship, I am always looking around, looking to see what is going out or coming in; I took my little glasses and I seen this loaded ship coming up.

Q.—She was then below you? A.—Certainly was; over to the Eastern shore, coming up on the Eastern side of the Highflyer; then I heard her blow this signal and after she came a long ways—

Q.—And you hadn't seen the Imo up to that time? A.—Certainly, I had seen her before she blew the blast, I seen her coming along; then I heard her blowing one blast between No. 2 and 3 piers. 40

Q.—Before the Mont Blanc, the French ship, blew one blast had you seen the Imo at all? The Belgian ship? A.—If the Belgian ship is the Imo, she was coming away up, quite a ways up; or some ship—

Q.—Answer this question by “yes” or “no”; before the French ship blew one blast signal first, had you seen the Belgian ship?

A.—I did, sir.

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No. 7.
Plaintiffs
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John L.
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amination,
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Continued.

RECORD. Q.—Where was the Belgian ship? In Bedford Basin or the Narrows?

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A.—In the Narrows, certainly; pretty well down below.

Q.—Whereabouts in the Narrows would you put her? A.—Tufts Cove; below the signal station.

Q.—Pretty well down the Narrows? A.—Not very far down; I won't swear just where; she was in the Narrows, when I first discovered her.

Q.—If the witnesses on the French ship say they could not see the Imo until after they had got well up to the Dockyard— A.—I don't know anything about them; I am speaking for myself.

*No. 7.
Plaintiffs
Evidence
John L.
Makin,
Cross-Ex-
amination,
April 1st,
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Continued.*

Q.—Will you give us all the signals you heard that morning from either ship in the order in which they were given? A.—First signal was one straight blast from the fated ship which they call the Mont Blanc; below, quite a little ways below,—I will put it below—I am not positive just how far below the Highflyer. I heard no reply from the other ship; not very long after that I heard another, the same ship, give another straight blast, one straight blast, and she was above the Highflyer, just coming out above the Highflyer. Shortly after that I heard the ship coming down, which was the Imo, give two straight blasts. The fated ship Mont Blanc answered two blasts. She then directed her course a little to the Westward, the Mont Blanc. She swung very little to the Westward, not very much; shortly after that, very small time after that, the ship coming down, the Imo, gave three straight blasts; when she gave the three straight blasts the other man gave three blasts the same.

Q.—That is all the blasts you heard that morning? A.—Those are all the whistles.

Q.—You also said in the other court “At the time the Belgian boat gave these first two blasts she was going to starboard, or to the right” do you say that today? A.—She was well on the right side; going to the right.

Q.—You said, “The first two blasts were from the Belgian?”

A.—Yes. Two blasts means he is going to port? A.—Yes. Do you say she went to starboard? A.—Yes. Opposite to the signal she gave?

A.—Yes.”

A.—No, that is not right: I can correct that. I think they mixed me up a little on the swinging of the ship; I didn't understand the point; I made a mistake and corrected it.

BY THE COURT: Q.—What do you say now? A.—Her stern swung and her head went to port after she reversed.

Q.—What do you say now; after the Belgian ship gave two blasts was she going to starboard or did she swing to the left? A.—There was such a short interval you could not give much distinction.

Q.—“After the Imo gave two blasts she swung to starboard;” what do you say now? Two blasts means I am directing my course to port and you say she gave two blasts and directed her course to starboard?

A.—She did; as far as I could see by the course.

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Evidence
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Q.—That is not right what you said before? A.—No, I correct that now; she swung so that she was directing her course to starboard.

Q.—She was directing her course to starboard and blowing two blast signal? A.—That is the way she seemed to be directing, to the best of my opinion, looking head on, as far as I could see.

Q.—You are satisfied that is correct; you understood the question below; blowing two blasts and directing course to starboard?

A.—Yes. She looked as if going to that course; but the interval was so sudden between two and three blasts, the ship swung with a right hand propeller so rapidly it would change the course of the positions, I could hardly, and no other man could hardly swear to the course she was directing; it looked as if directing her course to come down on that side when the Mont Blanc gave way a little; the engine, the other way, made such a sudden change, it changed the whole position. 10

Q.—The two blasts from the Belgian ship were followed immediately by three? A.—Yes.

Q.—Thirty seconds between? A.—Very few seconds; not very long; I don't know how long, it was not long; three blasts came right after two.

Q.—And the only signals given that morning by the Belgian boat was two and three blasts? A.—I didn't hear any more. 20

Q.—If any more were given you would hear them? A.—I didn't hear any more; I should have heard them.

Q.—You also say in your testimony, that you thought the ships were at the time these two blasts signal was given, you thought the ships were going to pass starboard to starboard? “Q.—In your opinion, if the Imo had not reversed, having regard to the courses they were maintaining would the ships not have passed starboard to starboard? A.—I believe they would; by all means. I thought that was the way they would; still she would have been very close to the beach;” is that answer correct? 30

A.—Yes.

Q.—Then your two answers are; one, that the Belgian boat blew a two blast signal and directed her course to starboard, and now you tell us that at the time of the three blast signal you thought the ships were going to pass safely? A.—Before the three blasts; I think they would; under the circumstances I think, and the place of the ships, I think they are both consistent; they were very close.

Q.—A number of witnesses have testified here that the Imo, the Belgian boat, gave at least one, and some of them two, one blast signals; and the Belgian boat also gave two separate three blast signals; you say that is not correct? A.—I didn't hear them. 40

Q.—Do you say they could not have been given? A.—I didn't hear.

Q.—Will you admit you were so far away you can't tell much about the signals? A.—I won't admit that at all; I was there and watched them from the start to finish and knew they were going to collide before they struck.

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Plaintiff's
Evidence
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Continued.

Q.—You say those were the only signals given? A.—I watched the ships from the time they came up, and struck, and I saw the smoke as soon as they struck; heard the plates rip and everything else.

Q.—You saw the Stella Maris going up that morning; you know her? A.—Yes. I seen a little tug boat with a couple of scows.

Q.—How long is your boat? A.—Fifty feet.

Q.—Do you call yours a good sized boat? A.—Ordinary tug boat.

Q.—How long is the Stella Maris? A.—I don't know; fair size tug boat; she had scows; I don't know particularly whether two.

Q.—When did you first notice the Stella Maris? A.—Just about the 10 time or a little before the accident happened; well on the Halifax shore going up; as if she came away from the sugar refinery somewheres, going up that side.

Q.—Did you notice her when the Mont Blanc blew the first one blast? A.—I did; she was well up to the Northward of the Stella Maris on the Halifax side.

Q.—I am asking you about the Mont Blanc, when she blew the first one blast signal, did you see the Stella Maris at that time with the two scows? A.—I did.

Q.—Where was the Stella Maris then? A.—Well over on the Hali- 20 fax side going to the Basin.

Q.—Past the sugar refinery? A.—Yes, well up above that.

Q.—As far as Pier 9? A.—I don't think she was; I could not swear positively.

Q.—Notice the Stella Maris start to go to the Dartmouth side and turn back? A.—I didn't; I saw the tug boat going up with the scows.

Q.—Did you notice the Belgian boat blow a three blast signal when passing the Stella Maris; when just opposite her? A.—No, I didn't hear it.

Q.—Where was the Stella Maris when the Imo blew the last three blast 30 signal? A.—At the stern of her; she had passed her.

Q.—When was it you gave your testimony at the court below? A.—I don't remember.

Q.—In the last 30 days? A.—Quite a while ago.

Q.—Some two months after the accident? A.—Quite a while ago.

Q.—Have you ever been in Bedford Basin yourself? A.—Yes.

Q.—I suppose you will agree it is necessary for a ship coming down through the Narrows above Pier 9 to be heading over to the Dartmouth shore? A.—Yes, before she comes out in the Narrows.

Q.—And you necessarily—if she was above Pier 9, you would necessarily 40 see her starboard side? A.—Yes.

Q.—The ship could not come down unless you did? A.—Not if well up in the Narrows.

Q.—In the position you were in it was difficult to tell how far down the Narrows a ship might be at any particular time? A.—I would not dis-

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Continued.

tingly swear how far she was; I noticed the whistles and seen them meeting; and knew they were going to meet. I expected it and looked for it.

Q.—You were dead sure when you saw the French ship turn over to the Halifax shore, you knew there must be? A.—No, I thought she was trying after the signals was given to get clear? I believe if the Imo had not reversed her engines she would have passed by; their stern would come very close.

Q.—Have you had experience at all in sailing a large steamer?

A.—I have not sailed on large steamers; small boats and lake boats.

Q.—Your opinion is a large steamer like the Imo can turn around like a wheel barrow? A.—When reversed some ships came very fast that way if the rudder is against her; a light ship will come mighty fast; not exactly like on a pivot.

Q.—How far apart do you say the vessels were when the Imo started to reverse? A.—To my best opinion I don't think there was over 100, or 200, or 150 yards; between 250 or 150; I am not distinct as to which.

Q.—If they had not reversed your opinion is they would have gone by? A.—Yes, their stern would be very close.

Q.—Port to port or starboard to starboard? A.—Starboard to starboard.

Q.—Up to that time the Mont Blanc had not come at all to the Westward, when 250 yards apart? A.—Yes, she had canted a little after the signal; the signal was given and she canted a little; he canted a little mite as near as you could tell.

Q.—Did you notice the Mont Blanc start to turn back to the Dartmouth shore after the Belgian boat swung to starboard opposite to her signal?

A.—Her propeller didn't seem to take much effect on her.

Q.—You told us the Belgian boat blew a two blast signal and the ship's head went opposite to her signal, to starboard? A.—After she reversed.

Q.—Did you notice the French ship turn back to the Dartmouth shore after that was done? A.—The time was so short that she pushed her so that the other one came quite a little to the Western shore, she listed quite a little.

Q.—You have told us that the Belgian boat, the Imo, blew a two blast signal and directed her course opposite to the signal, to starboard?

A.—She looked like that.

Q.—At that time did you notice what the Mont Blanc was doing? A.—She was canted a little to go down the side.

Q.—Canted which way? A.—Little to the Westward if anything.

Q.—Did she do anything or make any manoeuvre at the time the Belgian boat went opposite her signal? A.—The French ship answered the signal as if she understood that was the way he was going and shifted his course to give him a little more room.

Q.—She didn't reverse? A.—Yes, after the signals was given; after the other man signalled both boats reversed.

RECORD. Q.—Do you blame the collision on the Belgian boat going contrary to her signal? A.—Will you allow me to answer it as I feel?

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Q.—Was that the cause of the collision in your opinion; because the Belgian blew a two blast signal and came to starboard? A.—To my best opinion, on judgment under oath, the Belgian Relief, if he had followed out the signal they returned, she would have gone clear and I honestly believe to the Belgian Relief is due the accident to Halifax.

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Plaintiff's
Evidence,
John L.
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amination,
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Continued.*

Q.—Have you been talking to Commander Wyatt? A.—No, I have not seen him once.

Q.—According to you this collision occurred very near to the Dart- 10
mouth shore? A.—Yes, when they struck.

BY THE COURT: You are all wrong; I am satisfied about that.
A.—The deep water line on the chart—after I understood that that was the Dartmouth and Halifax shores, I corrected that. The water is deep along these shores.

Q.—Your evidence is she swung around rapidly; the Belgian ship swung in her own length? A.—She swung very fast.

Q.—At right angles? A.—She swung quite a little—

Q.—As much as a right angle? A.—All of that.

Q.—In her own length? A.—I won't swear her own length; or 20
twice her length; but very rapidly; after she struck, with the other steamer pushing a little ahead and her propeller going back hard she swung mighty rapid.

Q.—How long before the collision did the French ship blow the three blast signal? A.—Not very long; only a short time.

Q.—Matter of two or three minutes? A.—Very short—very little while.

Q.—The engineer says twenty seconds? A.—He might be right; I don't know.

Q.—Did the French ship answer the three blasts from the Imo? 30
A.—Yes; answered every signal he gave.

Q.—There was a three blast signal from the Belgian? Was that answered immediately? A.—Yes.

Q.—Immediately? A.—Right away; right after the call; as if they understood and both ships was reversed when they struck.

BY THE COURT: Q.—Did you see the Imo that morning reverse on two different occasions? A.—No, I didn't.

Q.—And you didn't hear her blow three blasts on two different occasions? A.—No.

Q.—Did you see an American tramp ship come up that morning? 40
A.—I didn't.

Q.—The pilot of the American tramp, Pilot Renner, do you know?
A.—No.

Q.—How long were you on deck before this? A.—All the time until the accident.

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Evidence,
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Q.—Before the accident? A.—I generally go to the boat about 7, and I was on deck in the wheelhouse. I shoved all the windows down in the pilot house; I was alongside the Niobe when the blow came.

Q.—You didn't see the American ship at all? A.—No, she must have been around in the Basin before I noticed anything.

Q.—Some of the witnesses tell us there was a three blast signal blown for the American steamer? A.—I didn't hear them.

Q.—You didn't know what the Imo and Mont Blanc were blowing for? A.—Certainly; when they were coming together; when ships are approaching so close together we always understand the signals to take notice. 10

Q.—The first signal from the French ship you think was a signal for the Norwegian ship? A.—I certainly think they were signals given to understand.

Q.—That was below the Highflyer? A.—Yes, we understand the signals if passing on the right side.

Q.—Did you hear any two blast signal the Norwegian ship gave for the Stella Maris? A.—No.

Q.—She was in the waters of the Norwegian ship? A.—They say.

Q.—She was on the wrong side? A.—She was going up on this side; 20 in tow boats we go either side and blow for them; these big ships have a right of way to the road; us tow boats goes around; we have the privilege of going up and down with the balls against us.

Q.—You don't know the rules of the road very well yourself? A.—Perhaps not.

Q.—You are not familiar with the International Regulations?

A.—Yes, we sometimes don't always go by them. We can't. We have to give way to ships; a little boat has to give way and we blow and they know which way we are directing our course; big vessels it always applies.

Q.—Was the Stella Maris in the waters of the Belgian ship? 30

A.—I daresay she was. She was going up the Narrows.

Q.—On the Halifax side? A.—Certainly she was.

BY THE COURT: Q.—You know that is the wrong side?

A.—Yes, but sometimes we take them; very often we do; and very often the ships cuts us out. A big ship will crowd a small vessel and we have to give way.

Q.—Did you notice the Imo after the collision? A.—Yes.

Q.—What was she doing? A.—Laying off in the stream pretty well blown to pieces.

Q.—After the collision? A.—Yes, after the collision, after she got 40 clear her head was canted; she was laying very near clear across Halifax Harbour.

Q.—Was that the position she was in at the time of the collision?

A.—After she got out of the collision. The other went ashore; we were watching the ships.

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Evidence,
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Continued.

Q.—What was the Belgian boat doing? A.—She was laying swung across; after she backed out.

Q.—Stern towards the Dartmouth shore? A.—Yes, well over.

Q.—Notice anything else the Belgian boat did before the explosion?

A.—I didn't see her doing anything else; just seemed to lay there; it was not very long when the big one knocked us all out; when I came to myself we were all knocked to pieces; I didn't see much more about the Belgian Relief; next thing I knew about her she was over on the shore.

Q.—You told us of taking the glasses; you say you grabbed your glasses just before the collision? A.—Yes.

Q.—That was the time you took your glasses? A.—I had them before that; I always generally keep them in my hands when there is anything like that; and sometimes to see what is coming along.

Q.—Apparently you said below you took your glasses first when there was going to be a collision, and sung out to the men to come and watch, there was going to be a head on? A.—Yes, I called them all up.

Q.—Was that the first time you took your glasses? A.—I had them before that and had them then too.

Q.—How close was the Mont Blanc to the Dartmouth shore coming up there? A.—I think as near as my judgment serves, my best opinion, I won't distinctly swear to closeness, but I think she was good as one-third over on the Dartmouth side; that would leave about two-thirds on the Halifax side clear.

Q.—Is that when passing you? A.—Yes.

Q.—After she blew these two one blast signals see any change then? She blew two separate one blast signals; did you notice if she changed her course? A.—I thought she did a little to the Westward to let the ship come down; little more out towards the middle of the Halifax side; she had blew two then. She blew one blast but never changed her course.

Q.—She was in clear sight of you and you could tell? A.—Yes, she kept her course; one blast signal.

Q.—After she got past the Highflyer she blew another one blast? A.—Yes.

Q.—Change course that time? A.—No.

Q.—Is that right under the Rules? A.—Yes, I should think she was holding the Dartmouth shore; I would take it.

Q.—You are very clear that is what she did; kept on the same course? A.—Yes.

Q.—When did she first change to the Westward? A.—After the Mont Blanc gave the two signals she changed a little.

Q.—Was it a sudden change? A.—Not very sudden; as I said before, it was such a short time until the two ships collided you could hardly notice it.

Q.—She would be half a mile from you? A.—Between 400 and 500 yards; not any more.

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*No. 7.
Plaintiff's
Evidence,
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amination
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Continued.*

Q.—The first blast signal from the French ship was not answered by the other ship at all? A.—I didn't hear it; I heard two distinct from the Imo; there was two signals; two straight signals; and three signals reverse; those are the signals I heard the Mont Blanc give.

BY THE COURT: Q.—Do you know what one short blast means? What is the rule? A.—Pass on the port side—starboard side; pass on the starboard side; that would give the other ship a chance to go down if she was coming. As soon as the other man went across his bow that made the collision.

Q.—When, in relation to the second one blast signal from the French 10 ship, was the two blast given by the Belgian boat? You told us the first signal given by the French ship was a one blast signal? A.—Yes.

Q.—That was not answered? A.—Never heard it.

Q.—The French ship got above the Highflyer and blew a one blast signal? A.—Yes.

Q.—Was that answered at once? A.—No, never heard it; quite a few seconds, and the other ship gave two.

Q.—How long elapsed? A.—I could not say.

Q.—Could you tell me how far they were apart? A.—I can't distinctly. 20

Q.—You know the position of the Highflyer? A.—Yes.

Q.—At the time the French ship blew her second one blast signal the French ship was just up by the bow of the Highflyer? A.—A little above; very little.

Q.—Where was the Belgian? A.—Further up in the Harbour coming down.

Q.—How far up? A.—I could not distinctly swear; I think to my best opinion would be between perhaps 200 or 300 yards apart; perhaps more; I can't swear definitely. She might have been closer.

Q.—Do you know the Highflyer was nearly half a mile from the place 30 of the collision? A.—Half—it is not very far on the water.

Q.—The Imo had not turned around and come towards Bedford Basin again? A.—I don't think so. If the other boat had much way, I think she could have turned her so that she could have gone up again.

Q.—You told us when the two ships came together the head of the French ship was turned more to the Westward? A.—A little shade. She looked as if canted a little to the Westward; she canted very fast after she struck her; she listed right over.

Q.—You think standing half a mile away you could tell? A.—I think by looking side on. 40

Q.—The time of the collision the French ship was headed across the harbour with her port side to you? A.—No, I don't swear that; she canted a little but she was not lying across the harbour.

RECORD. BY THE COURT: Q.—Where was she heading for? A.—Just so as to take the upper end of the upper wharf away up in the corner; Pier 9; somewheres there.

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Q.—Turning from the Dartmouth shore she is pretty well across the Harbour? A.—No, she would not be clear across; the water is narrow there.

Q.—The port side was to wards you? A.—Yes.

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amination,
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Continued.*

Q.—The Mont Blanc was across the channel pointing to the Halifax shore? A.—Yes.

Q.—If she swung at all by the crash the swing would be towards you? 10
A.—Certainly; after she struck.

Q.—Do you think you could tell how much she did swing?

A.—No, she swung fast, but I don't know how much.

Q.—Standing half a mile away you could tell? A.—I should think I could; her bow began to sink before her bow backed out.

Q.—Here is a question you were asked in the court below; "Referring to the first two blast signal you heard from the Belgian boat; what is the next whistle you heard? A.—I heard the Imo give two straight blasts.

Whereabouts was she then?" A.—Pretty well down just between Pier 6 and the sugar refinery. Is that a right answer? 20

A.—In one way it is; after she gave the two blasts, she struck just below; just a little below the sugar refinery where they came together; below the cable wharf; across from the cable wharf is not far to the sugar refinery.

Q.—Then there was no whistle at all from the Imo until the ships were almost close together? A.—No, very close before ever the Imo gave a signal at all.

BY THE COURT: Q.—How near was that to the Dartmouth shore? A.—As near as I could tell, I would think it would be quite a ways; more than half way from the Halifax shore that the Imo was on. 30

Q.—How far from the Dartmouth shore were the ships when they collided? A.—I think I would be safe to say about perhaps 150 yards from the shore; perhaps; perhaps not that far; my best judgment they would be about 50 or 60 yards from the Dartmouth shore when they struck.

Q.—You don't agree with anybody else? A.—I might not have seen it correct.

Q.—You are pretty excitable? A.—No, I don't get excited. But I don't understand the way you put the questions; if you let me explain what I know I can give it, but I must confess I don't understand it. 40

BY THE COURT: Quit talking and listen to the questions.

A.—I want to tell the truth.

Q.—After the collision and before the explosion did you notice the Imo trying to get around and go to the Basin? A.—I didn't.

RECORD. Q.—You were not paying attention to her at all? A.—I was watching them all before the accident.

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Q.—What question do you think I asked you? A.—Did I see the Imo trying to turn around.

Q.—After the collision and before the explosion? A.—After the collision she was laying in the harbour.

Q.—See her trying to turn around and go back? A.—No.

Q.—Were you watching her? A.—I was watching the Mont Blanc on fire, I seen the Imo laying there; I was more interested in the Mont Blanc; I had my hose coupled up to go and save the ship. 10

Q.—You gave us some idea of the speed of the Mont Blanc, where was that? A.—A little below me; coming along down the harbour.

HIS LORDSHIP: He is all wrong about the place of the collision. It was caused by the improper starboarding of the helm of the Mont Blanc. I will file a memorandum.

AND FURTHER THIS DEPONENT SAITH NOT.

R. ECCLES,

Official Reporter.

COURT ADJOURNS.

No. 7.
Plaintiff's
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John L.
Makiny,
Cross-Ex-
amination,
April 1st,
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Continued.

RECORD.

No. 8.

*In the
Exchequer
Court of
Canada,
Nova Scotia
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District.*

MINUTES OF EVIDENCE.

EVIDENCE TAKEN IN WRECK COMMISSIONERS COURT,
31st DECEMBER, 1917.

No. 8.
Evidence
taken in
Wreck Com-
missioners
Court, Dec-
ember 13th,
1917.

District of Halifax,
Province of Nova Scotia,
Canada. } WRECK COMMISSIONER'S COURT.

PRESENT The Honourable Arthur Drysdale, Justice of the Supreme Court of Nova Scotia, Presiding, assisted by Captain L. A. Demers, F. R. A. S., F. R. S. A., and Captain Charles Hose, R. C. N., acting as Nautical 10 Assessors.

Investigation commenced in the Court House, Halifax, N. S., on Thursday, December 13th, 1917, into the causes which led to the collision between the French Steamship Mont Blanc, and the Belgian Relief Ship Imo (Flying Norwegian Flag), in the Harbour of Halifax, N. S., on the morning of Thursday, December 6th, 1917.

APPEARANCES.

Mr. W. A. Henry, K. C., appeared on behalf of the Dominion Government;

Messrs. Humphrey Mellish, K. C., and Joseph P. Nolan,—of New 20 York City,—on behalf of the owners of the S. S. Mont Blanc;

Mr. C. J. Burchell, K. C., on behalf of the owners of the S. S. Imo;

Mr. F. H. Bell, K. C., on behalf of the City of Halifax;

Mr. A. Cluney, K. C., on behalf of the Attorney General of Nova Scotia; and

Mr. T. R. Robertson, K. C., for the Halifax Pilotage Commissioners.

Messrs. J. T. Rowan and Robert Eccles, as Reporters.

RECORD.

MR. HENRY, K. C.

*In the
Exchequer
Court of
Canada,
Nova Scotia
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District.*

If your Lordship pleases, there are two or three preliminary matters that I would like to bring to the attention of the Court, and have determined, first with regard to the witnesses—as to whether it is your pleasure that the witnesses, except those who, of course, will instruct Counsel, should be excluded from the Court during the proceedings or not.

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THE COURT:

All the witnesses who are not immediately called can take seats in the other room, and can have them come in as they are required. I think that the witnesses had better take another room.

10

MR. HENRY, K. C.:

Of course, my Lord, each counsel here has some particular witness who I think should be accessible to him for instruction purposes. The captain of the other ship, and I think, for instance, the pilot, are entitled to hear the proceedings—the masters and pilots as a rule. It will be understood then, that all the witnesses under those men, Captain Le Medec and Pilot Mackey, and the Steward of the Imo,—who is the only man on that ship to understand English,—shall be excluded from the hearing.

MR. BURCHELL, K. C.:

I would prefer if all witnesses, including the Captain and pilot, were 20 excluded.

MR. MELLISH, K. C.:

The pilot is the man who has the right to be here—he is the only man this Court is competent to deal with.

THE COURT:

We will not exclude the pilot.

MR. HENRY, K. C.:

I think with a view to arranging for the attendance of the witnesses, and particularly with a view to not having the witnesses inconvenienced any more than is absolutely necessary, if we could arrange in advance the hours 30 during which the Court will sit during the next few days, it would enable me to provide for the proper attendance of the witnesses.

THE COURT I have suggested to my Assessors that we should sit from 10 to 4.

MR. HENRY, K. C.:

Shall we say 10 to 1 in the morning and 2.30 to 4.30 in the afternoon?

THE COURT:

Yes, 10 to 1 and 2.30 to 4.30.

RECORD. MR. HENRY, K. C.:

*In the
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I have prepared a list of the appearances, which I will hand the court for its information, and which are as follows, (as stated on first page).

In addition my Lord we have here this morning, Mr. Joseph P. Nolan, of the New York Bar, the regular counsel for the owners of the Steamship Line to which the Mont Blanc belongs. Mr. Nolan has come down here at the request of the owners to take part in the proceedings, and I ask for him the privileges of the Bar.

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HIS LORDSHIP:

Yes, indeed. Mr. Nolan will be given all the privileges to which any 10 member of the Bar here is entitled.

MR. HENRY, K. C.:

I just wished to have that placed on the record.

I should, I think, before commencing to call the witnesses, make a few observations of a general character, and I would first like to point out that owing to the extraordinary conditions that have prevailed here during the past six days, the attempt to get together witnesses for this investigation has not been particularly simple, with the transportation facilities practically at a standstill, with terrible climatic conditions and with the means of communication, such as telephone and telegraph, very much restricted, and it is not only likely, but probable the witnesses who could 20 assist us in this investigation have not, so far, been discovered.

I thought it right to mention that, because if there are witnesses,—and I hope this statement of mine will go broadcast through the community,—who have not been reported to me, I will be very glad to find out about them, and have their evidence submitted to the court.

There are witnesses of this accident which may roughly be put into three categories, first the uninjured, who will be in court to give their testimony; the second category are the injured. I already know of a number of injured witnesses who are in hospitals, or private houses, and I propose, sub- 30 ject to the sanction of the Court, to procure from these witnesses who are unable to attend court, and whose evidence could not be taken formally by the court, statutory declarations which I think are admissible in inquiries of this sort, and as I am unable to attend to that at present, with the sanction of the court I am employing competent counsel to take statements from these parties.

HIS LORDSHIP:

This is an inquiry and we will admit these declarations.

MR. HENRY, K. C.:

Then there is a class of witnesses who have passed away. Many of 40 those men have shown the utmost heroism in knowingly sacrificing their

RECORD. lives, exposing their lives in the endeavour to save the lives of others, and save the lives possibly of this whole community. With regard to them we cannot of course get direct testimony of what they did, or what they saw; but there is a somewhat indirect method of finding out about them and their doings, and I propose later on, at a later stage of this investigation, to introduce some witnesses who have brought to my attention acts of heroism and devotion which I think the world should know about, and I think they should go on the records of this investigation if it is possible to get them there.

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I should, before concluding this portion of my duties, testify to the cheerful and willing assistance that has been extended to me in my investigations by everybody in the community, officials and private citizens, and everybody with whom I have been brought into contact with the matter. 10

With these few remarks I think we may proceed with the examination of the witnesses, and I propose to first call the Captain of the Mont Blanc Captain Le Medec.

MR. MELLISH, K. C.:

I thought I would mention to the court that it has been suggested by my associate counsel, Mr. Nolan, that possibly it would be more convenient that the eye witnesses to this collision, disinterested people, should, on this investigation, be examined first. Many of them come from a distance, and it would be possibly more convenient if the court thought it right, for them to be examined first instead of the parties. 20

MR. HENRY, K. C.:

If your Lordship pleases, with respect to that there are perhaps two reasons why that course should not be adopted—the first one of expediency, viz.: no arrangements have been made to get the outside witnesses here. I assumed the usual course would be adopted and the witnesses from the two vessels examined first, and I think that these witnesses should have their stories on record at the earliest stage of the proceedings, and I propose therefore to examine alternately the witnesses from the two ships, so their stories may go on record at once, and then we can test the accuracy of their stories by the outside witnesses. 30

HIS LORDSHIP:

I think we will take the officers of the ships first.

MR. MELLISH, K. C.:

If there is any particular witness who may be examined, rather than cause inconvenience, it may be permissible to call upon them later, before the whole of the evidence from the ships is introduced. 40

RECORD. MR. BURCHELL, K. C.:

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May I say, my Lord, I am acting for the owners of the Imo. The Imo was, at the time of the collision, in charge of the Halifax Pilot, Mr. Hayes, who has been killed. Our Captain was also killed, and our first mate was also killed, and our chief engineer so severely injured that he cannot be seen at all, and the only witnesses that I have are the under mates and seamen and under engineers. I have given Mr. Henry information as to what these witnesses can testify to; but inasmuch as this accident happened in broad daylight, with two ships in charge of pilots, I would submit to your Lordship, that somebody should be here representing the dead pilot, Mr. Hayes. I am not representing any one other than the owners of the Imo. Perhaps Mr. Henry does in a sense represent the dead pilot. Perhaps your Lordship can see the difficult position in which the Imo is placed because they have not witnesses at all who were in charge of the ship. The pilot and captain are both killed, and there is no one here, I understand, to represent the dead pilot, on whom, of course more responsibility for the ship is thrown as this is a compulsory port, where you have to take a pilot and the pilot is in full charge I would submit that somebody should act for the pilot. 10

MR. ROBERTSON, K. C.:

I am representing the Pilotage Commission. 20

MR. BURCHELL, K. C.:

It is a question of two pilots, whether both or one of the pilots are at fault—they are the men who are responsible for this whole accident, and of course, as is stated here by Mr. Mellish, Pilot Mackey is really on trial in this court; but the other pilot unfortunately is dead, and cannot be put on trial; but in fairness to him I should think that somebody should be acting for him.

MR. HENRY, K. C.:

I understand that the father of the dead pilot, Mr. Hayes, is in court, and perhaps, if your Lordship would give me a moment I would consult with him. I may say that this is a new suggestion to me, as I think it is to your Lordship. 30

I have consulted, my Lord, the father of the dead pilot Hayes, and he says that if a good lawyer could be procured to represent his son he would be very glad.

Now, of course, we have made no arrangement about this matter, and I don't know whether there are any counsels available at the moment who could be engaged at short notice to look after this particular interest.

MR. MELLISH, K. C.:

I would suggest that Mr. Burchell, K. C., represent the pilot. 40

RECORD. MR. BURCHELL, K. C.:

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I am acting for the Imo. I don't know just what my position would be. I don't think I could very well act for the pilot. It seems to me that my position would be rather inconsistent. There may be some question as to whether the pilot was in charge. They may say our own Captain took charge. There are some possibilities of questions like that arising and I don't see how I could act for the pilot and owners of the Imo jointly. I could not undertake that dual position.

HIS LORDSHIP:

You can consult with Mr. Hayes and get somebody willing to take that place. Will you undertake the work for now Mr. Burchell? There is no harm for you to appear this morning. 10

MR. BURCHELL, K. C.:

I will carry on my Lord on behalf of the Imo; but I don't wish to go on the record as representing the pilot.

HIS LORDSHIP:

You can confer at lunch time and associate somebody with you for the pilot.

MR. HENRY, K. C.:

I perhaps should produce to the court a chart of the locality where this collision occurred, and I may say that I have arranged to be provided with an exact enlargement of the chart, that part of it in the neighbourhood of the collision, on a very much larger scale, which I hope will be of assistance to the court in understanding the circumstances. I would like, if your Lordship pleases, to have an interpreter sworn for the French witnesses. The captain of the Mont Blanc does not speak English, and an interpreter is here from Ottawa to undertake this work. 20

RECORD. (10.30 a. m.), Halifax, N. S., Dec. 13th, 1917.

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MR. LOUIS D'ORNANO, TECHNICAL TRANSLATOR OF THE
DEPARTMENT OF MARINE, OTTAWA, SWORN AS INTER-
PRETER IN THE FRENCH LANGUAGE.

No. 8.
Evidence
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by Mr.
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DEPOSITION OF CAPTAIN AIME LE MEDEC.

On this thirteenth day of December, in the year of our Lord one thousand nine hundred and seventeen, there personally came and appeared.

AIME LE MEDEC.

MASTER OF THE FRENCH STEAMSHIP MONT BLANC, who, being duly sworn upon the Holy Evangels, doth depose and say as follows: 10

EXAMINED BY MR. HENRY, K. C.:

Q.—You were the master of the Steamer Mont Blanc? A.—Yes sir.

Q.—By whom was the Mont Blanc owned? A.—General Transatlantic Company, known as the French Lines.

Q.—Was the vessel requisitioned by the French Government?

A.—Neither requisitioned nor mobilized?

Q.—From what port did the Mont Blanc sail before arriving at Halifax?

A.—Left New York.

Q.—Was she loaded at New York? A.—Took full cargo.

Q.—At what part of the port of New York was she loaded? A.—It 20
was loaded at Gravesend Bay.

Q.—To whom did the cargo belong? A.—The French Government I believe.

Q.—Of what did the cargo consist? A.—Deeply loaded with picric acid, T. N. T. and Benzol and casks of gun cotton.

Q.—Where was each part of the cargo stowed? A.—The ship had four holds and four 'tween decks—in the 4 holds was to be found the wet picric acid; 'tween decks No. 1 dry picric acid; 'tween deck No. 2 towards the after part had dry picric acid, on the fore part of the starboard side there was T. N. T., and to cover this part of the cargo in the hold there 30
were cases of gun cotton, astern there was only one 'tween deck, not divided by partitions.

Q.—What was in that? A.—In the 'tween deck No. 2 the T. N. T. was separated by a wooden partition from the other explosives that were the gun powder.

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Q.—With regard to the 'tween decks in the after part of the ship what was contained in those? A.—There was only one after deck, in the middle of the 'tween decks were the cases of T. N. T. going from side to side. That T. N. T. was separated from the barrels of dry picric acid by transverse partitions—forward of the said partition was to be found dry picric acid, and above, to complete the load of the hold, there was T. N. T.

Q.—In what form? A.—In barrels, I believe. I am not positive of that, the first officer would know better.

Q.—Find out with regard to the dry picric acid—in what kind of receptacles was it? A.—In wooden barrels—small kegs. 10

Q.—And the dry T. N. T.? A.—Part in cases and part in barrels.

Q.—On the forward deck what was there? A.—We had iron casks filled up with benzol on the forward and after decks.

Q.—What precautions, if any, were taken in New York in loading the cargo? A.—All the necessary precautions had been taken in New York so as to avoid a catastrophe. In each hold as in each 'tween decks, they had constructed special storage for the cargo, wooden magazines, no iron appliance was visible in these magazines—the boards were nailed with copper nails, so as not to provide any sparks in case of a shock. The laborers, when working there in the holds, or in the magazines, so as to prevent sparks or anything like that, had their feet provided with linen cloths. Each kind of explosive was completely separated from the next by wooden partitions. Even the bars to close the holds were recovered with wood. 20

Q.—What were the hatch covers made of? A.—The holds were covered with wooden board panels and covered with tarred cloth. So that the holds could not be opened on each side, they had appliances on the corners, over that tarred cloth, so that no communication could be made with the hold—it was tightly screwed on, hermetically closed. It was absolutely forbidden to smoke on board, by means of posters it was forbidden to go on deck with matches, and every precaution was taken. 30

Q.—Ask him when they sailed from New York? A.—December first, 11 p. m.

Q.—Ascertain if this vessel had been used for a munitions cargo before or if he himself had ever carried a munitions cargo in a ship? A.—No sir, the vessel had been never used to his knowledge to carry munitions. He did not command any vessel carrying munitions before.

Q.—When did the vessel arrive off Halifax? A.—December 5th, 4 p. m., I took the pilot on the place where the pilot boards the ship usually. The harbour being closed I anchored towards 4.30 p. m.

Q.—Did the pilot come on board before anchoring? A.—Yes, sir. 40

Q.—The pilot's name is what? A.—Francis Mackey.

Q.—Did the pilot remain on board that night? A.—Yes sir.

Q.—Find out why the vessel came to Halifax? A.—To be convoyed to France.

Q.—To what port was the vessel bound? A.—Bourdeaux.

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Q.—Where did he receive his orders to proceed to Halifax? A.—From the British Authorities at New York.

Q.—Ask him if he has knowledge of a French Munition Ship sailing for France shortly before his ship? A.—He has no knowledge of such fact, of a ship sailing before him. He knows of one after, sailing after his ship.

Q.—Ask him if that ship came to Halifax or was ordered to come to Halifax? A.—No sir, he had orders to sail directly from New York because he had greater speed than my ship.

Q.—What was the maximum speed of the Mont Blanc? A.—7½ knots, but in fine weather she could have made 8 knots; but seldom. 10

Q.—During the night of the 5th December when the pilot was on board was the pilot imbibing, drinking liquor? A.—There was none on board his ship—since the war began no French ship can carry liquor on board.

Q.—At what time the following morning did they start to come into the harbour? A.—7.30.

Q.—Where were they going? A.—Bedford Basin.

Q.—What was the weather like? A.—At the lower part of the Harbour there was some mist, occasioned probably by smoke. In arriving at Georges Island the sky was very clear.

Q.—Did it remain clear until the time of the collision? A.—Yes sir. 20

Q.—At what time approximately did they sight the Imo? A.—8.25 or 8.30.

Q.—Somewhere about 8.25 or 8.30? A.—Yes sir.

Q.—Where was the Mont Blanc at that time? A.—He had passed a few moments before the British Cruiser High Flyer, which was laying in the middle of the harbour. He saluted him with his flag, and the salute was answered. He passed on the eastern side at about 100 metres from the High Flyer.

Q.—And on the eastern side of the High Flyer? A.—Yes sir, towards Dartmouth. 30

Q.—At the moment when they saw the Imo, how close was the Mont Blanc to the Dartmouth shore? A.—About 120 metres.

Q.—Where was the Imo when they first saw her? A.—She seemed to leave the Bedford Basin.

Q.—In what part of the channel was the Imo? A.—The Imo appeared towards land in the West—she was leaving the basin and he could see her towards the land on the west side.

Q.—Which way was she heading? A.—She appeared to take the sea.

Q.—With respect to the Mont Blanc, how was the Imo heading?

A.—She was taking direction which was cutting his course. 40

Q.—Which side of the Imo was visible to them? A.—The starboard side.

Q.—How did the Imo bear from the Mont Blanc? A.—Two points about, or two and a half.

Q.—On which bow? A.—Port, or left.

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Q.—Two to two and a half points on his port bow? A.—Yes sir.

Q.—What was done, if anything, on board the *Mont Blanc*? A.—As he was seeing the boat on his port side he showed he had seen her and gave one short blast, and he put his ship a little to the right, and inclined towards the land.

Q.—Was any order given to the helmsman when he gave the short blast? A.—Yes sir, the order was given to go to the right, but as I was too near the land he could not go too much to the right.

Q.—Was any order given to the engine room at that time? A.—I ordered to the engine room to go slow. 10

Q.—Did he receive any signal from the *Imo* in answer to his one blast? A.—Yes sir, the *Imo* replied by two short blasts.

Q.—Which was the first signal given by either of the ships to the other? A.—It was me gave one short blast meaning “I am going to the right.”

Q.—Did the *Imo* change her course after giving the two short blasts signal? A.—I think so; but it is difficult for a ship against the land to find out if she is moving in one direction or not. The fact of giving two short blasts of the whistle does not imply that the vessel itself will go to the right or to the left—it might say I pass to the right or I pass to the left.

Q.—That is the way he understands the signals? A.—Yes sir, the *Imo* was going to port and I was going to starboard. 20

Q.—Then the *Imo* continued to the course upon which she was when he first sighted her—ask if his recollection is if the *Imo* continued approximately the same course as he was on when he first saw her? A.—He came a little more to the left.

Q.—Ask him whether he gave any other signal from his ship? A.—A few seconds after he had a reply from the *Imo* he gave a new short blast and then he went to the right, and he stopped his engines immediately.

Q.—Did he get a second signal from the *Imo*? A.—Yes sir, he heard from the *Imo* a second signal of two blasts. 30

Q.—At what distance from each other were the ships by this time? A.—About 150 metres.

Q.—Was there then danger of a collision if the two vessels remained on their courses? A.—Inevitably.

Q.—How fast was the *Imo* travelling at that time? A.—Judging by the force of the collision the *Imo* should have had at the time a great speed.

Q.—Was it possible for the *Mont Blanc* at that time to go further to starboard? A.—No, because there would have been inevitably a collision.

Q.—How about the nearness of the land on his starboard bow.—How close was he to the land? A.—About from 60 to 70 metres. 40

Q.—What was done on board his ship at that time? A.—When he saw that the collision was unavoidable there was only one manoeuvre to be made and that was to go to port. He gave orders to the helmsman to bear all to the left, and he gave two short blasts of his whistle.

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Q.—How did his ship behave? A.—Although the ship had some little speed left she obeyed completely at once. As the ship was very heavy she had kept some little speed.

Q.—What was the relative positions of the two vessels after he had starboarded his helm? A.—The two ships were about parallel and could see each other by the right side.

Q.—Each had the other on its right side? A.—Yes sir.

Q.—What distance were they apart then when he had finished going to the left? A.—About 100 metres.

Q.—When I am asking the distance between them I mean the latteral distance—what was the difference between the two parallel courses? 10

A.—About 50 metres.

Q.—How far were their bows from each other?

Q.—Can he tell us in what direction his vessel was heading when they were in this parallel position? A.—She was heading almost towards the western course.

Q.—At the moment before the collision was his vessel heading directly across the harbour or across and up the harbour? A.—Obliquely up the harbour.

Q.—What happened after the two vessels were in this parallel position? 20
A.—The vessel which he had recognized as being the Imo, by reading her name, gave three short blasts of her whistle indicating “I am going full speed astern.” As that ship was very light and having some speed she came towards the starboard side.

Q.—Ask him if that was due to her still going through the water forward with a reversed propellor?

MR. BURCHELL, K. C.:

Of course Mr. Henry is here examining for the Crown, and it is a rather peculiar position, and under the ordinary circumstances a question like that last one would not be permitted by counsel for one ship or the other. 30
It is a directly leading question. I know Mr. Henry don't want to be unfair; but Mr. Mellish or I would not be allowed to ask a question like that as it is a directly leading question.

MR. HENRY, K. C.:

My learned friend perhaps don't appreciate the fact that I understand the answers of the witnesses nearly as well as the Interpreter. I will put the question in another form, and I do not desire to put anything like unfair questions.

BY MR. HENRY, K. C., CONTINUING:

Q.—How was the effect of the Imo going to starboard produced—what 40
caused that? A.—According to him it is because the propeller was

RECORD. going astern. I don't know what was the position of her helm. What I can say is about the signals of the Imo and having seen her propellor going astern.

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Q.—Did they take any steps on board of the Mont Blanc? A.—As soon as I saw that the collision was unavoidable I gave the engine room an order full speed astern because I knew that in the No. 2 'tween decks was the T. N. T., and that was a dangerous explosive I had heard in New York, which would explode under the least shock, and I wanted to avoid the collision taking place on this hold so that the impact would not be on that particular hold.

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BY MR. BURCHELL, K. C.:

Q.—Hold No. 3? A.—No. 2. He says he succeeded because the impact took place at hold No. 1, across hold No. 1.

BY MR. HENRY, K. C., CONTINUING:

Q.—Can you tell if this is a picture of the plan of the Mont Blanc?
A.—Hold No. 2 I recognize as holding the T. N. T.

Q.—He says this is a copy of the plan? A.—Yes sir.

(PICTURE OF THE PLAN OF THE S. S. MONT BLANC IS MARKED AND FILED AS EXHIBIT M. B. R. 1).

Q.—This will show the different holds and the 'tween decks referred to 20
by the Master. Will you tell us what the witness said just a moment ago about the loading of the vessel when we were marking the exhibit?

A.—He says when he was going to New York the first officer was attending to the loading of the ship. He was going to New York to get orders from his company during the loading.

Q.—Did he say that the first officer can give more particulars about the loading of the ship? A.—The first officer can.

Q.—What was the immediate effect of the collision upon the Mont Blanc? A.—Immediately after the collision a thick black smoke escaped from hold No. 1 where the collision took place.

30

Q.—How deep did the bow of the Imo penetrate to the side of the Mont Blanc? A.—As much as he could judge while the black smoke existed it must have been to about one-third of the beam of the Mont Blanc.

Q.—How many metres would that be? A.—Three to four metres. It was difficult to estimate exactly the depth on account of the smoke having come out at once.

Q.—Ask him to describe what happened after that? A.—When I saw the flames add themselves to the smoke I thought that the ship was to be blown up at once. It was impossible to try to do anything to stop the

RECORD. fire, and in order not to sacrifice uselessly the lives of forty men I gave the order to lower the boats and get into them. This order was executed very quickly, and with the greatest calm on the part of the crew. When I left the bridge and went from the decks to the boats all the men had come down, which proves the calmness in which this operation was carried out. Every man took the place at the boats that was assigned to him by the regulations when abandoning ship. Men that were on the starboard side went to the port to take their right places in their boats. When I went down I gave orders to get away from the ship and the two boats left for the east shore.

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Q.—What did they do after that? A.—As soon as they were on land I ordered them to climb higher up near the wood which was there and I gave orders to the first officer to call the roll to see if anybody was missing, and they replied that one man was missing, but I found out later on that he had remained behind, so I saved the lives of the forty men on my ship.

Q.—This man that was missing at the roll call had gone ashore? A.—Yes sir, just at the moment when the roll call was taking place the explosion also took place. He estimates that between the time of the collision and that of the explosion that from 18 to 20 minutes passed not more. when the explosion took place he and all his men were thrown on the ground. In getting up himself he saw that they were running away in different directions.

Q.—Ask him whether he was rendered unconscious by the explosion? A.—He does not remember having heard the second explosion. When he got up he found himself near an officer which he did not even recognize. He gathered the four men, of whom one was wounded, had a broken arm, and then went towards Dartmouth.

Q.—The wounded man subsequently died? A.—That man died the next day, having lost all his blood, they told him.

Q.—Did he carry a gun? A.—Two guns, one of 90 millimetres, forward and one of 95 millimetres astern.

Q.—How many shells did he carry for these guns? A.—Between 350 and 400, and he don't recollect exactly the number because they had fired some at Bourdeaux for practice.

Q.—Where were these shells on board? A.—The 90 mm. shells were to be found completely forward.

Q.—On the deck? A.—Some on the deck and some were lower down in the lower compartments in the peak; but they had some ready to be used in case of necessity.

Q.—How many? A.—He cannot say. The first officer was in charge of that as being in charge of the firing of the gun.

Q.—The shells for the stern gun where were they? A.—They were in an iron box near the gun on deck, containing a few shells ready to be fired in case of necessity. The shells were in the stern peak in a special magazine.

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Q.—So that on the deck at the time of the collision there were comparatively few shells? A.—Yes sir.

*In the
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MR. HENRY, K. C.:

I have procured this chart, and there are some blue print copies of it, my Lord, on a very large scale. It is the locality of the collision and they have provided also two models of ships with the idea that they can be laid right on the chart.

No. 8.
Evidence
off

Aime Le
Medec,
Direct-Ex-
amination,
December
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Continued.

BY MR. HENRY, K. C., CONTINUING:

Q.—I want to find from this witness the angle at which the two ships came into collision? A.—About 90 degrees.

Q.—I want this witness to place these two ships in the position in which they were at the moment of the collision? A.—Perhaps a little more than 90 degrees—like this.

Q.—We will outline these models as the witness has placed them.

(TRACING MARKED AND FILED AS EXHIBIT MB R 2).

Q.—The witness has placed on this piece of paper his recollection of the position in which these two ships were at the moment of the collision?

I am now going to ask the witness to mark on this plan, as near as he can, the place of the collision, on plan or chart which will be marked as exhibit, or has been marked as exhibit MB R 1. A.—It appeared to him to be in the line AB on the exhibit MB R 1.

BY MR. MELLISH, K. C.:

Q.—Ask the captain if he has his qualifications as a master with him?

A.—The only paper he saved is his certificate as auxiliary in the French Navy, which he had on himself.

Q.—He produces the certificate from the French Minister of Naval Reserves? A.—That was all that was left to him of his papers. He had that upon himself.

Q.—I won't ask him to leave that here. It is just to show that he was qualified by the French Admiralty.

Q.—He was really under the orders of the French Government? A.—Yes sir.

Q.—They have a different system of rating from the English—it is not like our naval system? A.—He don't know the British system.

Q.—It is not like the merchant marine? A.—He was in the merchant marine; but on the French ships actually the captains only are mobilized; and they give them certificates as lieutenant on the French naval Reserve.

Q.—Special certificates? A.—Yes sir.

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No. 8.
Evidence
of
Aime Le
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Continued.

Q.—To whom was he ordered to deliver the ship at Halifax? A.—He had received orders from the British authorities in New York to come to Halifax to join a convoy. The British did not wish him to leave with the convoy from New York on account of the slow speed of his ship. They told him that they did not think that the convoy at Halifax would have accepted him with the other ships on account of the small speed of his vessel; but to come on the same to Halifax where he would get special orders if he were to cross the sea alone.

Q.—When arriving off Halifax to whom did his ship report outside Halifax? A.—I received orders from the little cruiser that is at the entrance of the harbour, and an officer came aboard from that ship to ask him for his papers. He gave them to him and gave him also the nature of his cargo. 10

Q.—Did he get any instructions as to his future movements at that time? A.—None whatever. They told him in the evening that he could get under steam in the morning at daylight and at 7.30 they gave him the signal enabling him to pass in front of the fort so as to be able to enter into the basin?

Q.—He came in by orders? A.—Yes sir.

Q.—What is the size of his vessel—the length? A.—330 feet. 20

Q.—Beam? A.—40 feet, approximately.

Q.—The draught? A.—20'5" astern and 19'5" forward, at the entrance of Halifax.

Q.—At the moment of the collision what was the position of the ships having regard to the east and west sides of the harbour? A.—When the collision took place I was heading a little outside of the land, west, but the force of the collision threw the ship on the left or port, and pushed it towards the wharf.

Q.—Has he indicated the place of the collision on the chart? I prefer, if the court has no objection, to take the ordinary navigation chart, No. 30 311, and then it can be marked on the other large scale plan.

Would you indicate on this chart the position of the ships at the moment of the collision? A.—This is about the position at the point ") ' on the chart now marked Exhibit M. B. R. 3.

(CHART NO. 311, now filed and marked as Exhibit M. B. R. 3).

Q.—You have marked approximately the position of your ship on this chart? A.—Yes sir.

Q.—Your course from the inner gate? A.—I have traced it from Georges Island. That is indicated on this chart.

MR. MELLISH: That is indicated on this chart, the course followed. 40 I thought it was fairer to mark the clear chart to mark the point of-collision.

(THAT CHART WITH THE COURSE MARKED ON IT IS NOW FILED AND MARKED EXHIBIT M. B. R. 4).

RECORD. HIS LORDSHIP:

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Have the course marked on the chart.

MR. MELLISH, K. C.:

It is marked approximately, my Lord.

BY MR. MELLISH, K. C., CONTINUING:

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Evidence
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Continued.

Q.—Ask him whether he was sailing by landmarks or compass coming in? A.—Under the directions of the pilot by landmarks. Don't sail by compass in small streams.

Q.—Was there any wind? A.—Almost none.

Q.—Any perceptible current or tide? A.—It was the first time he was coming to Halifax and he don't know the water at all. 10

Q.—Anything he noticed in the way of current? A.—No sir.

Q.—His vessel was loaded pretty well to her bearings? A.—She was full—he could have taken a load of 200 tons more in New York but the place was all taken. 200 tons in weight; but the space was all taken.

Q.—When, at the last moment, his engines were reversed, ask him whether they did throw the head of the ship to starboard? A.—If the ship had been light yes; but as she was loaded completely the propeller had no action upon the ship. He remained by the landmarks in front of him, by the land he had on his left side. 20

BY MR. BURCHELL, K. C.:

Q.—Did the ship carry any red flag or anything to indicate she was loaded with munitions? A.—No sir, because the red flag, according to international rules of the road indicates that they handle explosive powder on board ship, that they take on board or discharge munitions. The regulations don't say that it must be shown to anybody that the ship is loaded with ammunition, and under the present circumstances he was of the opinion that it was preferable that everybody should ignore the nature of his cargo.

Q.—Ask him if he knows it is customary in peace time for a ship carrying munitions or explosives altogether to so indicate by a flag or in some other way? A.—Like I said just now, the only thing is that then they use a red flag to indicate that munitions or explosives are being handled on board the ship, manipulated. 30

Q.—Ask him if he watched his ship after he got into the row boats? A.—Yes sir.

Q.—Where was the Mont Blanc at the time of the collision?

A.—About in the middle of the narrows between the two shores at the moment of the collision.

Q.—The moment of the explosion where was his ship? A.—It had approached itself to the wharf. He thinks that it was the impact of the Imo pushed him towards the wharf. 40

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Continued.

Q.—Would you mark on this chart M. B. R. 4, the wharf into which the Mont Blanc was at the time of the explosion? A.—He had never seen the city and the French chart he had was not showing all these wharves. He cannot give just what he had told him to be wharf No. 8 and he did not know the place at all.

Q.—Is he able to mark on this chart the pier, the Mont Blanc went to after the collision and before the explosion? A.—He thinks it is this one here, which he is showing and marking "B".

Q.—Do you know how long the Mont Blanc was at this pier before the explosion? A.—He cannot know it, he was on the other side of the 10 Harbour when he saw the Mont Blanc was touching land. If he could see it he would not be any longer in this world.

Q.—He was getting away so fast that he did not look to see. Did he see how long the steamer was touching the wharf on the Halifax side before the explosion? Could he say how long she remained there before the explosion? A.—He cannot say because as soon as he saw the flames on board he abandoned the ship with his crew, and between the time of the collision and the explosion there was between 18 and 20 minutes. It was necessary to lower down the boats, to go into the boat and to make 20 for the eastern shore. These different manoeuvres have taken some time, and I was not on the bridge when the ship touched the wharf.

Q.—Had the men all left the ship before the Mont Blanc touched the wharf? A.—Each one of them had left the ship when she touched the pier, since they all escaped.

Q.—How much of this 18 or 20 minutes that he told us about elapsed between the collision and the explosion? For how long of that time was the Mont Blanc at the pier? A.—I cannot say because I did not see the Mont Blanc at the pier. He says it took him some time to lower down the boats and reach the other shore. Even had he remained on board ship he could not have noticed if the Mont Blanc was touching the 30 pier or land on account of the thick black smoke that was emanating from the ship.

Q.—Did he notice any men go on board the Mont Blanc from the tug boats? A.—No sir, no one. Nobody went on board the Mont Blanc after he left New York, except the pilot and the officer that was sent on board ship at the entrance of Halifax Harbour.

Q.—After the collision did any tug boat come alongside from which men could have come on board? A.—No sir, I don't believe. I did not see any.

Q.—Can he mark on this chart M. B. R. 4, where in Dartmouth his 40 boats landed? A.—About there, near the wood. On the north of the French Cable House near the wood, and he says that the wood protected him.

(WITNESS INDICATES AT POINT MARKED "C").

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Continued.

Q.—Did he see any people on shore? A.—Yes sir, and he warned them to get away because there was danger.

Q.—And when the collision occurred they went back in the woods on the hill? A.—No, he was just reaching the wood, a little outside of the wood. It was only after the explosion that they sheltered themselves behind the trees.

Q.—Where was the pilot? A.—He was near him on the bridge and never quitted him for an instant.

Q.—The captain himself was the last man to leave the ship? A.—Before going into the boat he asked if everybody had taken to the 10
boats and they told him yes. As I was going down to the boat I had not seen the chief engineer and they told me that the chief engineer was in the engine room. As I had gone down a rope I went down quicker than the first officer, who was going down the ladder. He was half way on the ladder when I heard that and then I went back and climbed the ladder and said since the chief engineer is not down here I will go back for him. I was at half way up the ladder when I saw the first engineer above and we went down together. That is all the truth. I wanted to stay on board but the first officer took me by the arm and told me to come down—
twice this was done. 20

Q.—Where was the pilot at this time? A.—He had taken to the boat.

Q.—He was in the boat? A.—Yes sir.

Q.—Ask him if he can locate on the chart where the Imo was when he first saw her? A.—He can only give an approximate position.

Q.—Was she inside the Basin or out? A.—She was coming out from the Bedford Basin and he had no chart for the Bedford Basin as the French chart does not give that basin. She was coming out from there.

Q.—Mark on this chart here the position of the Imo when you first saw her,—on chart M. B. R. 5?

(WITNESS INDICATED POINT M. ON THE DIRECTION A. B.) 30

Q.—Mark the position of your ship approximately, the point where the Mont Blanc was when you first saw the Imo? A.—I am not sure on account of the smallness of the chart and I am not sure of the exact position of the Imo; but about here.

(WITNESS INDICATES POINT MARKED "C").

Q.—Can he tell us approximately how far away the two steamers were when he first saw her? A.—A good half of a marine mile.

Q.—How far away was he when he gave the first signal on his whistle? A.—Almost about the same distance. In a few seconds after he had seen the ship.

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Q.—That is when they were half a mile away? A.—Yes sir, he says that the sight is not reliable, it is very hard to judge distances on account of the atmosphere.

Q.—Had he passed the High Flyer before he saw the Imo? A.—Yes sir, he saluted the ship and she returned the salute.

Q.—How far had he passed the High Flyer when he saw the Imo?

A.—He did not look behind. He was too busy elsewhere.

Q.—Has he been up to see the Basin since the collision—the locality?

A.—No sir, it has been impossible for him to go and see the place, because he is obliged to put himself under the protection of the police and cannot come out. 10

Q.—How long after he gave the signal on his whistle did he get any signal from the Imo? A.—Almost instantly. A few seconds.

Q.—What signal? A.—He said the Imo gave him twice two blasts and one three blasts.

Q.—Did the Mont Blanc give the first signal of one short blast?

A.—Yes sir.

Q.—And he was then half a mile away from the Mont Blanc approximately? A.—Yes sir, about.

Q.—And almost instantly the Imo replied with two short blasts? 20

A.—Yes sir.

Q.—What did he understand by that? A.—I did not understand. I asked myself why the Imo was giving two blasts, because according to the International rules of navigation the Imo should have given a short blast meaning I come to the right, besides I was holding to my right and I was the first to signal my manoeuvres when I am going to starboard. He should have replied by one blast that I am going to starboard, because I was commanding the manoeuvre having signalled first.

Q.—He could not understand what the two blast signal from the Imo meant? A.—He says I understood very well that the two blasts of 30 the Imo meant I am heading towards the left; but I had the right, and he had no right to change my signal, because I had given first one blast, meaning I am heading to the right, except in case of a collision to avoid the collision.

Q.—And he kept on after that signal of two blasts from the Imo, the Mont Blanc kept on her course? A.—He accentuated the course towards the right.

Q.—With the helm to the right? A.—His helm to the right.

Q.—What kind of helm has he, right and left helm? A.—Like all the French boats. When it turns the wheel to the right the rudder also goes 40 towards the right.

Q.—Starboard helm brings the vessel to starboard? A.—Yes sir, in France they don't use any more the words port and starboard, so as to have no confusion, and they say right and left, to avoid all sorts of mistakes they use the words right and left.

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Evidence
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Q.—After he heard this two blast signal from the Imo what was the order given the man at the wheel? A.—I gave again a short blast and the helm was put a little more to starboard, to the right.

Q.—Which would put her bow to the right? A.—Yes sir, always, and he stopped the ship.

Q.—Who was blowing the whistle? A.—The pilot, the two last blasts were given by the captain himself, the two last blasts.

Q.—What two last blasts were they? A.—Two short blasts consecutively given by him, meaning I am heading towards the left.

Q.—That was given by the captain himself? A.—Yes sir. 10

Q.—And the captain himself gave the orders to the helm at that time? A.—He gave it himself in French, all to the left.

Q.—He told the helmsman to left? A.—Yes sir, himself in French.

Q.—The pilot does not understand French? A.—I don't know—I don't think so. He understands sufficiently to know that starboard means to the right and port means to the left, and that all the orders were given to the helmsman in French by himself.

Q.—And he carried on things himself in French? A.—Yes sir.

Q.—Did he have any conversation with the pilot himself? A.—No, he says it would have been difficult, he don't speak English and he thinks 20 the pilot don't speak French.

Q.—At some time the captain himself took command of the ship from the pilot? A.—At all times the captain is the master on board his ship. He receives advice from the pilot and he has that advice executed, and in no case does he give the command to anybody else.

Q.—Does the captain say that all the time he himself was in command of the ship, and not the pilot, that he himself gave all the orders before the collision occurred? A.—The pilot was giving advice, telling him we must go to the right or to the left and he transmitted the orders.

Q.—How could the pilot give him advice when they could not under- 30 stand each other? A.—He says he knew enough English to know the meaning of the two words starboard and port. It is 25 years that he had been sailing and he was seeing very well the manoeuvres that were to be made and the pilot was telling him to come to the right or to the left and he could see himself if he was to do it.

Q.—Ask him if the pilot was not standing by the whistle during the first part of the time—blowing the whistle himself and then later on the captain jumped to the whistle and blew the whistle himself? A.—Himself and the pilot were touching each other in the middle of the ship.

Q.—Ask him how his whistle was blown—by a cord? A.—Yes sir 40 the whistle acted very well as soon as they pulled the rope it acted at once.

Q.—Were they in the wheelhouse or on the open deck? A.—He said he stayed all the time on the bridge near the pilot.

Q.—Where was the helmsman? A.—In the cabin—in the wheelhouse.

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Continued.

Q.—Where was the whistle? A.—Just in the middle, forward, between him and the pilot.

Q.—Where was the telegraph? A.—To the right of the boat,—the officer that was operating the telegraph was one metre distance from the captain.

Q.—Who gave the orders to the man at the telegraph? A.—Always him—the officer that was at the telegraph did not understand English and was not working the telegraph without his orders.

Q.—Was he able to confer with the pilot as to where they should stop? A.—Yes sir.

Q.—How could he do that to understand the pilot—how could they understand each other? A.—The pilot would say stop and he would say yes and transmit the order to the officer.

Q.—What did he say when he wanted to go ahead? A.—He says he knows English enough to understand slowly or full speed, and he thinks the pilot understands a few words of French, enough to make himself understood.

Q.—Who was the man to decide when they would go ahead or astern, the pilot or himself? A.—It was the pilot that said slowly and stop and I was the man that said “all astern” in accord with the pilot.

He says that he understands the pilot is there to advise the captain.

Q.—He did not consider the pilot as in charge of the ship? A.—In no case—the captain remains alone responsible for his ship no matter what happens according to the French law, and he believes it to be an international law.

Q.—Does he remember the signals that were given on the telegraph from the time that they first saw the Imo until the collision—giving them in order? A.—Yes sir.

Q.—Ask him to give them to us? A.—Slowly—stop—full astern and after stop—after the collision.

Q.—That is four different orders, before the collision there were only three orders? A.—Three orders before the collision. He says he had given a good many orders since he entered the harbour.

Q.—From the time he saw the Imo? A.—After passing the High Flyer he gave three orders.

Q.—Up to the time of the collision? A.—Yes sir.

Q.—When they passed the High Flyer how were they going—full speed? A.—Half speed.

Q.—What signals has he on his telegraph instrument? A.—French.

Q.—What are they—what do they mean? A.—Stop, standby, from the middle of the telegraph forward, stop, standby, slowly, half speed, full speed and the same thing astern.

Q.—When the order was changed from half speed to slowly how long was that from the time they first sighted the Imo? A.—Immediately after he had given the short blast.

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Evidence
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Q.—Did he give the short blast as soon as he saw the Imo? A.—Al-
most at once—when he noticed the route he was following.

Q.—How long after that was slow—the same time he gave the signal
slowly on the telegraph? A.—Yes sir.

Q.—And the Imo was then he calculates half a mile away? A.—Yes
sir.

Q.—Ask him how many signals he gave on his whistle and what they
were from the time he first sighted the Imo until the collision happened?
A.—One short blast, then a second short blast, then two short blasts—
twice one short blast and once two short blasts—that is all. 10

Q.—He did not give any signal to reverse—three blasts for reverse.
A.—He had not any to give—they were too near each other—it was not
necessary.

Q.—How long elapsed from the time that he first saw the Imo until the
collision occurred? A.—7 or 8 minutes, not more. He says he did not
put any special attention on that. He did not have his watch in his hand
all the time—it is only recollection.

Q.—It may be a considerably longer time possibly? A.—No sir, I
don't think so.

Q.—How long after the signal slowly was given on the telegraph did he 20
give the signal stop? A.—Scarcely two minutes—not quite that.

Q.—And no further order was given on the telegraph until he gave the
order reverse? A.—He had none to give, he says his boat had room
enough to navigate.

Q.—I am asking if any other signal was given after stop before the colli-
sion except the reverse? A.—The only signals he gave were twice one
short blast and once two short blasts.

Q.—I am talking about the signals on the telegraph? A.—No signals
at all were given by the telegraph.

Q.—Ask him after the signal stop was given on the telegraph if any 30
other signal was given to the engine room except the signal reverse?

A.—No sir, nothing.

Q.—And the reverse signal was given almost the instant of the colli-
sion? A.—Yes sir, a little before when he saw that the ship was com-
ing into the right side. He says he explained before that he did not wish
to have the impact take place at hold No. 2.

Q.—I am just asking about the time the reverse signal was given—was
it just before the collision or a long time before the collision? A.—About
between 20 and 30 seconds before the collision.

Q.—How long were the engines stopped working—how long was he at 40
the signal stop before the collision or rather before the order reverse?

A.—Perhaps one and a half minutes.

Q.—Tell us in order what signals you received from the Imo—what
blasts of the whistle? A.—Twice two short blasts, and a third signal
of three blasts.

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Q.—He received three signals in all from the Imo? A.—Yes sir.

Q.—How long elapsed between the two first signals of two blasts each?

A.—The time to get his reply, because the Imo replied a few seconds after his blasts.

Q.—The first signal given was from your ship, one short blast?

A.—Yes sir.

Q.—That was immediately answered by two blasts from the Imo?

A.—Yes sir.

Q.—How long after that before anybody gave a signal? A.—He replied by the signal I am coming to the right.

Q.—What signal was that? A.—One short blast.

Q.—How long after did he give that signal of one short blast, after the two short blasts from the Imo? A.—Perhaps ten seconds, perhaps a little more.

Q.—Which ship gave the next signal after the second one blast the Mont Blanc gave? A.—It was the Imo that gave the signal of those two blasts.

Q.—How long elapsed between these two last signals he has mentioned, the two blasts from the Imo and the one blast from the Mont Blanc?

A.—The same space of time.

Q.—About ten seconds? A.—About between 10 and 15 seconds.

Q.—And the next signal received was the three blasts from the Imo?

A.—Yes sir.

Q.—How long elapsed before that signal was received? A.—Perhaps half a minute.

Q.—How long does it take to give a one blast signal—how long does it take for his ship to give a one blast signal? A.—Immediately, at once—no loss of time.

Q.—Does it take three seconds? A.—The sound lasts about three seconds.

Q.—And to give a three blast signal how long does it take? A.—About 4 to 5 seconds for two blasts.

Q.—When the Imo gave the three blast signal how long was that before the collision? A.—He says that the collision took place almost at once, after, and that perhaps in that time the Imo did not run 100 metres—she had very much speed on her.

Q.—Does he know how fast the Imo can travel—did he know her before? A.—He never saw her.

Q.—Could he see the men on the bridge of the Imo? A.—He did not look at them—he had something more serious to attend to.

Q.—How long were his engines working astern before the collision? A.—Between 30 and 40 seconds, he thinks about that.

Q.—Did he reverse his engines before he heard this three blast signal from the Imo or afterwards? A.—No, he reversed his engines when he saw the Imo bearing to the right and the collision was unavoidable.

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Q.—I am asking if he reversed his engines before or after he received the three blast signal from the Imo? A.—After.

Q.—How long had the Imo been reversing her engines? A.—How long after he got the three blast signal from the Imo did he reverse his own engines? A.—From 30 to 40 seconds. As soon as he saw that the collision was unavoidable—between 30 and 40 seconds.

Q.—Were their own engines reversing at the time of the collision? A.—She was at the time of the collision.

Q.—And had been reversing 30 or 40 seconds before that? A.—Yes sir. 10

Q.—And longer than that? A.—No, I don't think so.

Q.—On this chart M. B. R. 4 this drawing is supposed to indicate his course? A.—Yes sir.

Q.—What are the three marks indicated here—what is "A"? A.—When he saw the Imo.

Q.—And "D"? A.—The second signal of one blast.

Q.—And "E"? A.—The third signal of two blasts.

Q.—Those are all from the Mont Blanc? A.—Yes sir.

Q.—Was it at "A" or "D" or "E" you stopped your engines? A.—Slowly at "A" and stop at "D". 20

Q.—Can you mark here where you were when you reversed—approximately? A.—He can only do it approximately—he can do it in an approximate way.

(WITNESS INDICATES AT POINT MARKED "G").

Q.—And where is the point of the collision? A.—Marked with "H".

Q.—So you went from "G" to "H" 30 to 40 seconds with your engines reversed? A.—I think so—about 100 metres.

Q.—And his engines were stopped and were not working from "B" to "G"? A.—Between stop and full astern it did not work at all. Between the time he said stop and the time of full speed astern the engine 30 did not work at all.

Q.—His engines were stopped at a point "D"? A.—Yes sir.

Q.—And his steamer went from the point "D" to the point "G" with the engines stopped? A.—Yes sir, approximately.

Q.—And they went from the point "G" to the point "H" with the engines reversed? A.—Yes sir, he says perhaps this is a little long—it is only approximately, as at those times time seems too short and he has not time to have a watch in his hand to find out the time.

Q.—Was it reversed full speed astern? A.—Yes sir.

Q.—Ask him if he made for the nearest point on the land with his boats when they got off? A.—We left for the point of the land where we could land the best. 40

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Continued.

Q.—Was he anxious to get ashore as soon as possible to get up on the hill? A.—It would have been useless to have tried to escape if they stayed in the middle of the channel to wait for death.

Q.—Ask him to answer my question—ask him if he wanted to get ashore as soon as possible, on the Dartmouth side, after he left the ship?

A.—Certainly.

Q.—And he made for the nearest point of the land? A.—No, he made an oblique angle to get a good landing.

Q.—Did he see a wharf near where the collision did happen?

A.—Where the ship was—on the side where the ship was? 10

Q.—On his starboard side? A.—No sir, he says he did not look for that. He says that he saw a wharf and went for it to land there.

Q.—How long does he think it took him to make off in the boats?

A.—A few minutes. He was on his bridge and did not take any of the boats—the officers and men attended to that duty. He never took any notice of the boats then, as if they were not existing and when he came down from the bridge every one of the men were in the boats.

Q.—Did he see the pilot go back to the wheel after the captain himself had gone away from it? A.—He asks what wheel.

Q.—The wheel on his ship—did he see the pilot go back to the wheel 20 after he started to leave the ship? The wheel of the *Mont Blanc*?

A.—No sir.

Q.—Does he say he did or he did not see him? A.—He did not see him, and he believes that it was not done.

Q.—Was the wheel of the *Mont Blanc* changed at all after the collision? A.—Yes sir, the helm was put straight ahead by the helmsman.

Q.—Under whose orders? A.—The captain.

Q.—Why was that? A.—Because he was leaving the helm and there was no importance to it—the collision having taken place and as they were leaving the ship he gave the helm order straight ahead—he says he 30 does not see what change that could make—that is it was put amidships.

Q.—Amidships is where he put it? A.—Yes sir.

Q.—Did he think of changing the helm to run the ship into some place where it would not be so dangerous to the city—did he think of running it up into the Basin? A.—No sir, he says that if the explosion was to take place ten metres one side or ten metres the other side it was bound to happen.

Q.—Ask him if any signals were given to the engineer after the collision—on the telegraph? A.—He stopped.

Q.—Who gave that? A.—The captain. 40

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Q.—Does he know if it was obeyed or not? A.—Yes sir, and he says the proof is that when they got into the boats they could not get away—they had to push themselves with the oar.

AND FURTHER DEPONENT SAITH NOT FOR PRESENT.

AT THIS JUNCTURE IT BEING 1 P. M. COURT ADJOURNED UNTIL 2.30 P. M. TO PARTAKE OF LUNCH.

I hereby certify that the foregoing is a true and faithful transcription of my stenographic notes of the proceedings.

J. T. ROWAN,

Official Reporter. 10

A/1.

COURT RESUMED AT 2.30 P. M.

Q.—After the collision what signals did you give to your own engineer on the telegraph? A.—Stop.

Q.—The previous signal being full speed astern? A.—Yes.

Q.—Do you know if the engineer got that signal? A.—Yes, he received it.

Q.—Did he answer it? A.—Yes sir.

Q.—Do you know if it was obeyed? A.—Immediately.

Q.—When you got ready to leave the ship in boats was your ship at a 20 standstill in the water? A.—Yes.

Q.—Can you mark on this chart the position of the High Flyer? (MB. R/4)? A.—No, I cannot.

Q.—Do you know approximately where she was? A.—I don't know.

Q.—Was the High Flyer in the centre of the channel of towards one shore or the other? A.—It seemed to be in the middle of the channel.

Q.—With her bow pointing north or south? A.—Its bow was towards the north Lying across the channel.

In the direction of the channel somewhat towards the north west.

Q.—Were there any other ships anchored near the High Flyer? A.—I 30 didn't remark.

Q.—Did you pass to the right or left of the High Flyer with the Mont Blanc? A.—I left the High Flyer on my left.

Q.—How far away from the High Flyer? A.—100 metres about.

Q.—How far away were you then from the Dartmouth shore?

A.—When I passed the High Flyer.

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Q.—Yes? A.—I don't know the distance; from 100 to 200 metres.

Q.—It was after you passed the High Flyer you first saw the Imo?

A.—Yes.

Q.—How long afterwards? A.—I didn't look behind me.

Q.—How far away from the High Flyer? A.—I was looking for a while and was occupied with his manoeuvres.

Q.—After that you put your helm to the right, to starboard? A.—As soon as I gave the order for the blast I set to the right.

Q.—So you came closer in to the Dartmouth shore? A.—Yes.

Q.—And as you have marked it on the chart, the collision occurred 10 about mid channel; according to you? A.—About.

Q.—How close in to the Dartmouth shore did you come after you starboarded your helm? A.—As the helm had been slightly moved towards the right the boat was slightly more to the right.

Q.—How close in to the Dartmouth shore did you come? A.—Perhaps in all I neared myself 20 metres to the Dartmouth shore.

Q.—That was when you gave the first one blast signal? A.—Yes.

Q.—How far away were you from the shore then? A.—50 to 60 metres.

Q.—And the Imo was apparently trying to get between the Mont 20 Blanc and the shore? A.—Yes, by the way it manoeuvred it was my impression.

Q.—When you passed the Highflyer you were at half speed? A.—Yes.

Q.—And had been running at half speed for sometime before that? A.—It must have been some time.

Q.—After you came through the gate were you at half speed all that time? A.—Sometime it was slowly; sometime half speed; sometime full speed.

Q.—Within half a mile of the Highflyer, half, full or slowly? A.—I think I was going at half speed. 30

Q.—Was there a steamer passed in the gate right ahead of you? A.—I didn't see any ship in front of me.

Q.—See any steamer come through the gate ahead of you? A.—In the morning at 7.30 I saw one; when I was at anchor.

Q.—What time do you say the collision occurred? A.—About 8.40 ship's time.

Q.—When you first saw the Imo could you see all her starboard side? A.—Yes.

Q.—Could you tell if the Imo changed course or not? A.—Yes, it seemed to me she did. 40

Q.—Did you tell Mr. Henry before, it was difficult to say if the Imo changed course or not? A.—I could have said so. I believe the course was changed.

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Q.—Did you say this morning it was difficult for you to say whether the Imo had changed course or not? A.—I said it was difficult to say it had changed its course but I thought she had changed her course.

Q.—Was it after you blew the first or second signal you stopped your engines? A.—In giving the second short blast I stopped the engines.

Q.—How far away was the Imo then? A.—It is difficult to judge it.

Q.—Were you over 300 metres away? A.—When I stopped?

Q.—Yes, when you stopped your engines? A.—Hardly to my belief, hardly to my best knowledge.

Q.—The Mont Blanc answered her helm readily when you gave the order to put the ship to the left, when you gave the two blast signal? 10

A.—At once.

Q.—You said she had a very little speed left at that time? A.—Yes, she had some speed but little enough to answer the helm.

Q.—How far away was the Imo at the time you put your ship to the left after blowing the two blast signal? A.—150 metres about.

Q.—That is to say the bow of the Imo was 150 metres from the bow of the Mont Blanc? A.—Yes.

Q.—In what direction was the Imo heading when you put your helm to port? A.—She was across my way under a certain angle. 20

Q.—Was that before you gave the order to port the helm or after the Mont Blanc had come around? When you gave the last order, place the ships in position, at the time you gave the order to port, the two blast signal, the relative position? A.—Witness draws diagram M. B. E. 6 5.

Q.—Draw another diagram showing the position of the Imo and the Mont Blanc at the time the Imo, according to you, reversed her engines? A.—Witness draws diagram M. B. E./6.

Q.—How far apart do you say you were then? A.—Always at 150 metres, 125 metres about; I was not at 150 metres. 30

Q.—How far apart were you—the bows? A.—About 120 metres.

Q.—You told us before it was 50 yards, lateral direction at that time? A.—Yes, lateral distance between the two ships was 50 metres, between the two courses.

Q.—And the bows 120 metres? A.—Yes sir.

Q.—And at that time on M. B. E. 6 the Imo was headed across the channel with her bow pointing to the Halifax side? A.—When she reversed her engine the Imo was not in the direction of Halifax.

Q.—At the time shown in M. B. E. 6—at that time the Mont Blanc had then her bow headed to the Halifax side lying across the channel? 40
A.—The Mont Blanc was headed towards West.

Q.—Across the channel and bow towards the Halifax side? A.—Yes.

Q.—And her engines were then stopped—the Mont Blanc? A.—Yes.

Q.—And had been stopped for some time before that? A.—Yes, very little time.

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Q.—How long? A.—Perhaps 1½ minutes to 2 minutes about.

Q.—How far from the Dartmouth shore was the Mont Blanc at the time the ships were in the position shown in M. B. E./6? A.—From 50 to 60 metres about, because I had gone to the left at that time.

Q.—You said you are not sure of the depth of the blow on account of the smoke, is that what you said? A.—I could not say exactly, the smoke was so very thick.

Q.—And you also told us the only way you had to judge the speed of the Imo was the force of the collision? A.—Yes.

Q.—And according to your theory the collision happened because the Imo reversed her engines when the two steamers were in the position shown in diagram M. B. E./6? A.—When the Imo reversed her engines she moved and had no longer this position but went around, she changed her position towards the Mont Blanc.

Q.—Does not this diagram (M. B. E./6) show the position of the two ships just before the time or at the time the Imo reversed her engines? A.—Yes, but before it was reversed.

Q.—As I understand you, you think the Imo did wrong in reversing her engines at that time and that caused the collision? A.—It does not belong to me to judge the Imo's movements, but according to my judgment I attribute the collision to such manoeuvre.

Q.—Has the Mont Blanc a right or left hand propellor? A.—Right handed propellor.

Q.—And if she reversed her engines it throws her bow to starboard; if she reverses with any headway on her? A.—When the ship is light, yes, when it is loaded, no.

Q.—What happens if your ship is going ahead, and he reverses his engines, the ship being loaded? A.—A light ship goes very much to the right, and being loaded she goes to the right or left according to the prevailing winds.

Q.—In the condition your ship was in that day, loaded as she was, if you reversed your propellor with the steamer going ahead, has it any effect at all on the direction of the ship? A.—No, to go right or left you mean?

Q.—Yes? A.—No, she kept straight ahead.

Q.—How long would you have to reverse your engines before it had any effect on the ship? A.—I never did it before and I don't know, it was my first journey on that ship.

Q.—You don't know, as a matter of fact, what effect it has upon the ship; you have never tried it? A.—No, it is according to the wind.

Q.—You don't know, as a matter of fact, what effect the reversing of the engines would have upon the Mont Blanc, or had at that time? A.—Having come to the left I knew she would not come to the right, and she kept straight ahead.

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MR. HENRY: Announced to the Court that he had received instructions that the press in their reports should not give the names of any battleships, cruisers and convoys nor any details as to the cargo carried.

Q.—Do you mean your ship was still turning to the left when you reversed your engines? A.—She was moving neither to the right or the left; but moving straight ahead.

Q.—Had you any trouble on the ship on the way from New York to Halifax? A.—Nothing.

Q.—Was the ship on fire at all before the collision? A.—No.

Q.—Was there anybody on board except the members of the crew? 10
A.—No.

Q.—Can you account for two men jumping from the steamer to the pier after the Mont Blanc had come alongside the pier? After the collision? A.—They were not men from my ship.

Q.—When did you have this roll call, as soon as you got ashore?
A.—On land.

Q.—There was no confusion, the men lined up? A.—No confusion. They obeyed as if they had been on the ship.

Q.—You lined them up and took their names? A.—Yes.

Q.—There was no confusion on board the ship? A.—No confusion. 20

Q.—Everybody walked to their position in the boats? A.—Yes, each one went to his respective boat.

Q.—Walk or run? A.—I didn't see them.

Q.—How did you go yourself? Walk or run? A.—I walked; I had time because I was willing to remain on board the ship.

Q.—Not excited at all? A.—Not any more than I am now.

Q.—When you left the ship she was heading in towards the docks on the Halifax side? A.—It seemed to be nearing the wharves.

Q.—And you want to say she had no headway on at all? A.—When we went in the boats my ship had a very slight motion ahead, very slight. 30

Q.—And helm amidships? A.—Yes.

Q.—And you had gone back and put it amidships? A.—I gave the order to put the helm amidships; I didn't do it myself.

Q.—Who did you give the order to? A.—To the helmsman.

Q.—Is your full speed $7\frac{1}{2}$ knots an hour? A.—Yes.

Q.— $\frac{1}{2}$ speed? A.—From 3 to 4 knots.

Q.—Under the conditions existing that day? A.—She would go that $\frac{1}{2}$ speed the day the accident happened; 3 to 4 knots $\frac{1}{2}$ speed.

Q.—Do you know how wide the channel is at the place of the collision?
A.—I don't know. 40

Q.—Can you tell us from the chart? A.—Yes.

Q.—Can you give us any idea apart from the chart? A.—I hadn't time very much to look at that; I guess a half nautical mile, about; I saw it very little.

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Q.—From the time you first saw the Imo can you undertake to say with any certainty whether or not she made any change in her course at all; from the time you saw her first up to the time of the collision?

A.—I believe that she changed her course—the Imo?

Q.—Which way? A.—To the left.

Q.—When did you see the Imo change course, at the time she gave the two blast signal? A.—Yes.

Q.—The first two blast signal or the second.

Q.—At the first 2 blast of the Imo I thought she changed her course to the left.

Q.—You can't say that definitely? It is only your opinion? A.—It is my opinion.

Q.—You can't say definitely? A.—No, the two ships were nearing each other.

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Evidence
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F. H. Bell,
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CROSS-EXAMINED BY F. H. BELL, K. C.

Q.—Had you a sea cock on your ship? A.—Yes.

Q.—One or more? A.—One, I think.

Q.—How large an opening? A.—I didn't see it; I was new on board the ship and I hadn't seen it and cannot say.

Q.—Can you say from your knowledge of ships of that size how large an opening it would be? A.—It was an opening with a kind of damper on, rivets and bolts: the bolts had to be taken out to let the water in.

Q.—You could not open that from the deck? A.—No.

Q.—It was covered over and the cover bolted on? A.—It is from the engine room they could open it.

Q.—Was the cover inside the engine room? A.—I don't know where it was.

Q.—You know nothing about the sea cock yourself? A.—No.

Q.—Did you think of opening it after the collision? A.—I thought of it but there was nothing to do, as I knew it would take half an hour to an hour to open it.

Q.—You had fire pumps on deck? A.—Yes.

Q.—One or how many? A.—There was none on deck; I didn't see any; I had steam appliances to work the water on the ship.

Q.—Had you any pumps on deck at all? A.—No pump at all on deck. I had a pump for fresh water and that was all.

Q.—What did you have for washing decks? A.—The pipes on deck worked by steam.

Q.—Worked by steam from the engine room? A.—Yes, with donkey engine.

Q.—How much water would they have put on your decks if you had opened them? A.—I don't know, and any way the amount of water to be thrown on deck would be insignificant; besides they could not have

40

RECORD. reached the proper spot to put the hoses on account of the smoke. I could not reach the spot to connect the hose with the pipes. And I would have thrown the water on the Benzol which should not be done.

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Q.—Could you have flooded your decks at all? A.—No, the water would have run off immediately.

Q.—I think you told us about your cargo; how much of your cargo was T. N. T.? A.—I guess about 400 tons T. N. T.

Q.—About where did you see the fire first come from? A.—From the exact place where the collision took place.

Q.—That was in the forehold? A.—I don't know if the fire started 10
in the Benzol or Picric Acid; but what I saw was smoke.

Q.—Was it on the fore deck? A.—Yes, on the fore deck.

Q.—You don't know whether it started in the hold or on the deck?
A.—No.

Q.—What was stored in the forehold? A.—Picric Acid.

Q.—Was there any T. N. T. stored in the forehold? A.—No.

Q.—How far from the forehold was the T. N. T. stored? A.—T. N. T.
was touching the iron partition that was dividing from the forehold.

Q.—You had your Benzol stored on deck? A.—Yes, I had Benzol
on the forward deck and the after deck. 20

Q.—Was Benzol stored at the place where the collision took place?
A.—Yes.

Q.—How was this Benzol stowed on deck? A.—Very strong casks
of iron.

Q.—Was it covered? A.—There was no cover over the casks.

Q.—If these casks leaked, any fire, or any spark would cause a fire to
break out in that Benzol? A.—I am not a chemist and I could not say
that.

Q.—Do you know anything about Picric Acid? A.—I know nothing
about it. 30

Q.—Have you ever carried munitions before? A.—No.

Q.—These Benzol casks were they stowed lightly on deck, or liable
to shift about? A.—They were tied together solidly and strongly and
made tighter by the use of boards between them?

Q.—Did you see after the collision whether any of these benzol drums
were broken? A.—The smoke was so thick I could see nothing at all,
very dark smoke.

Q.—How long after the collision before this black smoke came out?
A.—Immediately.

Q.—Did the collision take place anywhere near your engine room? 40
A.—Very far from it; on the fore part of the ship.

Q.—Anywhere near the engine room? A.—Very far from it.

Q.—What in your opinion set fire to the Benzol? A.—I think accord-
to my opinion it would be the sparks produced by the collision of the two
ships.

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Q.—Were you ever in collision before? A.—Never.

Q.—Do you know that collision does create sparks? A.—I think so, because according to me there was no reason fire should declare itself in another way.

Q.—There was no fire there you know of? A.—None whatever.

Q.—I want your opinion, if there had been no deck load of Benzol, do you think the fire would have broken out? A.—I don't know, but by what I heard say I should surmise the fire could have started in the picric acid.

Q.—Was your deck broken? A.—Yes.

10

Q.—And you think the bow of the Imo actually got in among the picric acid? A.—Certainly.

Q.—How was the picric acid stowed, in barrels? A.—Where the collision took place the picric acid was kept in small casks and some large ones.

Q.—In your opinion the fire was caused by sparks setting fire either to the Benzol or the Picric Acid? A.—Yes.

Q.—You were never in Halifax Harbour before? A.—Never.

Q.—Who told you to come up in to the Basin? A.—I received orders in New York from the British Authorities to come to Halifax to be conveyed.

20

Q.—When you reached Halifax who directed you to go to Bedford Basin? A.—They gave me orders at the entrance to the Harbour to go and make the ships that were to be conveyed.

Q.—Who gave you orders? A.—The small ship told me to raise my flags and come in.

Q.—To Bedford Basin? A.—I told them the ship was coming to be conveyed and they replied to enter and I came in.

Q.—I want to know why you went so far up into Bedford Basin? A.—I said I was under order to take the convoy and nobody told me not to proceed ahead. I signalled when I arrived my ship was loaded with 30 explosive matter and nobody made any objection about it.

Q.—You reported that your ship was loaded with munitions? A.—Yes sir, I reported that to the warship and the officer boarded my ship and I told him what I had on board.

BY MR. HENRY:

Q.—Had you sounded your whistle that morning before you saw the Imo? A.—Several.

Q.—Was the whistle working clearly and distinctly? A.—Immediately.

Q.—Was your whistle not arranged with a drainage pipe? To prevent 40 the accumulation of water in the whistle? A.—Yes, I had what they call a purge for draining the water out of the whistle.

RECORD. BY MR. MELLISH:

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I have a certificate from the Bureau of Underwriters in New York that the cargo was properly loaded and passed proper inspection and with consent I will put it in.

M. B. E. /7 received by consent.

Q.—Had you fire apparatus aboard your ship for extinguishing fires?
A.—Yes, everywhere in every quarter of the crew.

Q.—And that was worked from the engine room through pipes?

A.—Yes, in each hold and each between deck there was plant to be found.

Q.—You didn't make it clear why fire hose was not used to extinguish the fire? A.—They were not made use of because precisely the place where they were to be worked from was very near the spot where the fire was. 10

Q.—There was another reason for not using water on the Benzol?

A.—I would not have used water on the Benzol because it would have spread the Benzol over the deck.

Q.—What is your vessel's tonnage? A.—It is 2,252 net tonnage.

Q.—This certificate shows the draft 19'10" forward when loaded and 20'10" aft? A. Yes, these were the exact figures when leaving New York but when she arrived here the measures were those given this morn- 20
ing.

Q.—I suppose that arises from consumption of bunker coal and water?
A.—Yes.

Q.—What is your Horse Power? A.—1,300 h. p.

BY CAPTAIN DEMERS:

Q.—How old are you? A.—39 years old.

Q.—How many years in command of a ship? A.—Only two years a master.

Q.—How many ships have you commanded in these two years?
A.—Two. 30

Q.—The Mont Blanc and another? A.—Three ships, two others. They were steamships not of the same tonnage. Both single screw ships, the two preceding ships were single screw ships.

Q.—In your examination in chief you said independent of wind—in the examination in chief you mentioned the action of the propellor independent of wind? A.—Yes.

Q.—And you said that the ship was not affected either one way or the other? A.—Yes.

Q.—When the screw was revolving? A.—I did say so.

Q.—What is the effect of a right handed propellor on any ship independ- 40
ent of her form or construction? A.—The screw, when the ship is going forward brings her to the left, and when reversing the engine it brings the ship to the starboard, the head of the ship to the right.

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Q.—When you saw the Imo for the first time you were a certain distance from the Dartmouth shore, nearer that shore than the other? A.—Yes, I was quite near the Dartmouth shore.

Q.—At what moment did you think the collision was inevitable? A.—When I noticed that the Imo was keeping its course and that her bow was going to make mine.

Q.—Was it at the first two blast whistle of the Imo or the second two blast whistle? A.—The second two blasts of the Imo.

Q.—In the first place when you heard the two blast whistle of the Imo did she alter her course corresponding with the whistle? A.—Yes, according to what I thought I saw. 10

Q.—At that moment when the course signal was given and the course altered contrary to expectation did you not think the collision was imminent? A.—Not at the first signal.

Q.—In a channel of half a mile wide? A.—There was no danger of collision when I saw the Imo.

Q.—When the second two blasts were given, what distance were you from each other? A.—I think we were about 200 metres.

Q.—Your ship is 330 feet long, that would be a ship and a half length? A.—It would be about $1\frac{1}{2}$ lengths of the ship. 20

Q.—And that is the time you saw the collision was inevitable? A.—Yes.

Q.—What steps did you take then? A.—I came full to the left and gave two blasts of the whistle.

Q.—This morning you said you only gave one blast to keep to the right hand of the channel, you were not supposed to change your course?

A.—According to the rules of navigation the one giving the one blast of the whistle, is the one keeps to the right, because the channel is narrow and one cannot always go to the right.

Q.—What caused you to change your idea and change to the left instead of keeping your first course? A.—Because I didn't want to enter into collision with the Imo; I had to be cautious and take some measures on account I was carrying high explosives. 30

Q.—Your ship was going about three miles through the water at the time? A.—About.

Q.—And you were $1\frac{1}{2}$ ships length from the other ship? A.—In length, yes.

Q.—The moment you saw the collision was inevitable was it more rational to go full speed astern instead of altering your course? A.—No.

Q.—That is your idea? A.—I could not have avoided colliding. 40

Q.—At the distance you were from each other, still water, going three knots, no wind, you could not have brought your ship to a standstill before? A.—No, the engine was not powerful enough, a 1,300 h. p. engine would not do that.

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Q.—How do you know your engine was not strong enough, you said a while ago during your examination that you didn't know what power the screw would have on your ship? A.—I don't know yet. I am still of the same opinion that I could not have done anything but what I did.

Q.—Whilst the pilot was on board did you assume to give orders yourself, or were you directed by the pilot? A.—The pilot was giving me some advice and I was transmitting the orders myself.

Q.—When you ordered your course from the original one after sounding one blast, was it on the order of yourself or the pilot? A.—The pilot said to the right and they repeated to the right. 10

Q.—That was the pilot's orders to alter course to starboard or to the left? A.—Yes, the pilot gave this advice and I trusted to the knowledge of the pilot.

Q.—You were asked by Mr. Burchell what was the position of the Highflyer in respect to the channel? A.—The Highflyer was keeping an oblique position in the channel, the stern towards Dartmouth somewhat.

Q.—You said you didn't know to Mr. Burchell? A.—I thought that you asked me to determine exactly the place occupied by the Highflyer where she had cast anchor; but this I don't know.

Q.—Did you notice how your ship was heading for the entrance where the collision took place? A.—Yes. 20

Q.—You passed how many metres from the Highflyer? A.—About 100 metres. I didn't pay particular attention to that because I was taken up by my duty.

Q.—At that time your ship was headed for the centre of the passage? A.—She was to the east of it, between the Highflyer and the east shore.

Q.—A little while afterwards you sounded one blast whistle and put your helm to the right or starboard? A.—Yes, I sounded the blast and put the helm to the right.

Q.—Were you on deck all the time from the time you raised anchor until the time of the collision? A.—Since I had knowledge of the coast of Nova Scotia on the 5th I never left the bridge except the night I was at anchor. 30

Q.—Prior to the collision who was on deck besides yourself? A.—The first officer was at the telegraph.

Q.—Was there anybody on the fore-castle head? A.—No.

Q.—Any officer on the fore-castle head? A.—No.

Q.—Anybody at the anchors? A.—There was nobody on the fore-castle.

Q.—Is it not necessary to have someone with anchors ready when in the harbour? A.—It was only necessary to let loose the brakes and ease the anchor. 40

Q.—Who performs that operation? A.—The boatswain and first officer attend to this work and both of them were under the bridge.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 8.
Evidence
of
Aime Le
Medec,
Cross-Ex-
amination,
December
13th, 1917.
Continued.

Q.—The first time you saw the collision was inevitable if you had dropped your anchor would it have any effect to check your vessel? A.—No, not according to me. If I had cast anchor to the right the ship would have gone to the right, and if I had cast to the left she would have gone to the left.

Q.—It was only a few seconds before the collision you put her full speed astern? A.—Yes.

Q.—Then the three blast whistle was of no avail or any good? A.—Yes, absolutely.

Q.—When you heard the three blast whistle from the other ship did you notice her screw going astern? A.—I believe so, I saw the foaming water.

BY CAPTAIN HOSE:

Q.—When you were passing the Highflyer did you notice what the course of your ship was by compass? A.—No.

Q.—Did you at any time notice the course of your ship by compass? A.—Not in the harbour and I trusted to the knowledge of the pilot.

Q.—You said in your examination you felt yourself responsible for the ship and if so should you not check the position of your ship in some way by means of the compass? A.—If I had wanted to control the course of my ship it would have been necessary for me to get in the chart room to look at my chart, and during that time I would not have known what was happening on the bridge, in order that they may show us the course we must follow we must be on the bridge. 20

Q.—You said the pilot was giving orders by the land, was there any particular point or object on shore that you noticed right ahead of the ship at any time? A.—No, I saw the buoys and recognized George's Island but took no notice of any land mark. I recognized Dartmouth, except the buoys I didn't take any notice of land marks, and the chart I had didn't give Bedford Basin. 30

Q.—Was there anybody taking sounding with the lead? A.—No soundings were taken, the pilot is on board to show us what to do, because to take leads it would have been necessary to stop the ship, so that they had to have no speed or the least speed possible.

IT BEING 4.10 p. m. COURT ADJOURNED UNTIL TO-MORROW (FRIDAY) DECEMBER 14TH, 1917, at 10 a. m.

I HEREBY CERTIFY that the foregoing is a true and faithful transcription of my stenographic notes of the proceedings.

R. ECCLES,

Official Reporter. 40

RECORD.

No. 9.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 9.
Evidence
of
Edward
McCROSSAN,
Direct-Ex-
amined by
Mr. Henry,
K. C., Dec-
ember 14th,
1918.

SECOND DAY'S SESSION.

Halifax, December 14th, 1917.

PURSUANT TO ADJOURNMENT COURT RESUMED ITS SIT-
TINGS AT 10 a. m., FRIDAY, DECEMBER 14th, 1917, with Court
and Appearances as mentioned on first page, at first sitting.

DEPOSITION OF EDWARD McCROSSAN.

On this fourteenth day of December in the year of our Lord one thousand nine hundred and seventeen there personally came and appeared

EDWARD McCROSSAN

10

who had been an able seaman on the S. S. CURACAS, which was moored at Pier 8, who, being duly sworn upon the Holy Evangelists, doth depose and say as follows:—

EXAMINED BY MR. HENRY, K. C.:

Q.—You were, I think, an able seaman on board of the Steamer Curacas? A.—Yes sir.

Q.—Where was the ship laying? A.—Pier 8.

Q.—Was she laying outside Pier 8? A.—Bow up and stern down, outside of the river.

Q.—Outside of Pier 8? A.—Yes sir.

20

Q.—Do you know the chart at all? A.—Yes sir.

Q.—We will mark with the mark "E" on the chart, Exhibit M. B. R. 3, a line indicating the position of the vessel? A.—Yes sir.

Q.—How was her stern lying with regard to the end of the Pier 8? A.—Overlapping a little

Q.—That is to the southward? A.—Yes sir.

Q.—Southward of the Pier? A.—Yes sir.

Q.—How long before the collision did you see the two vessels, the Mont Blanc and the Imo? A.—They were only about three fathoms apart when I saw them.

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Q.—How were the vessels heading? A.—The French ship was laying thwartships across the river, and the Belgian Relief ship was coming straight into her very slowly.

Q.—Which was going very slowly? A.—The Belgian Relief ship.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 9.
Evidence
of
Edward
McCrossan,
Direct-Ex-
amination,
December
14th, 1918.
Continued.

Q.—Where were the ships with regard to the distance between the two boats? A.—I fancy if we let our bow rope go on our steamer and swung round we could touch both steamers.

Q.—How long is your ship? A.—About 500 feet.

Q.—Then your idea is that these two steamers were within about 500 feet of your stern? A.—Yes sir.

Q.—Were they directly opposite? A.—A little off the stern.

Q.—A little south and east of you? A.—Yes sir.

Q.—Is that right? A.—Yes sir.

Q.—Then the Belgian Relief ship must have been heading pretty nearly straight down the harbour? A.—Yes sir. 10

Q.—Did you keep watching the ships until they actually collided? A.—Yes sir, until the Belgian Relief ship struck the French ship—I saw that.

Q.—Could you tell whether the Frenchman was moving or moved at all by the collision—whether his head was changed? A.—No sir, it was only just a light touch the Imo gave her, because I could see the propellor of the Imo and it was not moving at all until she hit the French ship and it was going astern after she hit the French ship.

Q.—How about the engines on the French ship? A.—I could not say whether they were going or not. 20

Q.—You are quite clear in your mind that the engines of the Imo were not going though? A.—Not from the time I saw.

Q.—How did you see—how long a time elapsed from the time you first saw these ships until the actual collision? A.—A couple of minutes—they were only three fathoms apart from each other when I saw them—the Belgian Relief ship was going very slow.

Q.—Did you hear any signals given before the collision? A.—No sir, we don't take any notice of signals there—it might be from a train.

Q.—You were below? A.—Yes sir, I was called up—I was having breakfast at the time and some one shouted down that there looked as though there was going to be a collision. 30

Q.—Did you see the fire start? A.—Yes, as soon as the Belgian Relief ship came out from the French ship I saw the flames about two or three inches from the waters edge—by the waters edge, and it remained like that but a short time and then it increased.

Q.—But the first flame you saw was down near the water's edge? A.—Yes sir, that is the only flame I did see.

Q.—Did the flame increase and go up in the air? A.—Yes sir, increased all the time. 40

Q.—Much smoke? A.—I saw the smoke before I saw the flame at all.

Q.—The smoke came first? A.—Yes sir, that was on the deck of the ship—more on the side.

RECORD.

In the
Exchequer
Court of
Canada.
Nova Scotia
Admiralty
District.

No. 9.
Evidence
of
Edward
McCrossan,
Direct-Ex-
amination,
December
14th, 1918.
Continued.

Q.—Could you see from where you were whether there was any wound in the side of the French ship? A.—No, I could not notice any damage at all to the side of it—I did not think there was any.

Q.—Where did you think this flame came from? A.—The one ship hit the other—one hitting the other would cause a fire.

Q.—If there was not any hole in the side of the French ship where did you think the flame was? A.—It was exactly where the Belgian Relief ship hit the French ship, as soon as she backed out the flame was there.

Q.—After the collision did the Norwegian ship move towards the Halifax side? A.—I did not take any notice of her after.

Q.—Did the French ship move towards the Halifax shore? A.—Yes sir, she was coming in this way (indicating to Counsel).

Q.—Towards your vessel? A.—Yes sir, astern of us, at the next Pier.

Q.—That would be No. 6, would it? A.—I don't know the numbers of the Piers.

Q.—Where is your ship—at Pier 8—here it is here now? A.—On this side of the Pier—it was here right alongside of the Pier.

Q.—She came in directly on the south side as if she were going to a dock at Pier 6, and on the north side of Pier 6 there was a schooner laying.

A.—Yes sir.

Q.—I will mark with the letter M on this chart the position the witness says the Mont Blanc came to.

(COUNSEL REFERS TO CHART MARKED AS EXHIBIT M. B. R. 3).

A.—The ground would stop her from going any farther in here—the beach?

Q.—And she remained there until the explosion? A.—Yes sir, I counted at least 6 or 7 explosions myself—small ones as if from a 12 pounds gun shell.

Q.—Where were they apparently on the deck or in the air? A.—They would shoot up in the air and smoke and we would see the flame puff or burst in the air.

Q.—With a noise? A.—The noise was before they were in the air.

Q.—The noise was first and then the flame would shoot up in the air? A.—The smoke would go up and the flame would burst.

Q.—You did not come to any conclusion as to what caused that?

A.—No sir.

Q.—How many big explosions did you hear? A.—I was down below making a cigarette at the time and was just putting the cigarette to my mouth to wet the paper when I heard the explosion—the big explosion.

Q.—You watched this for some time and then I think you went below to make a cigarette? A.—Yes sir.

Q.—It was while you were where? A.—In the fore-castle.

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RECORD.

*In the
Eschequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 9.
Evidence
of
Edward
McCrossan,
Direct-Ex-
amination,
December
14th, 1918.
Continued.

Q.—Making a cigarette that the big explosion came? A.—Yes sir.

Q.—How long was the Frenchman alongside the Pier? Before the big explosion came, do you think? A.—About between 10 and 15 minutes.

Q.—How long did you estimate that it was between the collision and the explosion? A.—From the time of the collision I think it would be between 20 and a quarter past 8 by our ship's time, and at five minutes past nine by our ship's time when the explosion took place. They go to breakfast at 8 o'clock on our ship, and we did not finish breakfast at 8 o'clock on our ship and we did not finish breakfast when the collision occurred and we generally finish our breakfast in half an hour. 10

Q.—That is when the collision occurred? A.—Yes sir.

Q.—The Cruiser Highflyer was where? A.—Farther down the river then as we passed her coming in here. She was further down and more over here.

Q.—She was further down and more over to the eastward? A.—More towards this side.

Q.—She was about where with respect to the channel—somewhere near the mid channel? A.—Nearer this side.

Q.—Nearer the Halifax side? A.—Yes sir.

Q.—Than the middle of the channel? A.—Yes sir. 20

Q.—Do you know where the Steamer Calonne was? A.—She was laying ahead of us.

Q.—Which Pier was she at—the Pier above you? A.—Yes sir.

Q.—Pier just next above you? A.—Yes sir.

No. 9.
Evidence
of
Edward
McCrossan,
Cross-Ex-
amination by
Mr. Bur-
chell, K. C.,
December
14th, 1918.

CROSS-EXAMINED BY MR. BURCHELL, K. C.:

Q.—You were down having your breakfast just before the collision I understand? A.—Yes sir.

MR. MELLISH, K. C.:

I don't know, my Lord, but it is a little difficult to follow the rules of evidence in a case of inquiry like this, and I don't know whether my learned friend should cross-examine this witness or not—he is asking a directly leading question. If it were a trial— 30

BY MR. BURCHELL, K. C.:

He is not a witness for either side.

MR. MELLISH, K. C.:

I may say that I will not cross-examine any witnesses who are produced whose testimony is favourable to the French testimony, because I think it would be unfair to do so—I refer to leading questions, such as my learned friend has put.

HIS LORDSHIP:

We will try and keep that within bounds.

BY MR. BURCHELL, K. C.: CONTINUING.

I certainly won't lead the witness my Lord. 40

RECORD.

*In the
Exchequer
Court of
Canada,
No. a Scotia
Admiralty
District.*

*No. 9.
Evidence
of
Edward
McCrossan,
Cross-Ex-
amination,
December
14th, 1918.
Continued.*

Q.—How was it you came to know there was going to be a collision?
A.—Somebody on the deck of our ship said it looks like a collision and we all rushed up.

Q.—And when you got up on deck how far apart were the two steamers?
A.—About three fathoms apart.

Q.—That is 18 feet? A.—Yes sir.

Q.—Could you tell how the Mont Blanc was moving—whether fast or slow? A.—She was going slow because her engines were stopped.

Q.—The French ship? A.—I could not tell whether she was going or not but she came right into the Pier herself and she must have had some 10 headway to take her in there.

Q.—She came in after the collision? A.—Yes sir.

Q.—Do you know how the tide was? A.—Going up.

Q.—High water or slack water? A.—Just slack water.

Q.—After the collision when the French ship was coming to the Pier did she keep right across the channel or did she go up or down stream?
A.—Came right across to the Pier, right alongside the Pier as if she had a pilot aboard of her.

Q.—Tell us about the force of the collision? A.—It was very light—
I heard no crash or anything. 20

Q.—Did you look to see what the effect of the collision was on the French ship—look to see the gash? A.—Yes, I looked over to see what it was; but there was only two or three inches of flame I could see just at the water's edge.

Q.—How far were you away? A.—On the stern of our ship—the length of our ship.

Q.—Your ship is 500 feet long? A.—Yes sir.

Q.—You were 500 feet away from the collision? A.—Yes sir.

Q.—Could you see any gash in the French ship? A.—No gash in the French ship at all—I saw a hole in the side of the Belgian Relief ship—on 30 the starboard side.

Q.—How was that caused? A.—I think by the anchor.

Q.—Anchor of which ship? A.—The anchor of the Belgian Relief ship. I think it was caused by the anchor—I am not certain whether it was or nor. It looked like the anchor that was on the starboard side—I could not see the port side as it was off from us.

Q.—When the two steamers came together did you notice any change in the course of the French ship caused by the collision? A.—No sir, there were not any changes in the Norwegian ship to take any effect on the French ship.

Q.—Then right after the collision what did the Norwegian ship do?
A.—As soon as she backed off she was going full speed astern—she bumped off and went full speed astern just as she hit. 40

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 9.
Evidence
of
Edward
McCrossan,
Cross-Ex-
amination,
December
14th, 1918.
Continued.

Q.—Just as she hit? A.—She tapped like that (indicating) and as soon as she did with the engines they started at full speed astern or half speed, I don't know which.

Q.—Did you notice the men on the French ship—what they were doing? A.—Yes sir, I noticed the one man on the French ship. He came and looked over the rail and he made aft right along the rail as quick as he could.

Q.—Did you notice men on the bridge of the French ship? A.—Yes sir, as I saw two or three men on the French ship.

Q.—What did they do? A.—They went off the bridge a couple of 10 minutes after the accident.

Q.—Did they come forward at all? A.—I did not see them coming forward.

Q.—How did they get away from the ship? A.—I saw the port life boat of the French ship making for shore between the space of the two ships—between the Belgian Relief and the French ship—making for the Dartmouth side, between the two ships.

Q.—When the French ship came in alongside the Pier how far in did she go to the shore? A.—There was not very much of her showing outside the Pier. 20

Q.—Did she bring up easy or hard against the shore? A.—She was coming in slow, and she stopped all of a sudden—the bows must have been on the beach—the beach stopped her.

Q.—Then at the time of the explosion her bow was resting on the shore—you think? A.—Yes sir.

Q.—Do you know if there are any steamers anchored in the narrows further up above your own steamer—if there were any? A.—I think there were some up there but I did not notice any there—I was not looking up there.

Q.—The Colonne was at the next Pier above? A.—Yes sir. 30

Q.—North of you? A.—Yes sir.

Q.—What sort of a ship was your ship? A.—She is 5 or 6 years old—about 9,000 or 10,000 tons of wheat on her.

Q.—How many men were killed on board of her approximately? A.—I think there are 7 or 8 of us alive.

Q.—Out of how many? A.—55—that is what the captain put on the pay roll, 55 of a crew.

Q.—What happened to your steamer? A.—She was floated away from the jetty—the first time I saw her she was laying in the river as if she were anchored—the next time I saw her she was laying on the other side. 40

Q.—Is she a total wreck? A.—Yes sir.

Q.—Where is the Calonne? A.—She is laying alongside of the wharf yet.

Q.—Your steamer protected her? A.—Our steamer took all the weight off her—we got the full force of it.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 9.
Evidence
of
Edward
McCrossan,
Cross-Ex-
amination,
December
14th, 1918.
Continued.

Q.—Any steamer or vessel between you and the Mont Blanc at the time of the explosion? A.—No sir, there was only a schooner on this side of the same pier as the Mont Blanc was—I think she was a two masted schooner.

Q.—Did you notice if the Mont Blanc was blowing off steam coming in? A.—Yes, she was blowing off steam all the time.

Q.—You don't know anything about the signals of either ship?

A.—Yes, this Norwegian ship gave three blasts of her whistle.

Q.—When? A.—That was when she was clear of the Mont Blanc—that was out in the stream.

Q.—After the collision? A.—Yes sir, when she was going astern.

Q.—And you don't know what the Imo was doing before you saw her?

A.—No sir, I saw nothing about the signals before that.

Q.—You don't know whether she was backing before that or not—before you saw her? A.—No, I was down below.

Q.—You were in the breakfast room? A.—Yes sir.

Q.—The men from your ship what were they doing? After the collision when the other ship took fire? A.—We were all standing on the stern of our ship watching this other one firing off—all the crew of our ship, sailors, firemen and officers—every body of the crew but the second mate who went off to the French ship to have a good view of the fire.

Q.—What saved you was that you went below to light a cigarette—

A.—That is all saved me—I was down there about 1½ minutes—I just had the tobacco in the paper and was just after rolling it and was putting the paper up to my lips to wet it when the explosion occurred.

Q.—You got ashore? A.—Yes sir, from the port side of our ship to the Calonne.

Q.—What conditions did you find on the shore? A.—Everything smashed up—houses coming down, and women and children all covered with blood.

BY MR. MELLISH, K. C. (CROSS-EXAMINATION):

Q.—Your ship was heading to the north? A.—Yes sir.

Q.—Were you stunned by the explosion for a time—I suppose you were—

A.—No sir, I was not stunned at all—I had my senses all the time.

Q.—You were one of the fortunate ones? A.—Yes sir.

Q.—You were one of the seven of those saved on your ship—all the other poor fellows were killed? A.—7 of us are alive.

Q.—Except the 7 all the rest of the crew are gone? A.—Yes sir.

Q.—When you saw the ships first were you on deck? A.—I was down below having my breakfast.

Q.—Forward or aft? A.—Aft.

Q.—Were you an officer of the ship? A.—No sir.

Q.—What were you? A.—I was an able seaman.

Q.—Do you have your meals aft? A.—Yes sir, the same place as where we live.

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RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 9.
Evidence
of

Edward
McCrossan,
Cross-Ex-
amination,
December
14th, 1918.
Continued.

Q.—And you saw them through the port? A.—No, some man came shouting down the companionway that there was going to be a collision.

Q.—I asked you first whether you were on deck when you saw these vessels first and you said you were down below. When you saw the vessels where were you? A.—When I came on deck the two vessels were about three fathoms apart.

Q.—You were on deck? A.—Yes sir, I come on deck to see it.

Q.—Now where were the vessels then? A.—Three fathoms off one another.

Q.—In relation to your vessel where were they off? A.—Astern of 10 us off there.

Q.—Off your quarter? A.—Yes sir.

Q.—Which quarter? A.—The starboard quarter.

Q.—S/E from your vessel? A.—I could not exactly tell you how this vessel lies.

Q.—They were not directly south of you? A.—No, they could not be south exactly.

Q.—They were east of south? A.—Yes sir.

Q.—And what part of the Norwegian did you see—what part of that vessel could you see? A.—I saw the whole hull—the whole side of the 20 Imo the starboard side, and the port side was to the other shore.

Q.—Could you see her stern? A.—Yes sir, and her propellers.

Q.—Could you see her stern and her propellers? A.—Yes sir.

Q.—See the whole of her stern? A.—This side of it.

Q.—You could see right aft? A.—We can see right from the bow of it right to the rudder—one half of it.

MR. BURCHELL, K. C.:

Mr. Mellish is cross-examining this witness and perhaps it may be that we are both entitled to do that, and we will be quite alright, but I did not cross-examine him, because he stopped me when I asked a simple 30 question.

HIS LORDSHIP:

You asked all you wanted to I suppose.

MR. BURCHELL, K. C.:

Are we both to be allowed to cross-examine witnesses?

HIS LORDSHIP:

I don't wish to be very strict if you are trying to get at the facts—I don't think there is any objection to cross-examining witnesses as long as you are not trying to mislead them.

MR. BURCHELL, K. C.:

Mr. Mellish is trying to put words in this man's mouth.

HIS LORDSHIP:

Go on Mr. Mellish.

RECORD. BY MR. MELLISH CONTINUING:

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 9.
Evidence
of
Edward
McCrossan,
Cross-Ex-
amination,
December
14th, 1918.
Continued.

Q.—Would you indicate now— this is your ship understand and this is the Norwegian (indicating with small models)—would you just show how they lay approximately in relation to each other—don't mind the Frenchman to start with; but take the Belgian Relief ship. That is about the relative position there is it?

(WITNESS INDICATING WITH MODELS):

A.—Three fathoms from there is where the French ship was.

Q.—I understand then the midships of the Norwegian was off your ship?

A.—Yes sir, about the midship part of the Norwegian was off our stern. 10

Q.—That would be about the position of the vessels when you saw them? A.—Yes sir.

Q.—And you estimate the distance from your ship to the Imo at how much? M.—A ship's length—our ship's length.

Q.—How long is that? A.—About 500 feet I think.

Q.—At that time you were on the deck of the Curacas aft? A.—Yes sir, when they were three-fathoms apart.

Q.—Is that the first time you saw them? A.—Yes sir.

Q.—Did you particularly note at that time whether the Imo was going astern or not? A.—I took notice of her engines that they were not moving one way or the other—you could see the tips of the propellor—she was going ahead—her propellor was stopped. 20

Q.—Did you anticipate a collision then—did you expect a collision then? A.—It looked like a collision there so close together, one ship lying athwartships across the river.

Q.—Well then I suppose very soon after the collision happened—did you see it? A.—I stayed there to see the collision.

Q.—You saw the fire shortly after the collision? A.—Yes sir.

Q.—Right away after? A.—As soon as the Imo come out from the French ship the fire was there—two or three inches of flame just at the water's edge. 30

Q.—As soon as she backed away she did back away from the Mont Blanc? A.—The weight of that ship there was bound to stop her there.

Q.—She backed away? A.—Yes sir.

Q.—And reversed her engines? A.—Yes sir.

Q.—And backed away? A.—Yes sir.

Q.—And you say there was no apparent damage to the Mont Blanc? A.—Not that I could see.

Q.—But you saw the fire as soon as she backed away? A.—As soon as she backed away I saw the fire. 40

Q.—Did it suggest to you what caused the fire? A.—What I put it down to was being caused by the ship going alongside—going against the side.

Q.—You came to the conclusion the collision caused the fire? A.—Yes sir.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 9.
Evidence
of
Edward
McCrossan,
Cross-Ex-
amination,
December
14th, 1918.
Continued.

Q.—It was hard enough for that? A.—You could not hear one ship going against the other.

Q.—You also noticed some damage to the starboard bow of the Imo? A.—Yes sir, there was a hole in it.

Q.—A big hole? A.—Not very big.

Q.—Did you continue to watch the fire or did you go below? A.—I stopped on deck right up to the time I went down for a smoke, 1½ or 2 minutes before the explosion—the big explosion.

Q.—There was nothing of sufficient importance happened to keep you watching it?

A.—There was this fire in the air.

Q.—It seems peculiar to me that after you saw this ship on fire and saw her coming towards the wharf near your ship that you did not pay any attention to it? A.—I was paying attention to it. I went below to have a smoke just 1½ or 2 minutes before the big explosion.

Q.—You did not continue to watch the vessels up to the time of the explosion? A.—I would not be here if I did.

Q.—I am asking you whether, as a matter of fact, you continued to watch—whether you would be here or some better place—did you watch the ships from the time of the collision up to the explosion? A.—No sir, 20 until 1½ or 2 minutes before the collision.

Q.—What was the state of affairs when you went below in regard to these two vessels? A.—I was not watching the Imo any more.

Q.—When you went below what was the condition of the French ship? A.—She was shooting these balls of smoke up in the air and then the jetty was partly on fire too.

Q.—She had reached the jetty before you went below? A.—She was alongside the jetty before I went below.

Q.—The jetty was on fire and she was on fire? A.—Yes sir.

Q.—And shooting up these explosions at intervals? A.—Like a 12 30 pounder would go off in the holds, and after you would hear the sound like a gun, then the smoke would go up and burst in the air. I counted at least 6 or 7 of them. When I went down to make the cigarette, and when I went down to make the cigarette was when the big explosion came off.

Q.—It seems a little bit peculiar to me, perhaps it is alright, that you should be so cool about it as to go down to your cabin and light a cigarette while this thing was going on? A.—How be so cool about it.

COUNSEL: That you should go down in your cabin while within a few feet of your craft explosions were going off, that you should feel so cool about it and go down below for a smoke. A.—Was that not the right 40 thing to do?

Q.—How far were you from the jetty? A.—She was at the next jetty from us.

Q.—How many feet? A.—The distance from one jetty to the other.

Q.—Can you give me any idea? A.—You can see by the map.

RECORD. Q.—Give us your idea if you please? A.—From one jetty to the other.

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COUNSEL: Yes.

A.—I have no idea from one jetty to the other—of the distance from one jetty to the other.

Q.—You have an idea how far the Imo was off out in the harbour?

A.—Yes sir, one ship's length.

Q.—How far was one jetty from the other? A.—I have no idea.

Q.—You have been there and you saw it—you cannot give us any idea how far one jetty is from the other? Or how far the Mont Blanc was from your ship when she was throwing up these explosives? A.—About a 10
ship's length too.

Q.—I am suggesting again that it seems peculiar that you should be so cool about this thing—was anything done on your ship before the explosion? A.—No, there could not be anything done before the explosion because there was nothing could be done.

Q.—With a ship within a ship's length of you on fire for 45 minutes—would that not create any interest in your vessel at all? A.—No sir.

Q.—When you saw the Mont Blanc first I understood you to say you did not notice whether she was moving or not? A.—No sir, I could not tell whether she was moving or not? 20

Q.—But you could tell that the Imo was moving? A.—Yes sir, very slowly.

Q.—Did you hear the sound of the collision at all? A.—No sir, had no noise at all.

Q.—Had no sound at all? A.—I did not hear any.

Q.—You were in a position to hear? A.—Yes sir, the distance I was off there the force was not hard enough to hear a sound there.

Q.—Your hearing is good is it not? A.—Yes sir.

Q.—Was the Highflyer further from the ship than you were at the time of the collision? A.—She was farther down. 30

Q.—I am instructed that the sound of the impact when the two ships came together was heard on the Highflyer? A.—It might be but it was not heard on our ship, or anybody else around, because it was just a slow push and then she came off again.

Q.—There was no wind that morning? A.—No sir, fine morning.

Q.—No wind either one way or the other—practically calm? A.—Yes sir.

Q.—Which way was the wind if there was any? A.—There was a little; but not very much—there was a little smoke coming off the flames of the ship and it seemed to be coming in a little bit. 40

Q.—A little drift from the eastward? A.—Yes sir, very light wind.

Q.—How long, Mr. McCrossan, did the ships stay together, or did they stay together any time? A.—Just came together like that (indicating) and just touched and off again.

No. 9.
Evidence
of
Edward
McCrossan,
Cross-Ex-
amination,
December
14th, 1918.
Continued.

RECORD.

In the
Exchequer
Court of
Canada,
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No. 9.
Evidence
of
Edward
McCrossan,
Cross-Ex-
amined by
Mr. Cluney,
K. C.
December
14th, 1918.
Continued.

Q.—You did not notice what became of the Imo after that? A.—No, I did not take any notice of it—I was watching the French ship.

Q.—You watched her, I suppose, for perhaps five minutes? A.—I watched her from the time I came on deck until the time I went down for the smoke.

Q.—She was then at the jetty? A.—Yes sir, astern of us.

Q.—And you had just got down there and partly folded a cigarette when the explosion took place? A.—I was just putting it up to my lips to wet the paper when the explosion came.

BY MR. CLUNEY, K. C., CROSS-EXAMINATION:

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Q.—You have stated that it was about 45 minutes after the collision that the explosion took place? A.—From the time of the collision to the explosion.

Q.—How do you give the time? A.—I am judging from the time we go to breakfast—we go to breakfast between 8 and 9, and we generally take half an hour to finish breakfast; but we had only a little of it then.

Q.—You went to breakfast at 8 o'clock? A.—Yes sir.

Q.—How long were you there? A.—Until about 15 after 8.

Q.—How long did you have these two boats under your supervision before you went below again? A.—The time I came up say 15 or 20 20 minutes after 8 I stayed there until about 1½ or 2 minutes before the explosion.

Q.—When you got on deck how far were these ships apart?
A.—About 3 fathoms.

Q.—And how long was it before the collision took place that you got on deck? A.—Just a second—the Belgian Relief ship was just coming slow and she touched and backed off again.

Q.—Would it be a matter of minutes or of seconds? A.—About a minute.

Q.—How many men did you see on the bridge after the collision? 30
A.—Three men.

Q.—On the bridge of the Mont Blanc? A.—Yes sir.

Q.—What did they do—did you see what they did? A.—I saw them going off the bridge after the collision.

Q.—Did you see any other men on the ship? A.—Yes sir, I saw one man looking over the side.

Q.—When you went below in your own boat could you see anybody moving on the bridge or deck of the Mont Blanc, after the collision and before you went down below—you did not see anybody on the Mont Blanc at all after you saw them leave the bridge and one man looking 40 over the side and going astern? A.—No sir, I saw a couple up near the starboard life boat—I saw two up there.

RECORD.

*In the
Exchequer
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District.*

No. 9.
Evidence
of
Edward
McCrossan,
Cross-Ex-
amination,
December
14th, 1918.
Continued.

By Captain
Demers.

Q.—What did they appear to be doing? A.—Seemed to be messing around there with the ropes or something; but I did not notice the star-board boat going out or anything.

Q.—You were in a position to see the men that left the Mont Blanc going to the Dartmouth shore? A.—I saw the boat making for the Dartmouth shore between the two ships?

Q.—How many boats? A.—Only one.

Q.—How long after the collision was it you saw that boat? A.—Between 2 and 3 minutes. I saw it between the space between the French and Belgian ships.

Q.—You are sure there was only one boat left the Mont Blanc? A.—I only saw one.

Q.—There might be others? A.—Yes sir.

Q.—You only saw the one? A.—Yes sir.

MR. HENRY, K. C.:

Might I say for the information of the Court that in view of the statement made by the witness as to the distance between his ship and the Mont Blanc that I have approximately measured the distance on the chart and I find it to be in the neighbourhood of one hundred and fifty feet from his ship to the Mont Blanc, after she grounded.

BY CAPTAIN DEMERS (ASSESSOR):

Q.—How long were you on deck from the time you left the fore-castle after you were told there was a collision happening and the time you went below? A.—From the time I came up it would be about 20 past 8.

Q.—I want the interval of time you were on the deck, thereabouts? A.—About three minutes past nine, we were told to turn to, and we had been told to start work at 9 o'clock.

Q.—You were about three-quarters of an hour on the deck? A.—Yes sir.

Q.—All that time before you went below to have a cigarette? A.—Yes sir, from 20 past 8 to 3 after 9.

Q.—When you came on deck a few seconds after the collision happened? A.—Yes sir.

Q.—Hardly half a minute? A.—They were three fathoms apart from each other when I came on deck.

Q.—It was only a part of a minute from the time you came on deck to the collision? A.—Yes sir.

Q.—From that time you saw the flame coming out of the ship's side? A.—Yes sir.

Q.—Then you saw a smoke coming out of the ship's side? A.—Yes sir.

Q.—Then it was three-quarters of an hour from the time you came on deck until you went below? A.—Yes sir.

Q.—When did you see the boats getting ready, shortly after the collision happened, or three-quarters of an hour afterwards? A.—As soon as the

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RECORD. Belgian Relief ship backed in between the space between the two ships we could see the boat of the French ship was making for the other side.

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Q.—Long after the collision? A.—Two or three minutes.

Q.—Before you went below had that boat left the other side? A.—I had not watched her.

Q.—It was the starboard boat was lowered? A.—The port boat.

Q.—How do you know it was the port boat that was lowered?

No. 9.
Evidence
of

A.—She come around the stern of the French ship—there were a couple of men shouting something from her.

Q.—The boat was lowered from the port side? A.—Yes sir. 10

Q.—She came around the stern? A.—Yes sir.

Edward
McCrossan,
Cross-Ex-
amination,
December
14th, 1918.
Continued.

Q.—You did not see her being lowered on the port side? A.—No sir, the port side was off from us, of the French ship.

Q.—During that three quarters of an hour you were on deck there were those little explosions? A.—Yes sir, I counted 6 or 7.

Q.—Were you the only one went below for a smoke? A.—Yes sir, I asked another chap to come down but he said he would watch the fire.

Q.—When the fire was seen on the Mont Blanc she was a ship's length astern of you, the same distance as from the Imo? A.—If our bow ropes were let go we would strike the two ships by swinging around. 20

Q.—The big explosion occurred at the wharf? A.—Yes sir.

Q.—In the meantime what was done on board of your ship?

A.—Nothing done at all on our ship—all came to the stern to watch the ship burning.

Q.—Any danger of your ship being burned by this vessel 500 feet astern of you? A.—No, sir, we could feel the heat of the flame on our ship. The order on our ship was that the first officer said to the boatswain if that fire gets any worse that pier might give away and she may drift down here on us.

Q.—At the time was there any preparation being made on board your 30 ship to get away from the wharf? A.—No sir.

Q.—Was the captain on board? A.—He was home at Fall River or Bay River, or somewhere around here by that name.

By Captain
Hose,
Assessor.

BY CAPTAIN HOSE (ASSESSOR).

Q.—When you first saw the Mont Blanc first before the collision were her masts in line or did you see her starboard bow or port bow? A.—The French Steamer?

Q.—Yes. A.—She was laying thwart ships across the river.

Q.—She might be that way and yet you might be able to see her masts in line—were they in line or not? A.—They were laying that way (in- 40 dicating)—if the two masts had been in line she would be heading right where I was; but she was not that way.

Q.—You saw her starboard side? A.—Yes sir, saw the starboard side of the Frenchman and all along the starboard side of the Belgian Relief.

RECORD.

In the
Exchequer
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Canada,
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No. 9.
Evidence
of
Edward
McCrossan,
Cross-Ex-
amination,
December
14th, 1918.
Continued.

Q.—Did you see the name on the stern of the Belgian Relief Ship at any time? A.—No, you could see from the bow to the propellor. If you wanted to see the name astern you would have to go astern and look at it.

BY CAPTAIN DEMERS:

Q.—How long would that take to lower the boats on the Mont Blanc? A.—Two or three minutes.

Q.—In the meantime when everybody had gone and you saw a boat going to the starboard side was the Mont Blanc going ahead still? A.—She must have had headway on because the tide was coming up.

Q.—Did she swing around at all? A.—No sir, she came straight into 10 that pier, the same as if there was a pilot in charge of her. She came right close in alongside the pier.

Q.—The Current did not effect her at all? A.—No sir.

Mr. HENRY, K. C.:

The writing on this chart is very fine, and I find that it should have been yards instead of feet that I mentioned a little while ago in giving the measurement—it should be one hundred and fifty yards instead of one hundred and fifty feet.

AND FURTHER DEPONENT SAITH NOT.

J. T. ROWAN.

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Official Reporter.

No. 10

No. 10.
Evidence
of
Peter A.
B'Jonas,
Direct-Ex-
amined by
Mr. Henry,
K. C.

CHRISTIAN HANSEN IS SWORN TO FAITHFULLY INTERPRET
IN THE NORWEGIAN LANGUAGE.

PETER A. B'JONNAS, SECOND MATE OF THE S. S. IMO BEING
CALLED AS A WITNESS AND DULY SWORN DOTH DEPOSE AND
SAY AS FOLLOWS (THROUGH NORWEGIAN INTERPRETER
HANSEN):—

BY Mr. HENRY, K. C., (DIRECT EXAMINATION):

Q.—Ask him first what his position on the Steamer Imo is? A.— 30
Second mate.

Q.—What was the nationality of the Imo? A.—Norwegian.

Q.—Where was the Imo registered? A.—Christiania.

Q.—What is her net tonnage? A.—3161 net.

Q.—And gross? A.—5041.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 10.
Evidence
of
Peter A.
B'Jonnas
Direct-Ex-
amination.
Continued.

Q.—Single screw? A.—Yes sir.

Q.—What make of engines? A.—He does not know that.

Q.—How many of a crew all told? A.—39.

Q.—How many officers? A.—Three mates and four engineers.

Q.—And a captain also? A.—Yes sir.

Q.—Eight officers? A.—Yes sir.

Q.—What was the ordinary speed of the vessel? A.—Between 11 and 12 miles.

Q.—Did the ship steer well? A.—Yes sir.

Q.—How was she loaded at the time of the collision? A.—They had 10 no cargo.

Q.—Where was she bound when she put out from Bedford Basin?

A.—For New York.

Q.—How long was she in Halifax before she sailed? A.—They came in on Monday and went out on Thursday.

Q.—What was the nationality of the various members of the crew of the Imo—all Norwegian? A.—Norwegians, Swedes, Danes and one Hollander.

Q.—Was there a Frenchman on board? A.—No Frenchmen.

Q.—And Germans or Austrians? A.—No sir.

Q.—Does he know where the vessel was built? A.—He don't know.

Q.—Can he tell from the document in his hand, the ship's papers? A.—Built at Belfast.

Q.—Was this vessel formerly a White Star Line Ship? A.—He has heard so.

Q.—What time did the vessel raise her anchor in Bedford Basin Thursday morning? A.—8.10 a. m.

Q.—Where was he when her anchors were raised? A.—He was at breakfast.

Q.—When did he come on the deck? A.—Just came on deck before 30 the anchor was up.

Q.—Did he remain on deck from then until the time of the collision? A.—Yes sir, he remained.

Q.—When did the pilot come on board? A.—He came on board just as they were heaving up the anchor.

Q.—Did he see the pilot the night before? A.—No sir.

Q.—Was the pilot drunk or sober that morning? A.—He cannot say that.

Q.—Was he speaking with the pilot? A.—No sir.

Q.—Did he notice any thing peculiar about him that morning? A.—No.

Q.—He looked alright? A.—Yes.

Q.—Did the pilot go on the bridge when he came aboard the ship? A.—He did not see him just as he came aboard.

Q.—Where was he when he first saw him? A.—On the bridge.

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RECORD. Q.—Who else was on the bridge with the pilot? A.—Captain and helmsman.

Q.—Did the pilot and captain and helmsman remain on the bridge until the collision? A.—As far as he remembers they were there.

Q.—Where was he during the time after he came on deck until the collision—where was this man? A.—He went on the forecastle head.

Q.—Was he on the forecastle head all the time? A.—Yes.

Q.—What was he doing there? A.—He was there to take the anchor in on the forecastle head.

Q.—Stowing the anchor? A.—Yes sir.

Q.—Getting it ready for sea? A.—Yes sir.

Q.—Anybody there with him? A.—Yes sir.

Q.—Who? A.—Two able seamen and the carpenter and he don't remember if there were any other men.

Q.—Any other officers on the forecastle head? A.—No sir, there were not, they were in to their breakfast.

Q.—Find out whether the two sailors,—two able seamen,—and the carpenter remained on the forecastle head from the time he came up until the collision? A.—Yes sir.

Q.—They were all there all the time? A.—He don't remember if the 20 sailors and the carpenter were there all the time; but he was there.

Q.—He was there all the time? A.—Yes sir.

Q.—The others were there part of the time any way? A.—Yes sir.

Q.—When did he first see the French ship then?—the Mont Blanc?

A.—He did not pay attention to it, or did not see it before he heard the two blasts.

Q.—From which ship? A.—From the Imo.

Q.—How far was the French ship away from them at that time?

A.—About 400 metres.

Q.—Did he hear any other whistle blasts? A.—Not then.

Q.—At any time before the collision, and ask him to tell us all the blasts that he heard in their regular order and which ship they came from?

A.—First the Imo blew two, immediately after one.

Q.—From which ship? A.—From the Imo, and then it was answered with one.

Q.—From the Mont Blanc? A.—Yes sir.

Q.—They were short blasts? A.—Yes sir.

Q.—What after that? A.—Right after the Imo blew three blasts and the Mont Blanc answered with two.

Q.—Then what happened? A.—He says after that he saw the Mont 40 Blanc on the port bow.

Q.—After she blew the three blasts? A.—Yes sir.

Q.—Saw the Mont Blanc on the port bow and what happened—did the two vessels come together? A.—He says the Imo took the Mont Blanc on the port bow then.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 10.
Evidence
of
Peter A.
B'Jonnas,
Direct-Ex-
amination.
Continued.

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RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
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District.*

*No. 10.
Evidence
of
Peter A.
B'Jonas,
Direct-Ex-
amination.
Continued.*

Q.—On the right side or the left side? A.—He took the Mont Blanc on the starboard bow. That is the impact, hit the vessel, the Mont Blanc on the starboard bow.

Q.—Ask him to take these models of ships and show the two ships at the time of the collision?

(WITNESS DOES AS DIRECTED BY COUNSEL AND DRAWING IS FILED AND MARKED EXHIBIT I R 10).

Q.—Ask him if, after hearing the first signal of two blasts from the Imo, he kept looking at the French ship until the time of the collision? A.—
Yes sir. 10

Q.—In what direction was the Frenchman from the Imo when he first saw her? A.—He saw it nearly straight ahead, a little on the port bow.

Q.—And where was the Frenchman with respect to the eastern shore—how far? A.—About in the middle of the channel.

Q.—And which way was the Frenchman heading with regard to the harbour and the shores? A.—He says it was steering pretty nearly straight up in the channel.

Q.—Did he notice any alteration of the course of the Imo before the collision? A.—No.

Q.—How far were the ships apart when he heard the three blast signal from the Imo? A.—Between 300 and 400 metres. 20

Q.—When he heard the three blast signal? A.—Oh no, 100 metres about.

Q.—Does he know whether the engines of the Imo were put astern when the three blast signal was given? A.—He says he cannot say if they went astern on the bridge when he heard the three whistles; but the three whistles indicate that.

Q.—Could he hear the vibration of the engines when he heard the three blast signal? A.—He did not pay any attention to that.

Q.—At the time the three blast signal was given were the two vessels parallel to each other, or converging, coming together—ask him to place the two ships when the three blast signal was given on the Imo in the positions in which they were? A.—He thinks that is all; but he cannot rightly remember. 30

(WITNESS DOES AS DIRECTED BY COUNSEL AND DRAWING IS FILED AND MARKED EXHIBIT I R 11).

Q.—Ask him if he heard any signals given on the ship's telegraph? A.—No sir.

Q.—When the two ships came together what kind of a shock or blow was there? A.—Very little. 40

Q.—At what speed was the Imo going when the two ships came together? A.—He cannot say how fast it was going. He says very slow; but he cannot say how fast.

Q.—Did he notice whether the blow caused any gash or wound in the side of the French ship? A.—Yes, there was a hole in it.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 10.
Evidence
of
Peter A.
B'Jonnas,
Direct-Ex-
amination.
Continued.

Q.—Did the hole extend from the rail down to the water? A.—He did not pay any attention to it.

Q.—Did he see smoke rising from the Frenchman right after the collision—immediately after it? A.—He saw smoke and small flames.

Q.—What part of the ship did he see the small flames? A.—On deck in front of No. 1 hatch.

Q.—On the deck? A.—Yes sir.

Q.—Did he see any flame down near the water? A.—He cannot remember—he did not pay any attention to that.

Q.—What kind of smoke was it? A.—Black smoke. 10

Q.—Did the flames get very high? A.—They grew bigger and bigger.

Q.—What did they do on board the Imo in the way of movement of the ship after the collision? A.—As soon as he touched the Frenchman he went from the fore-castle head down on the forward deck.

Q.—Where did the ship go? A.—He went up on the fore-castle head again then.

Q.—What movements did the ship make after the collision? A.—They went forward and they went astern he says to try to twist around to go up in the basin.

Q.—How long did they continue to make efforts to get turned around and go into the Basin? A.—They kept trying it nearly up to the explosion. 20

Q.—And just shortly before the explosion did they try to go down the harbour? A.—As soon as they started to go forward the boat started to swing out try to go down the harbour. The boat tried to go down the harbour when she started forward—she swung around a bit to try and go down the harbour.

Q.—Did he hear any conversation either before or after the collision between the officers on the bridge? A.—No, he did not hear any.

Q.—Was there any conversation or messages passed between the two ships before the collision, except by the signals on the steam whistles? A.—No. 30

Q.—Meaning by the steam whistles only? A.—No.

Q.—Any calling out or shouting from one ship to the other? A.—No.

Q.—Where was he on his ship at the exact moment of the collision? A.—He was just at the foot of the ladder at the forward deck on the fore-castle head when the collision took place.

Q.—Was he thrown down or made to stagger by the force of the collision? A.—No sir, he did not fall.

Q.—Where was he when the explosion took place? A.—On the fore-castle head. 40

Q.—Anybody with him? A.—Boatswain, carpenter and two able seamen and a fireman and an oiler.

Q.—How about the third mate—Where was he. A.—He was there too.

RECORD.

*In the
Exchequer
Court of
Canada,
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No. 10.
Evidence
of
Peter A.
B'Jonas,
Direct-Ex-
amination.
Continued.

Q.—Were these men injured by the explosion? A.—Something hit him on the chest and he fell down and something hurt his knee.

Q.—Any of the men on the forecandle killed? A.—The boatswain was killed.

Q.—Did he fall on his chest or something hit him on the chest? A.—He fell down on the deck.

Q.—And hurt his chest? A.—Yes sir.

Q.—Some of the men on the forecandle head were killed alongside of him? A.—The boatswain.

Q.—Any others? A.—He don't remember—he thinks the carpenter 10 too was killed.

Q.—The captain and the pilot on the bridge were killed also, I understand? A.—He did not see them after.

Q.—What happened to their ship—what became of their ship after the collision? A.—Went ashore over on the Dartmouth side.

Q.—The ship did? A.—Yes sir.

Q.—How near were they to the Dartmouth side when the explosion took place? A.—About in the middle of the channel.

Q.—How long does he think it was from the collision to the explosion? A.—About 20 minutes. 20

Q.—Had he looked at the time any time that morning—a watch or anything? A.—He does not remember.

Q.—Does he know the length of the Imo? A.—About 430 or 440 feet.

Q.—Can he tell exactly from the ship's register which he has in his hand? A.—Yes, 430.7'.

Q.—And the breadth? A.—45.1'.

Q.—Depth? A.—22.3'.

BY Mr. BURCHELL, K. C., (DIRECT EXAMINATION).

Q.—Where did he come from to Halifax—from what port did the ship come? A.—Rotterdam. 30

Q.—With or without cargo? A.—Light.

Q.—Took no cargo aboard in Halifax? A.—None.

Q.—How many members of the crew or officers of the ship were killed? A.—Six.

Q.—Tell us who? A.—The captain, first officer, boatswain, carpenter, donkeyman and the coal trimmer.

Q.—And the pilot? A.—Yes sir.

Q.—The first engineer was he injured badly? A.—His head was cut.

Q.—Did he know the Mont Blanc was carrying explosives? A.—No sir. 40

Q.—And after the collision ask him if he was continuing his regular work? A.—There were some of them went down to see if there was any water in the fore peaks.

Q.—Does he know who went down? A.—No, he does not know because it was the mate who was looking after that.

RECORD.

*In the
Exchequer
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Canada,
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District.*

No. 10.
Evidence
of
Peter A.
B'Jonnas
Direct-Ex-
amination.
Continued.

Q.—What is the third officer's name? A.—Bjarne Birkland.

Q.—Was he on the fore-castle head with the third mate after the collision? A.—Yes sir.

Q.—Talking to him? A.—Yes sir.

Q.—Any conversation as to whether this ship was loaded with explosives or not? A.—He said they were talking about it when they saw the flames that he could not have any ammunition in or else he would have carried a flag up.

Q.—What kind of a flag? A.—A red flag.

Q.—Ask him what he saw the men on the French ship doing after the collision—what they did? A.—He says he saw them going in the life boats and go over to the Dartmouth side.

Q.—Was that done right away after the collision? A.—Right after.

Q.—Was there anybody from the French ship called out to them or warned them that the French Ship had explosives on board? A.—No, he did not hear anything.

Q.—Just at the instant of the collision did he look to see who was on the bridge of his own ship? A.—Right after the collision he looked aft, and he saw the pilot and the helmsman; but he don't remember seeing any one else, and he run aft then.

Q.—What was the first whistle signal of any kind from either steamer that he heard? A.—The first blast he heard was from the Imo, coming down the Basin, and that was answered by one blast.

Q.—What was the first blast he heard of all? A.—One blast, the first of all ever since they left the anchorage—there was one blast answered by a little tug boat.

Q.—That was before he saw the French ship? A.—Yes sir, that was the first blast of all he heard.

Q.—Had they tested their whistles up in the Basin? A.—He blew the water out of the whistle up in the Basin.

Q.—Who did? A.—He did.

Q.—Did he do it himself? A.—Yes sir.

Q.—After they saw the French ship tell us what was the first whistle signal he heard from either ship? A.—Two blasts from the Imo.

Q.—And what was the next signal from either ship that he heard? A.—One blast from the Imo.

Q.—How long elapsed between those two signals? A.—Right after.

Q.—Before he heard this two blast signal from the Imo what was he doing himself? A.—He was walking forward and backway on the fore-castle head waiting for some of the rest of them to go and give him a hand to get their anchor up.

Q.—Ask him if he would tell us in seconds the number of seconds that elapsed between the two blast signal from the Imo and the one blast

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RECORD. signal from the Imo? A.—He cannot very rightly say; but it was immediately after he says.

In the Exchequer Court of Canada, Nova Scotia Admiralty District.
Q.—Could he tell from where he was who was giving these signals—who was pulling the whistle cord? A.—He don't know.

Q.—Ask him if it was easy for him to tell from the bow of the ship when his own ship changes her course? Ask if it is easy for him to tell from the bow of his ship when his ship changes her course if she changes her course? A.—He did not pay attention to whether they altered the course or not.

Q.—Ask him if it is easy or difficult to tell from the bow of the ship? A.—He can see it.

Q.—Ask him before he heard this two blast signal from the Imo if he heard any signals from the French ship, if he was paying attention to her? A.—He did not see the Frenchman when he heard the two blasts from his own ship.

Q.—And he heard no signals from the French ship? A.—He did not see the French ship.

Q.—Would it be possible for the Frenchman to blow some signals and him not hear them? A.—He don't think she blew at that time.

Q.—Ask him if it is possible that the Frenchman may have blown some whistles before the Imo blew whistles, which he may not have heard because he was not paying attention? A.—He says he did not hear the Frenchman blow her whistles before the Imo blew her two blasts.

Q.—Was he paying attention or not, so as to know whether she may have blown and him not hear it? A.—He says he did not hear it.

Q.—Ask him if it was part of his duty on the fore-castle head to listen for whistles—what was he on the fore-castle head for? A.—He was working forward—waiting for the rest to come up and heave up the anchor.

Q.—Was he there to listen for whistles? A.—No sir, he said no to that.

Q.—That was not his duty? A.—No sir.

Q.—Where was the mate before the collision, coming down the harbour? A.—At breakfast.

Q.—Who was it directed this man to go on the fore-castle head? A.—He says he did not get any orders at all; but he always did that when they went to breakfast, when one went in one came out, in turn.

Q.—Did he have two anchors hanging over the bow? A.—Only the port anchor hanging down.

Q.—Coming down the narrows when he first saw the French Ship where was the Imo—his own ship—in relation to the channel? A.—About the middle of the channel.

Q.—He said it was a hole made in the French ship by the collision—ask him how deep that gash was if he can tell us? A.—About two or three feet.

Q.—And when he first saw the French ship where was the French ship in relation to the channel? A.—Nearly forward, a little on the port bow.

No. 10.
Evidence
of
Peter A.
B'Jonas,
Direct-Ex-
amination.
Continued.

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RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 10.
Evidence
of
Peter A.
B'Jonnas,
Direct-Ex-
amination.
Continued.

Q.—In relation to the channel, one side of the channel or the other?

A.—About the middle of the channel.

Q.—Ask him if the masts of the two ships would be in line or nearly in line when he first saw them? A.—He don't remember that—he did not pay any attention to that.

Q.—Ask him if they both continued the courses they were on when he first saw the French ship, without either ship changing direction, what would have happened? A.—He says he paid attention to the Frenchman and saw her swinging over towards the Halifax side; but he did not see the Imo swing around any to either side, apparently did not change her course. 10

Q.—If the two vessels had kept on the course they were on when he first saw them how would they have met each other—head on or sidewise, or how? A.—He says he believes if they kept on the same course there would have been some kind of an impact all the same; but he cannot be sure of that—he believes that.

Q.—Would it have been bow to bow or would one ship have struck the other on the side? A.—He thinks if they kept going the Frenchman would have taken them on the stern on the port side.

Q.—Towards the stern on the port side? A.—Yes sir. 20

Q.—That is what he means? A.—Yes sir.

Q.—Ask him if during the interval between the two blasts from the Imo and the one blast from the Imo either boat changed their direction? A.—He does not think so, because it was while they were right on top of one another, they did not have time to do it.

Q.—Was the one blast signal from the Imo answered from the Mont Blanc? A.—The one was answered by the one blast from the Mont Blanc.

Q.—Then after that did he notice any change in the course of the Mont Blanc? A.—No, he says he changed his course after the three blasts and was swinging over to the Halifax side. 30

Q.—And after the collision their ship was trying to get back into Bedford Basin? A.—Yes sir.

Q.—Did they get back? A.—They could not get around.

Q.—Why? A.—There was not enough room and the tide was going out.

Q.—Then what did they do—which way did they head her? A.—He says he seen them swinging out over the River.

Q.—That is the Imo? A.—Yes sir.

Q.—Which way was she heading at the time of the explosion? A.—He saw the bow pointed towards the Halifax side a little down. 40

Q.—Were they going ahead going down? A.—He cannot say that—he did not pay any attention to that.

Q.—Ask him if, before that they were going ahead and trying to get turned around to go into the Basin? A.—He said yes, forward and backward, astern.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 10.
Evidence
of
Peter A.
B'Jonnas
Direct-Ex-
amination.
Continued.

Q.—Ask him what happened to the French ship after the collision— which way she went? A.—He said she was going ahead and went in shore by a pier; but he don't know what number the pier was, or what pier it is called.

Q.—Did he think her engines were working? A.—He said he is not sure; but it seems like her propellor was going.

Q.—How long was she in by the pier before the big explosion? A.—About ten minutes or so— he cannot rightly say but about that.

Q.—How far away from the French ship was the Imo at the time of the explosion? A.—About 100 metres. 10

Q.—Does he know of any trouble to the engines or steering gear of the Imo before the collision? A.—No, none.

Q.—Did they have any boats on board their ship? A.—They had three life boats and one motor boat and two dories.

Q.—Any of them launched after the collision? A.—No.

Q.—Was he on the forecastle head from the collision to the explosion? A.—He was on the forecastle head all the time.

Q.—He was knocked down by the explosion? A.—Yes sir.

Q.—What killed the boatswain and the carpenter alongside of him? A.—He don't know. 20

Q.—Did he become unconscious? A.—About half unconscious.

Q.—Where did the Imo go after the explosion? A.—Went ashore down on the Dartmouth side.

Q.—How did he get ashore? A.—There was a man came to the boat and they got a line down from the shore and he and the third mate and one able seaman went down and stood down on the ground.

Q.—And the men from the High Flyer came and took them away—a boat from the High Flyer took the rest of them away? A.—There were the three of them, the third mate, an able seaman and himself and an oiler they took on board. 30

Q.—Had the position of the Imo up or down the channel been changed much between the time of the collision and the time of the explosion? A.—They were laying down with the bow towards the Halifax side, between the time of the collision and the explosion and they were trying to get around.

Q.—Ask him if they had known that the French ship had explosives if they could have come down the harbour and got some distance away before the explosion? A.—He thinks if they had known that they had ammunition on board they could have got well down the harbour.

Q.—Has he been over to see the Imo since the explosion? A.—He 40 has been on board of her.

Q.—What is her condition? A.—Broken down all over, filled with water.

Q.—Filled with water? A.—Yes sir.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 10.
Evidence
of
Peter A.
B'Jonnas,
Direct-Ex-
amination.
Continued.

Cross-Ex-
amined by
Mr. Mellish,
K. C.

Q.—Stern down under water? A.—He says with high tide the water comes up to the deck and the starboard side is tilted over and she must be tilted over to the starboard side—that is what he means.

BY Mr. MELLISH, K. C., (CROSS EXAMINATION).

Q.—Ask him please, who was in charge of the ship after the explosion—who took charge of the ship? A.—He said there was no talk about command after the explosion—they were too much upset.

Q.—Was the ship left without command after the explosion?
A.—There was no command.

Q.—Was the ship left without directions after the explosion? A.—No 10
orders given.

Q.—Before the explosion and after the collision who had command of the vessel? A.—He thinks the pilot.

Q.—Did he see the pilot after the collision? A.—Yes, he saw him after the collision.

Q.—Was the master on the bridge after the collision? A.—He cannot remember that.

Q.—After the explosion ask him if he knows where the body of the pilot was found? A.—He says he heard they found him lying on a half life boat on the port side. He now says by the side of the half life boat. 20

Q.—Where was the body of the captain? A.—He did not hear if they found him yet or not.

Q.—Ask him if he had anything to do with the navigation of the ship that morning before the collision—if this witness had? A.—No sir.

Q.—Was it any part of his duty to have anything to do with the navigation of the ship? A.—He said that he helps with the navigation out at sea, takes observations and the like of that; but not in shore.

Q.—That morning it was not part of his duty to take part in the navigation of the ship? A.—No sir.

Q.—His duty was to get the anchor aboard? A.—Yes, they were 30
standing by to get in their anchors.

Q.—On what part of the ship was he when he was coming back and forward, at the foot of the ladder, or up on top of the forecastle head?

A.—He was forward, walking forward and backward.

Q.—On the top of the forecastle head? A.—On the forecastle head.

Q.—Ask him if he saw the Frenchman before he heard the two blasts from the Imo? A.—No sir, he did not see it.

Q.—How long after was it that he saw her? A.—He saw the Frenchman right after the Imo blew the two blasts.

Q.—How far away? A.—About 300 or 400 metres. 40

Q.—Is this sketch here showing the position when he first saw them? (INDICATING EXHIBIT I R 11). A.—Yes, but perhaps the Imo was a little more this way (Indicating).

Q.—A little more this, way to the right or to the left—to the port or starboard? A.—He says about the same as they are there now.

Q.—He said perhaps the Imo was a little one way more than the other? A.—He says now they are about the same as they are there now.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 10.
Evidence
of
Peter A.
B'Jonas,
Cross-Ex-
amination.
Continued.

Q.—Which way did he say they were about—what did he say just a moment ago, about she might be a little more this way? A.—A little more this way, with her head perhaps a little more to port than shown on the diagram.

Q.—How far would it have been possible on that morning to see the Frenchman when they were coming down from the Basin? A.—He says about a quarter of a mile—he might have been able to see her that distance.

Q.—Why so short a distance? A.—There was a little thick—it was a little thick hazy.

Q.—Does he say a quarter of a mile? A.—He means about the 10 fourth part of an English mile.

Q.—What part of the Basin where they lying in? A.—They laid right up ahead in the basin.

Q.—The Imo before giving the two blasts he has stated already gave a one blast signal—how long before the two blast signal was this one blast signal given? A.—It was right after—he says he cannot give any time; but he says it was right after that the Imo blew the one blast, after the two blasts.

Q.—He stated already that the Imo blew one blast before she blew the two blasts that morning? A.—Yes sir. 20

Q.—How long before? A.—He cannot rightly say how long before; but it was quite a little while.

Q.—That blast was given for a little vessel? A.—For a tow boat.

Q.—Which side did they pass the tow boat? A.—He went on the port side of the Imo.

Q.—The tow boat? A.—Yes sir.

Q.—Perhaps he can show on the chart what part of the basin they were laying in on this chart marked Exhibit M. B. R. 5? A.—About here.

(WITNESS INDICATES BY MARK "X" NEAR POINT "P"). 30

Q.—Ask him if he was keeping a look out or just happening to see the tow boat and the Frenchman just in a casual way? A.—He was not on the look out—he just happened to see it.

Q.—Ask him if they gave a whistle on leaving the anchorage in the basin? A.—He says he blew the water out of the whistle before he hove up the anchor.

Q.—But gave no signal? A.—No sir.

Q.—Did the whistle make a sound when he let the water out?
A.—Yes sir, the whistle blew when he blew the water out.

Q.—Blowing alright? A.—He just blew the water out and it start- 40 ed to blow and he stopped.

Q.—Did he blow all the water out? A.—Yes sir.

Q.—There was some water in? A.—Quite a bit of water in.

Q.—He believes he blew it all out? A.—He thinks so, because he saw steam coming out.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 10.
Evidence
of
Peter A.
B'Jonnas,
Cross-Ex-
amination.
Continued.

Q.—Ask him if these were all the signals that he heard from the Imo, namely, one blast when they passed the tow boat, two blasts immediately followed by the one blast and then the three blasts—ask him if these were all the blasts he heard? A.—That is all he remembers.

Q.—He cannot be sure of it—can he be sure whether the Imo blew other blasts that he did not notice? A.—He said he ought to hear it if she blew any other blasts.

Q.—That is all he heard? A.—Yes sir.

Q.—Ask him if it must not have been very thick if he could only see a quarter of a mile away? A.—He said it was just hazy that morning. 10

Q.—Why could they only see the vessel a quarter of a mile away, in a slight haze you can see a vessel further than that? A.—He says he did not pay any attention to the Frenchman—if he could have seen her any further or not he cannot say; but he could see her a quarter of a mile away.

Q.—Was the starboard bow of the Imo injured by the collision?

A.—No, on the port side there was a hole.

Q.—What made that hole? A.—He says the hole came from the collision.

Q.—On the port bow of the Imo? A.—Yes sir. 20

Q.—Ask him if he is sure it is on the port bow? A.—Yes sir.

Q.—He is positive of it? A.—Yes sir.

Q.—Has he seen it since the collision? A.—He said he has been on board; but he has not seen the hole.

Q.—When did he see it? A.—Right after the collision.

Q.—Ask him if the stem of the Imo is crushed in any? A.—No.

Q.—Ask him if the hole in the port bow was made by the Imo's anchor? A.—He says he cannot tell if it was the anchor that made it or not—he says the plates were bent in and just a hole there.

Q.—How far from the stem? A.—He don't know how far. 30

Q.—How many feet? A.—He don't know—just abaft the stem.

Q.—Is it 50 feet or 10 feet or 5 feet? A.—About two or three feet.

Q.—And he noticed that just after the collision? A.—Yes sir, right after.

Q.—And also the hole in the other ship? A.—Yes sir, right after.

Q.—The ship is going to New York—where was she cleared for?

A.—New York.

Q.—By whose orders were they going? A.—He does not know.

Q.—Does he know whether the ship was under charter? A.—For Belgian Relief. 40

Q.—To go to load in New York? A.—Yes sir.

Q.—For Cargo? A.—Yes sir.

Q.—Where did they propose to go from New York? A.—They generally go to Rotterdam.

Q.—He does not know if they were going there? A.—No.

- RECORD. Q.—Had she carried cargo for the Belgian Relief before? A.—Yes.
 In the Exchequer Court of Canada, Nova Scotia Admiralty District.
 Q.—How many times? A.—He says it was the first trip he made in that boat; but she had been carrying cargo before for the Belgian Relief.
 Q.—How long had he been on this boat? A.—He got aboard of her the 19th of November.
 Q.—At Rotterdam? A.—No, off Norway—he went aboard of her from a tug boat.
 Q.—And then proceeded to Rotterdam? A.—From there to Halifax.
 Q.—He was picked up on the way from Rotterdam to Halifax? 10
 A.—Yes, she came from Rotterdam to Norway.
 Q.—Did she have her port at Norway? A.—They landed outside and waited for a crew to come aboard.
 Q.—What port? A.—Haugesund.
 Q.—What is his official rating? A.—Second mate.
 Q.—Norwegian certificate? A.—Yes sir.
 Q.—What date is his certificate—about? A.—A year ago.
 Q.—Why did they come to Halifax? A.—Came in for inspection.
 Q.—By whom? A.—Admiralty.

Cross-Examined by Mr. Robertson, K. C.

BY MR. ROBERTSON, K. C. (CROSS-EXAMINATION):

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- Q.—I wanted to ask whether, from where he was standing, he could tell whether the pilot gave orders or not? A.—No, he could not hear.
 Q.—Could he see any gesture or signal? A.—No.
 Q.—Does the captain speak English—the captain of the Imo—did he speak English? A.—Yes.
 Q.—What speed was the Imo going when he first saw the other ship—the Mont Blanc? A.—About six miles he thinks.

Re-Examined by Mr. Burchell.

BY MR. BURCHELL, K. C. (RE-EXAMINATION):

- Q.—What is your full speed? A.—11.
 Q.—What is your half speed? A.—About between 6 and 7. 30
 Q.—Can you point out on this chart M. B. R. 5, where it was you met this tug boat and gave the one blast signal to her—mark it with a pencil somewhere?

(WITNESS INDICATES AS DIRECTED BY A CROSS NEAR THE POINT "Q" ON CHART M. B. R. 5).

Q.—It was inside of the Bedford Basin before you got in the narrows?
 A.—Yes sir.

Q.—Ask him then what sort of haze was it that he speaks about—was it a low lying haze or what kind of haze, steam from the water or what was it?
 A.—He says it just looked like steam from the water. 40

RECORD. Q.—Ask him if the captain was a Norwegian? A.—Yes sir.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—Ask him what the practice is on the Norwegian Ships when a pilot comes on board like in the harbour of Halifax—who takes charge of the ship? A.—He says the pilot generally has command as soon as he comes on board a Norwegian.

BY CAPTAIN DEMERS (ASSESSOR):

No. 10.

Evidence
of
Peter A.
B'Jonas
Re-Exam-
ination by
Mr. Burchell

Q.—What kind of anchor had they on board the ship? A.—He says it was one of the old time anchors with stocks and they have to heave it in on the deck.

Q.—With a derrick? A.—Yes sir.

Q.—That is the reason he was there on the deck to heave the anchor in on the deck? A.—Yes sir.

Q.—Which anchor was he going to raise? A.—The port anchor.

Examined
by Captain
Demers,
(Assessor).

Q.—Was it hung up in the tackle at all when he got on the fore-castle head? A.—No sir, it was just clear of the water.

Q.—Hanging to the hawse pipe? A.—Yes sir.

Q.—He was not wounded at all by the shock of the explosion? A.—He says he was fired down on the deck on his chest and his knee was hurt.

Q.—Was his nervous system affected at all? A.—His nerves are allright.

Q.—And his memory also? A.—Yes sir.

Q.—When he got on the fore-castle head was it for the purpose of keeping a look out—when he could see objects only a quarter of a mile on account of the mist? A.—He did not go up there for a look out?

Q.—It was misty at the time? A.—There was just a little haze—just a little hazy.

Q.—Hazy enough to have a look out on? A.—He said he just got up on the fore-castle head and relieved the mate and he did not know whether the mate ordered a look out or not.

Q.—In the absence of a look out was it his duty to keep a look out himself as officer of the ship? A.—No sir.

Q.—Have they a crow's nest on that ship? A.—Yes.

Q.—There was nobody in the crow's nest? A.—He don't believe there was.

Q.—Was that his watch on deck at that time? A.—They did not have their watches set yet.

Q.—In the absence of the mate was he having a duty to perform on deck? A.—He says it was not his duty to go on the look out, and when he relieved the mate the mate just gave him orders to standby and get the crowd up there to get the anchor in.

Q.—Where were the deck hands—at breakfast, or had they breakfast? A.—He does not know if they all had their breakfast or not.

Q.—Because the watches were not set yet? A.—No sir.

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RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 10.
Evidence
of
Peter A.
B'Jonas,
Examined
by Captain
Demers,
(Assessor).
Continued.

Q.—Did he give orders for some men to come up on deck to get the anchors up? A.—No, he did not have any order given yet.

Q.—What was he waiting for on the forecastle head? A.—He was waiting for them to all be finished with their breakfast and all come out on deck then.

Q.—All hands were at breakfast then? A.—There were two able seaman with him on the forecastle head—the rest were down.

Q.—There were not enough to get that anchor up? A.—No sir.

Q.—How long has he been second mate? A.—He sailed as second mate four months before he got his papers, and 9 months after he got them, 10 and six months as third mate before he got his second mates papers.

Q.—What watch was he going to take when it was set—what hours? A.—His watch was to come on at 12.30 to 7.

Q.—Six and a half hours? A.—Yes sir.

Q.—Three officers on board? A.—Yes sir.

Q.—All three keeping watch or only two, first and second? A.—The third mate kept watch with the first mate and the second mate kept his own.

Q.—Apart from the whistles sounded when they passed the tug boat what was the next whistle sounded by his boat, the Imo? A.—Two 20 blasts.

Q.—And at the time the French Boat was on their port side? A.—Yes sir.

Q.—Ask him if it is the right signal when a vessel in narrow waters is on the port side? A.—He said he does not know what the pilot meant by giving two blasts.

Q.—Ask him if he knows that is the right signal to give? A.—He says when they give two it means they have to go to port, and one to starboard.

Q.—The other vessel being on the port side is that the right signal to give? A.—He said he thinks it should have been given only one— 30 that would have taken them to starboard.

Q.—And pass red to red? A.—Yes, red to red.

Q.—At the time they blew that two blast whistle were they in the centre of the passage? A.—About.

Q.—How far was the Frenchman from him when the two blast signal was sounded by his ship? A.—About 300 or 400 metres.

Q.—Could see her plainly? A.—Yes.

Q.—There was no mist then? A.—A little hazy.

Q.—But he could see the Frenchman plainly? A.—Yes sir.

Q.—Does he remember hearing the answering signal from the French- 40 man to that two blast signal? A.—He did not hear the Frenchman answer the two signals?

Q.—Heard no sound whatever? A.—After the Imo blew the one he heard the Frenchman blow one.

RECORD. Q.—But there was no answer to the two blast signal that he heard?

A.—No, none to the two.

Q.—When he heard the two blasts from his ship did he look ahead and notice the Frenchman? A.—Yes, he was looking ahead.

Q.—Was it cold that morning? A.—A little cold.

Q.—Did he see the steam escaping from the steam whistle from the Frenchman? A.—Yes sir.

Q.—Then there must have been something done with that whistle?

A.—He heard the Frenchman blow that one whistle and saw the steam off the whistle.

Q.—After the two blasts from the Imo did he notice the steam from the Frenchman's whistle? A.—No, not then.

Q.—But he saw the ship just the same—he saw the vessel and he says it was 400 metres? A.—He saw the boat alright.

Q.—Is it a question of not seeing or not remembering? A.—He remembers quite well seeing the boat.

Q.—His memory was not affected by the explosion? A.—He remembers quite well.

Q.—He said another short blast signal was given shortly after the one blast signal? A.—Right after the two blasts they blew another one.

Q.—How far were they from each other at that time, when they blew another one? A.—About 150 metres.

Q.—Now what was the position of the Mont Blanc in relation to the Imo when that one blast signal was given? A.—He was a little on the port bow.

Q.—Still on the port bow? A.—Yes sir.

Q.—Did he see his ship moving to starboard when the one blast signal was given by his vessel? A.—He did not pay attention to that.

Q.—Was he trying to see what was happening then at the time?

A.—When they blew the two blasts of the whistle then he looked around and he saw the Frenchman and he knew that was why they blew the whistle.

Q.—When he knows the value of two whistles then he must have thought there was something likely to happen Did it not draw his attention as an officer? A.—He says he thinks that when he heard the two blasts they were going to port but then right on top of that again he heard the one blast from the Imo's whistle.

Q.—And he did not notice any movement on his ships head? A.—He said at the time of the two whistles he looked around but then before he had time to think of what it was, he heard the one blast—he thought they were going to port first when they gave that one blast.

Q.—Did he see the Mont Blanc altering her course at the time he heard the two blasts? A.—He says he don't know if the Frenchman changed his courses when they blew the two blasts or not.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 10.
Evidence
of
Peter A.
B'Jonas,
Continued.

Q.—He was able to make a diagram of the position of the ship at that time—he noticed that much? A.—He said he just heard the two blasts and right on top of that he heard one blast.

Q.—Before the collision happened did he have time to get his anchor up on the fore-castle head? A.—He said they had time enough to take it up but the crew was still at breakfast.

Q.—Had the mate come up? A.—No, he was at breakfast too.

Q.—Did he see the mate at all after? A.—He just saw the mate when he left to heave up the anchor, and he left to go to breakfast after.

Q.—Where was the third officer? A.—He was at his breakfast. 10

Q.—No officer on the bridge at all? A.—No sir.

Q.—Any canvas screen around the bridge? A.—Yes.

Q.—He could not see people on the bridge from the fore-castle head? A.—Yes, he could.

Q.—Before the collision did he happen to look around the bridge at all? A.—He says he cannot remember whether he looked around or not—around to the bridge; but after the collision he looked around.

Q.—How far were they from each other when the three blasts were sounded from the Imo? A.—About 100 metres.

Q.—How fast were they going then through the water? A.—Quite 20 slow.

Q.—How could he say they were going quite slow? A.—He says he cannot tell how many miles an hour she was going but she was going quite slow.

Q.—He looked over the side? A.—He said he did not look over the side; but he looked ahead and by looking at the Frenchman he could tell they were going very slowly.

Q.—Which was going the faster, the Frenchman or the Imo? A.—The Frenchman he thinks.

Q.—Did he not hear the engine going astern after the three blasts were sounded? A.—He says he cannot say that he could feel the engine going over; but after he gave the three blasts that would mean the engines were going astern.

Q.—I want to find out why a man on the fore-castle head on a light ship cannot feel the vibration of an engine movement astern? A.—He did not take any notice of that.

Q.—He did not take much notice of anything? A.—He says he did not take any notice of going astern.

Q.—Was he interested at all in the doings of the ship—anything at all pertaining to an officer's duty? A.—He says he was paying attention 40 alright enough and he knew they were going to go astern to try and avoid a collision with the Frenchman.

Q.—He said there was a hole three feet from the stem on the port side—how much below or above the hawse pipe is that hole? A.—About the water line.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 10.
Evidence
of
Peter A.
B'Jonas,
Continued.

Q.—Was it the flukes of the anchor did that? A.—He cannot say that for sure.

Q.—Was there anything hanging or only a flat surface on the Mont Blanc—where they struck—did he notice that? A.—He said they just hit right on the flat side and as soon as they were going to hit he flew right down off the forecastle head—he did not see if there was anything.

Q.—He was not on the forecastle head when the impact took place? A.—He was just down from the forecastle head when she touched.

Q.—Has he seen whether the stem of the Imo cut in deep into the Mount Blanc? A.—He says the time he went up again they were backed off. 10

Q.—After the explosion took place what did he do, when he rose up from the ground? A.—After he come up off the deck he was standing off the forecastle deck looking around for a boat to come out and help them.

Q.—Did he notice if some of the crew were around him? A.—There was the third mate there and a couple of able seamen and an oiler.

Q.—The boatswain was killed? A.—Yes sir.

Q.—The third officer was saved? A.—Yes sir.

AND FURTHER DEPONENT SAITH NOT FOR PRESENT.

J. T. ROWAN,

Official Reporter. 20

AND IT BEING 1.30 P. M., COURT IS ADJOURNED UNTIL 2.30 P. M. TO PARTAKE OF LUNCH.

PURSUANT TO ADJOURNMENT THE COURT RESUMED SITTING AFTER LUNCHEON AT 2.30 P. M.

MR. BURCHELL: I understand this witness, the mate, who was on the stand, is coming back; Before he comes in I may tell your Lordships in case you might want to cross-examine him further—in order to direct your Lordships, as we want to get at the facts, our helmsman will say that the first signal he heard was from the Mont Blanc and was a two blast signal, and then subsequently our ship gave two blasts and quickly 30 one blast right afterwards. I think it is fair to tell the court this. I have impressed upon my witnesses to tell absolutely the whole truth in connection with the matter no matter how it may hit them. I thought you might be in a position to cross-examine this man about it. I may say further with reference to the remarks this morning; these witnesses have had their nerves shattered and in all deference to the Military Authorities, the report sent in this morning was not assisting the Commission; myself

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 10.
Evidence
off
Peter A.
B'Jonnas,
Continued.

and Mr. Henry placed this man in Bellevue Hospital and asked the man in charge to look after him and it was hardly fair because this man asked for a newspaper and because some nurse got excited about some actions of his to get him out of the Military Hospital without consulting Mr. Henry and myself; it is not helpful to his nerves. I think it would have been better to do—he might be the greatest criminal on earth, but I found he was on an American ship, The Abicon; he was in the American Navy employ, and if they want any information about him they could telegraph and get the information; I am objecting to the way in which this witness has been treated without any consultation with Mr. Henry or myself. 10

HIS LORDSHIP: There is more or less hysteria and I have no doubt the military people are doing what is right.

PETER B'JONNAS, a previous witness, having been re-called, doth depose and say further as follows:

Cross-Examined by
Capt. Hose.

CROSS-EXAMINED BY CAPTAIN HOSE:

Q.—Did you hear any whistle at all from the Mont Blanc at any time?

A.—I heard the Frenchman answering at the one blast from the Imo with one, and three blasts with three.

Q.—One blast was the first signal you heard the Mont Blanc give?

A.—One was the first. 20

By Mr.
Burchell.

BY MR. BURCHELL:

Q.—Was it any part of your duties that morning to look out for ships coming ahead or report signals from other ships or report other ships coming towards you? A.—No.

Q.—How far did the Imo move through the water between the two blast signal and the one blast signal given by the Imo? A.—Not quite one ships length between the two blast and the one blast.

By Captain
Demers.

BY CAPTAIN DEMERS:

Q.—Where did you steer, inside the wheelhouse or outside exposed?

A.—We had no house on the bridge so it was outside on the bridge. 30

Q.—And the same bridge where the captain and pilot and officer was supposed to keep watch? A.—Yes the same bridge.

AND FURTHER DEPONENT SAITH NOT.

R. ECCLES,

Official Reporter.

RECORD. JEAN BAPTISTE GLOTIN, 1ST OFFICER, S. S. MONT BLANC
UPON BEING CALLED AND DULY SWORN DOETH DEPOSE AND
SAY AS FOLLOWS:

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 11.
Evidence of
Jean Bap-
tiste Glotin
Direct-Ex-
amined by
Mr. Henry.

EXAMINED BY MR. HENRY:

- Q.—The nationality of the Mont Blanc? A.—French.
- Q.—At what port was she registered? A.—St. Nazaire, I believe.
- Q.—Remember her gross tonnage? A.—I don't remember.
- Q.—Net? A.—2,252.
- Q.—Single screw? A.—Yes.
- Q.—What kind of engines? A.—Alternative engine. 10
- Q.—How many of a crew? A.—41, all told.
- Q.—How many deck officers? A.—Captain, 2nd captain and two lieutenants.
- Q.—What position on board did you occupy? A.—Second Captain.
- Q.—And that corresponds with first officer on English ships? A.—Yes.
- Q.—How many engineers? A.—Chief, and three engineers; that is four.
- Q.—What was the speed of the Mont Blanc? A.—7½ knots full speed.
- Q.—Was she a ship that steered readily? A.—Yes. 20
- Q.—Her last port before arriving at Halifax was New York? A.—Yes.
- Q.—What part of New York did she sail from? A.—Gravesend Bay.
- Q.—How far from the city of New York? From say the Battery? A.—Six or seven miles.
- Q.—In what direction? A.—S. S. E. about; I believe that was it.
- Q.—The crew were of what nationality? A.—French exclusively.
- Q.—Officers and crew? A.—Yes.
- Q.—The ship had not been requisitioned by the French Government; taken over by the French Government? A.—Yes, for carrying munitions. 30
- Q.—You know the word "requisition"? A.—She was chartered by the French Government.
- Q.—She sailed from New York on December 1st? A.—Yes.
- Q.—I would like you to give us some idea how this cargo was loaded at New York; this little sketch was made by you, was it not? (M. B. E./12) A.—Yes.
- Q.—This purports to be a—what do you call it? A.—Horizontal section of tween decks.
- Q.—The division mark 1 is what? A.—The first hold, first tween deck, No. 1; then No. 2, etc., as marked there. 40
- Q.—What cargo was in tween deck No. 1? A.—Picric Acid.
- Q.—In what form? A.—Powder.
- Q.—Dry or moist? A.—Dry.

RECORD. Q.—And packed in what kind of receptacles? A.—Small barrels, painted grey.

In the Exchequer Court of Canada, Nova Scotia Admiralty District.
Q.—In the second tween deck, No. 2 on the starboard forward corner, what was there? A.—T. N. T.

Q.—As indicated here? A.—Yes.

Q.—In the rest of the forward half of that tween deck? A.—Gun powder in cases, marked gun powder; inside the wooden cases was tin. In the after part of No. 2 was dry picric acid. The different classes of goods being separated by wooden partitions.

Q.—And these partitions were fastened together with what? A.—Nailed with copper nails. 10

Q.—Back of No. 2 and between it and No. 3 was the engine room and boilers? A.—Yes.

Q.—In No. 3 there was? A.—Mostly picric acid.

Q.—And that compartment containing T. N. T.? A.—Just in the hatch with partition all around.

Q.—In No. 4 there was what? A.—All T. N. T.

Q.—In the foreholds below tween decks what was there? A.—Wet picric acid in barrels about 200 cubic decimeters each barrel.

Q.—You speak of that being wet; did you see any of it? A.—Yes, 20 on the bottom of the barrels is written 20% water; it looks dry.

Q.—It is not liquid nor is it really moist? A.—Yellow powder.

Q.—Were you in charge of the stowage seeing how the cargo was put on board? A.—Yes.

Q.—Were there inspectors there? A.—Yes.

Q.—It was inspected as it was being loaded? A.—Yes.

Q.—And were special precautions taken during the loading? A.—Yes the men to load the cargo had shoes wrapped in canvas to protect the nails from their shoes against sparks.

Q.—And before the vessel sailed she was inspected and given a certificate? A.—Yes. 30

Q.—I understand that inside the iron hull of the Mont Blanc there was built wooden walls so there were magazines inside the steel hull? A.—Yes, wooden walls so you can't see any steel at all.

Q.—The ship arrived off Halifax on the afternoon of Wednesday, 5th December? A.—Yes.

Q.—Pilot come on board? A.—Yes, before we came to the anchorage.

Q.—What was done then? What did you do with the ship that night? A.—He stayed down near the lighthouse all that night.

Q.—Did the pilot remain on board? A.—Yes. 40

Q.—Any drinking on board that night? A.—Not at all.

Q.—Any liquor or alcohol on board? A.—Not at all.

Q.—Since the war broke out no alcohol was allowed on board French ships? A.—Not on ours.

RECORD. Q.—What time did you get under way on Thursday morning?

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

A.—About 7.30.

Q.—Was the pilot on the bridge? A.—Yes, and the captain and the second lieutenant.

Q.—Where were you? A.—When we left the anchorage I was on the forecastle to heave up the anchor.

Q.—After getting the anchor aboard? A.—I surveyed the work of the men and was part of the time in the bridge, up and down.

Q.—But always on deck, you didn't go below? A.—No.

Q.—Do you remember when the ship passed the Highflyer? A.—I 10 remember very well. I was on the bridge at that time.

Q.—Which side of the Highflyer did the Mont Blanc pass? A.—Between the Highflyer and the eastern shore of the Bay.

Q.—How far away from the shore did you pass do you think? A.—It is difficult to say, about 100 to 150 yards, about.

Q.—How close to the shore were you at that time? A.—I don't know, at the time I was looking about the Highflyer, which is a ship well known.

Q.—A celebrated ship? A.—Yes.

Q.—How long was it after you passed the Highflyer before you saw the 20 Imo? A.—I was not on the bridge when the Imo was sighted; I was on the castle under the bridge, at the time I was surveying the work of the boatswain.

Q.—Did you hear a signal given from your ship? A.—Yes, the first signal given by my ship.

Q.—What was that? A.—A short blast, one short blast.

Q.—Did you then look to see what you were blowing for? A.—Yes.

Q.—What did you see? A.—I saw the Imo.

Q.—How far away was she then? A.—About half a mile or more.

Q.—Where was the Imo then? A.—On the left side of the ship about 30 25 degrees.

Q.—Off your port bow? A.—Yes, on the left side of our bow.

Q.—How was she heading? In what direction was she steering in regard to your ship? A.—To cut our course.

Q.—Had any blast signal been made by the Imo before your signal? A.—I heard none.

Q.—Did she make any signal after you made the one blast? A.—Two short blasts.

Q.—Did you hear this distinctly? A.—Yes.

Q.—If there had been signals from the Imo before you blew one short 40 blast would you have heard them, do you think? A.—I can't say, because at the time I was surveying the work of the boatswain and was taken up by my work. My attention was called by the first blast on my ship.

No. 11.
Evidence of
Jean Bap-
tiste Glotin
Direct-Ex-
amination.
Continued.

RECORD. Q.—Did you keep watching the Imo after she blew her two short blasts?

A.—Yes.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—Could you tell whether the Imo changed her course after the two blast signal that she gave? A.—Yes, I believe so.

Q.—In what direction did she change her course? A.—To the left on the Imo.

Q.—Was there any further signal given by the Mont Blanc? A.—Yes.

*No. 11.
Evidence of
Jean Bap-
tiste Glorin,
Direct-Ex-
amination.
Continued.*

When I heard the answer of the Imo I was surprised and I looked carefully what was happening.

Q.—Then did the Mont Blanc make any further signal after that? 10

A.—Yes, he gave again one short blast.

Q.—How long was that after the two blasts from the Imo? A.—Some seconds, about—I don't know exactly; some seconds, quite soon.

Q.—Did the Imo reply to that signal? A.—Yes, by two short blasts.

Q.—Do you know anything as to the movements of the engine of your ship? A.—No, I was not on the bridge and I cannot say anything about it.

Q.—Do you know if the screw stopped turning around at any time?

A.—No.

Q.—How close together were the two ships when the Imo blew two 20 blasts the second time? A.—About 200 yards or more.

Q.—Where were the two ships with regard to the Eastern side of the harbour? A.—The Mont Blanc was on the right side close to shore and the Imo at the time was cross cutting our course.

Q.—Still on your port or starboard side? A.—I don't remember very well; I saw at the time that our courses were intersecting each other and in danger of collision.

Q.—Was anything done on board the Mont Blanc after the second signal from the Imo? A.—Yes, I supposed at that time they were under the same impression as I had myself and he answered by two short 30 blasts.

Q.—Was the course of the Mont Blanc changed? A.—Yes, to the left; when the Mont Blanc came to the left the Imo and the Mont Blanc became parallel; the two courses.

Q.—What distance do you think there would be between these two parallel courses? A.—50 or 60 metres.

Q.—And the bows of the two ships would be how far apart? A.—I don't remember exactly; it is difficult to say that.

Q.—Had the two bows crossed each other at that time? A.—They were parallel.

Q.—I want you to place these two models in the position in which the ships were after the Mont Blanc had changed her course and the two courses were parallel; immediately after they became parallel?

A.—Witness draws diagram M. B. E./13.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 11.
Evidence of
Jean Bap-
tiste Glotin,
Direct-Ex-
amination.
Continued.

Q.—After that, what was the next thing that happened? A.—The Imo gave three short blasts and I noticed that at the time she was reversing her engine the Imo was heading quickly towards the right, and the Imo then had still a good speed forward because I saw some foam on each side of her stem.

Q.—Could you see the foam or movement in the water from her propellor? A.—I didn't notice.

Q.—Do you know the effect of a right hand propellor reversed while the ship is still going forward through the water? A.—Yes.

Q.—What is it? A.—The ship comes to the right then; this effect is noticeable when the vessels are slightly loaded; and this happens according to me on most of the ships. 10

Q.—At all events, what happened on this particular occasion was that the Imo having given a signal she was going astern swung to the starboard or right while still approaching you at a good speed? A.—It came to the right.

Q.—Was anything done on board the Mont Blanc? A.—I didn't notice.

Q.—Was any signal given on board the Mont Blanc? A.—I don't remember, I don't think so. 20

Q.—What was the next thing happened? A.—The Imo approached rapidly and collided with the ship at hold No. 1, and at an angle of more than 90 degrees.

Q.—Place on this paper the position of the two ships with regard to each other, the positions in which they met? A.—Witness draws diagram, M. B. E./14.

Q.—More than 90 degrees reckoning from the bow? A.—Yes.

Q.—What kind of a blow was struck by the Imo in regard to its force or strength on the Mont Blanc? A.—The Imo penetrated with force.

Q.—How far into the ship? A.—Almost to the side of the hatch combings. 30

Q.—Can you give us an estimate in feet? A.—Nine feet about.

Q.—In giving us that you are measuring on the deck? A.—Yes.

Q.—Where were you at the moment of the collision? A.—On the after part of the castle.

Q.—And the castle is under the main bridge? A.—Witness marks on Exhibit M. B. R./1, a point "C". I bent over the side of the ship to see that happened.

Q.—And you were on which side of the ship, starboard or port?

A.—On the right side of the ship. 40

Q.—How long did the two ships remain in contact with each other?

A.—I cannot say.

Q.—Minutes or seconds? A.—Perhaps a minute.

Q.—Did the Imo back away from the Mont Blanc? A.—Yes.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 11.
Evidence of
Jean Bap-
tiste Glotin,
Direct-Ex-
amination.
Continued.

Q.—Was the direction of the Mont Blanc changed by the impact or shock of the collision? A.—I didn't notice but it is probable because of the force of the impact, the ship might have turned to the left.

Q.—Did you notice where the hole in the side of the Mont Blanc extended? A.—No, I could not see the length of the hold. I was looking sideways.

Q.—The depth of the hole from the deck down, did it reach to the water's edge or below? A.—It must have gone a little lower down.

Q.—Could you see the water running into the side of the ship? A.—I went away before the Imo separated itself from the Mont Blanc and I didn't realize that was happening and this is the reason why it is difficult for me to say precisely the time during which the vessels remained in contact. 10

Q.—What was the immediate result of the collision so far as the Mont Blanc was concerned? A.—The black smoke originated.

Q.—At what point? A.—At the exact point of the impact of the collision.

Q.—Anything else? A.—And a few seconds after some little flames appeared and grew more and more.

Q.—Was it possible to do anything to extinguish the fire? A.—There was no human power able to extinguish such a fire. And besides it was impossible to reach the extinguishers operated by steam on account of the nearness of the fire. 20

Q.—Was it possible to cause the ship to sink? A.—I don't see that it was possible.

Q.—In what condition were the ballast tanks on board? A.—I don't remember.

Q.—Were there any sea-locks on board the vessel which could be opened in order to make her sink? A.—I never have known any to be on board. 30

Q.—You knew, of course, the nature of your cargo? A.—Yes.

Q.—And you say no human power could have put the fire out? A.—I don't believe it.

Q.—And you knew that a large quantity of explosive was near where the fire was burning? A.—Yes sir.

Q.—What in your opinion was the wise course for the captain to take under the circumstances? A.—The captain had nothing else to do but to leave the ship because there was nothing to be done to extinguish the fire.

Q.—You did abandon the ship? A.—We abandoned the ship. 40

Q.—Was any means taken to notify those in the neighbourhood that an explosion was likely to take place? A.—As soon as we were in the boats we yelled to the people around to get away and made them signs to get away.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 11.
Evidence of
Jean Bap-
tiste Glotin,
Direct-Ex-
amination.
Continued.

Q.—Were you in a boat in which one of the men stood up and waved his arms and said Yes, Yes, Yes? A.—No, not in my boat. I yelled myself to a tug that was approaching “Go away.”

Q.—At what point in the channel with respect to the two shores did the collision take place? A.—About in the middle.

Q.—The two boats reached the shore before the explosion took place? A.—Yes.

Q.—And you called the roll after you got ashore? A.—Yes.

Q.—Was that right on the shore or up in the field? A.—We had already begun to call the roll and thrown a glance among the men when we had an idea to go further away.

Q.—The explosion happened when you were where? A.—We were on the road near a wood.

Q.—How far from the water? A.—100 to 150 yards; 100 about. I don't know exactly.

Q.—How long elapsed between the collision and the explosion? A.—About a quarter of an hour.

Q.—Do you know approximately the time of the collision? A.—No.

Q.—Or of the explosion? A.—No.

Q.—Was the evacuation of the ship carried out promptly and with good discipline? A.—The evacuation was carried out in perfect order.

Q.—Who was the last to leave the ship? A.—The commander, and myself and first engineer. The captain didn't want to leave the ship and I compelled him to leave her; I took him by the arm to the ladder; I forced him, taking him by the arm to the ladder.

Q.—After you were part way down you discovered the chief engineer was still on board? A.—Yes, and I went myself to call him from the upper part of the engine room and he came.

Q.—And the captain in the meantime was going up on deck again? A.—The captain seeing that the first engineer had not gone down in the boat, was on the middle of the ladder going back on board the ship to come away the last from the ship.

Q.—What qualifications or certificates do you hold? A.—High sea captain, and superior certificate of public instruction.

Q.—Have you your certificate here? A.—I have got my military and naval book. (Produces same).

Q.—I notice on the second page of this book “Captain high seas”, (foreign going). Extra masters certificate. You have passed special examinations and have special qualifications every master does not have? A.—Yes.

Q.—Have you been serving during the war on French vessels? A.—Yes.

Q.—Served as master at all? A.—No, as first officer.

RECORD. Q.—And you have been on ships that have been torpedoed? A.—Yes,
on board the Montreal when it was torpedoed.

*In the
Exchequer
Court of
Canada,
Nova Scotia,
Admiralty
District.*

Q.—These are all official entries in your book? A.—Yes.

Q.—The entry opposite the ship Montreal is “ship torpedoed in Gulf of
Gascony”? A.—Yes.

Mr. Burchell objects to this class of examination.

No. 11.
Evidence of
Jean Bap-
tiste Glotin,
Direct-Ex-
amination.
Continued.

CROSS-EXAMINED BY MR. BURCHELL:

Q.—How long did it take the men to evacuate the ship after the col-
lision? A.—From 5 to 10 minutes.

Q.—How much of your personal effects did you save? A.—Only 10
those I had on my back.

Cross-Ex-
amined by
Mr. Bur-
chell.

Q.—How did you happen to have a list of the crew with you? Did
you go and get that? A.—No, but I remember the names of the sailors
and I counted the gunner, and the engineer looked after what concerned
the engine room. I counted the gunner among the seamen.

Q.—Did you line them up on the shore and count them? Did you
count them and get the names? A.—I knew I had six seamen, six
gunners.

Q.—Did you line them up on the shore and get their names? A.—I
had my men placed by categories; the seamen in one side and the sailors on 20
the other side—and the stokers on another side.

Q.—Did you line up these men on the shore and count them after you
got ashore? A.—I didn't take their names; I put them in a line on the
shore. I counted them there.

Q.—Did you find them all there? A.—At this moment there was a
man of the engine room that was missing but we found him afterwards.

Q.—Do you think your time might have been better employed in spread-
ing the news around Dartmouth there was to be an explosion? A.—This
didn't prevent us to do it; this is a place where there were few people and
those near at hand were warned by us. 30

Q.—How many of these men speak English on board the ship? A.—I
don't know.

Q.—Do any of them speak English? A.—The men warned the
people by sign and used the word “explosion.”

Q.—Do you know any of the men on board who speak English at all?
A.—I don't know there were any.

Q.—Have you an anchor on board your ship? A.—All vessels have
several anchors.

Q.—Had your ship an anchor on board? A.—Yes.

Q.—How many? A.—I had two on the bow and three spare in re- 40
serve.

RECORD. Q.—Where were the spare anchors? A.—Two were after the fore-castle and the very small one on the after deck.

*In the
Eschequer
Court of
Canada,
Nova Scotia
Admiralty
District.* Q.—All have cables or chains attached to them? A.—No, only the bow anchors.

Q.—How long would it take them to drop anchor? A.—An instant.

Q.—No anchor was dropped to anchor after the collision? A.—No.

Q.—Nobody made any attempt to drop the anchor? A.—Nobody

No. 11. Evidence of Jean Baptiste Giotin, Cross-Examination. Continued. could go forward on account of the fire.

Q.—Is that answer correct, nobody could go forward on account of the fire? A.—It is correct. One could not go by the deck. 10

Q.—Where did the fire first start? A.—The fire originated at the point where the impact of the vessel took place.

Q.—Down near the water line or near the deck? A.—Small flames could be seen rising from the deck but it was possible some might have existed at the water line.

Q.—Were there flames on the deck immediately after the collision? Or was there only smoke? A.—There was smoke, then small flames on the deck; very much smoke and small flames; just at the moment of the collision and these grew more and more.

Q.—You have marked on this plan M. B. R. 1, the point "C" underneath which you were standing; mark now the point at which the collision took place? A.—Witness marks point "D". 20

Q.—At the instant of the collision were heavy smoke and flames both seen on the deck? A.—First the smoke.

Q.—Instantly the smoke? A.—Yes.

Q.—Tell us how far were you standing away from the place where the collision took place? A.—I don't know the scale of this place.

Q.—You were standing nearer the stern than the bow according to your own marks? A.—I was about amidships.

Q.—How long is your ship? A.—About 100 metres, a little over 30 300 feet.

Q.—You were standing at least more than 100 feet from the place of the collision? A.—I was about 30 metres away from the point of the impact.

Q.—On what deck were you standing? A.—On the castle.

Q.—What obstructions was there between you and the bow?

A.—None.

Q.—Were you standing on the port or the starboard side? A.—I was on the starboard side; on the side of the collision.

Q.—Standing 100 feet away with smoke and flames coming instantly at the place of the collision, you undertook to say how big a gash was in the side of the ship? A.—I explained a few minutes ago that I bent myself on the side of the ship to look at the hole that had been produced by the collision. 40

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 11.
Evidence of
Jean Bap-
tiste Glotin,
Cross-Ex-
amination.
Continued.

Q.—You told us a minute ago that smoke rose instantly? A.—Yes.

Q.—You also told us,—what did you see; see the gash yourself—you could reach over the side and see the gash? A.—In bending myself I noticed that the stem of the Imo had penetrated into the side of my ship; I could see it from the side and over the deck.

Q.—What did you do after that? You didn't wait to see the Imo back away? A.—I was not there when the Imo reversed her engine and detached herself.

Q.—I suppose you were not a bit excited—like the captain you were quite calm when you saw the flames smoke? A.—I was a great deal 10
less excited than I am at present.

Q.—You waited half a minute after the collision? A.—I went to-
wards the bridge.

Q.—Is the bridge on the same deck you were on? A.—One floor
above.

Q.—And you walked up to the bridge? A.—I went up to the bridge.

Q.—Who were on the bridge? A.—Commander, and the pilot, and
probably somebody else but I didn't go as far as the fore part of the bridge.

Q.—Was the captain not in a better position than you were to see the
collision and the size of the gash that was made? A.—The captain was in 20
the best place that could be found to see the collision.

Q.—Were you in Court yesterday when the captain gave his evidence?
A.—No.

Q.—If the captain says it was impossible for him to tell the size of the
gash and depth of the gash in the ship on account of the smoke, you would
still say it was nine feet? A.—It was easy to see how far the fore part
of the Imo had penetrated in the side of the Mont Blanc.

Q.—How far do you say it is? A.—About nine feet.

Q.—You are absolutely sure of nine feet? A.—I guessed by sight—
I didn't measure it. 30

Q.—What did you go on the bridge for? A.—To take the orders of
the captain.

Q.—What orders did the captain give you? A.—To leave the ship;
the captain didn't give at once the order to leave the ship; he told me to
wait.

Q.—You were on the lower deck and went on the bridge; did you get
right beside the captain? A.—Yes, but I was on the fore part of the
bridge and they were somewhat on the after part.

Q.—Did you look down then from the bridge at the place of the colli-
sion? A.—The captain was in front of me and some part of the ship 40
which prevented me seeing the place of the collision and the smoke was
getting black and thick.

Q.—What orders did the captain give you? A.—When the flame
got to be somewhat high the captain gave the order to leave the ship.

Q.—How high was the flame? A.—At what moment.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 11.
Evidence of
Jean Bap-
tiste Glotin,
Cross-Ex-
amination.
Continued.

Q.—At the moment the captain gave the order to leave the ship?

A.—As the flames were growing continuously it is almost impossible to give their height at a given moment.

Q.—Were they as high as the mast? A.—Not quite as high as the mast when the captain gave the order to leave the ship.

Q.—How long was that after the collision? You were quite calm all this time; you should remember how long it was? A.—Perhaps two minutes after, the Imo had left the position.

Q.—What was the order you got from the captain on the bridge? The first order after you went on the bridge? A.—The order to leave the 10 ship.

Q.—And did you tell the men on the ship? A.—At the same time that the captain was giving me the order to leave the ship he cried the same thing to the men that were there.

Q.—Was the pilot on the bridge at the time? A.—He might have been on the bridge but on the other side; we were separated by the chartroom.

Q.—You didn't see him? A.—No, but he must have been there probably because I seen him coming down later on.

Q.—When you came up on the bridge first how was your ship heading 20 in the channel? A.—5 to 7 points.

Q.—In relation to the shore? A.—Which side.

Q.—Were you heading across the channel, up the channel, or down the channel? Your own ship? A.—I didn't take any interest in that at the time having seen that no ships were forward of our own.

Q.—At the instant before the collision how was your ship heading in relation to the channel? Heading across, up or down the channel?

A.—The line of the ship was cutting obliquely the channel.

Q.—Head pointing down the harbour or up towards the Basin?

A.—The head of the ship was possibly towards the Bedford Basin; from 30 the chart I will be able to tell exactly the position of the ship.

Q.—Do you know the pier into which the Mont Blanc went after the collision; did you see her go in? A.—No.

Q.—Did you see her go into any pier? A.—I saw her nearing the shore.

Q.—See her going alongside the pier before the explosion? A.—Yes, when we landed I seen the ship nearing the land on the other side.

MR. HENRY: The place where the explosion took place was just below pier 6 on the chart.

Q.—Place the Mont Blanc in the position she was the instant before 40 the collision? (M. B. E./15) A.—Is the model on the same scale as the chart?

RECORD. Q.—No, it is not; how long is your ship? A.—100 metres, 300 feet about.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

IT BEING 4.30 P. M. COURT WAS ADJOURNED UNTIL 10 A. M.
SATURDAY THE 15TH.

AND FURTHER THIS DEPONENT SAITH NOT FOR THE
PRESENT.

No. 11
Evidence of
Jean Bap-
tiste Glotin,
Cross-Ex-
amination,
Continued.

E. ECCLES,

Official Reporter.

Halifax, N. S., December 15th, 1917.

THIRD DAY'S SITTINGS OF COURT.

10

PURSUANT TO ADJOURNMENT COURT RESUMED ITS SIT-
TINGS AT 10 A. M.

COURT AND COUNSEL, PRESENT AS MENTIONED ON FIRST
PAGE OF EVIDENCE.

J. T. ROWAN, *Official Reporter.*

JEAN GLOTIN, FIRST OFFICER OF THE S. S. "MONT BLANC,"
BEING RECALLED, HAVING PREVIOUSLY BEEN SWORN, DOTH
DEPOSE AND SAY FURTHER AS FOLLOWS:

CROSS-EXAMINED BY Mr. BURCHELL, K. C.

Q.—You have been in Halifax since the explosion? A.—Yes. 20

Q.—Have you been reading the papers every day since you came here?
A.—Some days.

Q.—Did you read the account of the collision that was published in
one of the morning papers here—the Halifax Herald, purporting to give
your statement and the captain's statement? A.—No sir.

Q.—Never saw that at all—read it carefully now?

(COUNSEL HANDING WITNESS CLIPPING FROM PAPER).

RECORD. A.—He is not positive that this is the article he read, he read several of them. but he is not positive of this one.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—If there was only one published giving an account like this, this must be the one he read? A.—I don't know if it is the only paper published that interview.

Q.—How far does he say the ships were apart when he first saw them?

A.—Half a mile—about.

No. 11.

*Evidence of
Jean Bap-
tiste Glotin,
Cross-Ex-
amination.
Continued.*

Q.—In your evidence yesterday you said a good half mile—is that not correct? A.—It is possible.

Q.—Tell him the captain says the same thing in his evidence—a good 10 half mile. A.—It proves that they had the same approximation of the distance.

Q.—Does he know how it is that this statement which is identical with that given in Court contains the statement—that they were one mile apart—‘the story of the captain is to the effect that he saw the Belgian a mile away heading toward the Dartmouth shore?’ A.—He says that he has not been the first to see the Belgian Relief and he was occupied with the handling of the ship only when the Mont Blanc gave it sfirst blast of the whistle.

Q.—Ask him if it may have been almost a mile when he saw it? 20

A.—About half a mile—a little more perhaps than half a mile—he cannot precisely say because at sea anybody in appreciating a distance may be mistaken.

Q.—This was the first time he was in Halifax Harbour was it?

A.—Yes sir.

Q.—How many times has he conferred with the captain—has he and the captain been together, given a statement of what happened on the day of the collision, before this hearing—apart from Mr. Mellish, to how many people has he given a statement of what occurred. What persons did he make any statements to of what occurred? A.—He cannot give any 30 names—they were unknown to him he says.

Q.—Did he give one to the French Consul, Mr. Gaboury? A.—To Mr. Gaboury he did not give any precise information; but he gave him his personal impression, and it was that from the beginning to the end they had followed the rules of navigation and that their case was clear.

Q.—Was there a protest made before a notary after the collision?

A.—He wants to know what the protest means.

Q.—An official report? A.—It is probable that the captain made a report.

Q.—Was he present? A.—I saw him writing it. 40

Q.—I am asking if a ship's protest was made before a notary? A.—He has no knowledge of it before a notary public.

Q.—Does he know of anybody to whom he gave a statement while the captain was present? A.—He don't remember.

RECORD. HIS LORDSHIP:

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Mr. Burchell, the captain noted his protest in the usual way.

*No. 11.
Evidence of
Jean Bap-
tiste Glotin,
Cross-Ex-
amination.
Continued.*

Mr. MELLISH, K. C.

I think what was done, my Lord, was that the captain made the report to the Representative of the French Government—made a report in writing to the French Consul.

HIS LORDSHIP:

He also noted the protest before Mr. Henry.

Mr. HENRY, K. C.

Yes, my Lord, and the two documents are practically identical.

10

HIS LORDSHIP:

Mr. Burchell may have access to that then.

Mr. HENRY, K. C.

Oh yes, my Lord, I intend later on to produce copies of them as exhibits as well.

BY Mr. BURCHELL, K. C., Continuing.

Q.—The first signal on the whistle was from which ship? A.—By the Mont Blanc which gave a short blast.

Q.—And he told us yesterday that previous to that he is uncertain whether there was a signal from the Imo, because he was not paying any at- 20
tention? A.—It is possibly because he was placed a great deal nearer the Mont Blanc than he was to the Imo.

Q.—The first thing that called your attention was the whistle from the Mont Blanc? A.—Yes, one short blast.

Q.—He told us yesterday that when he looked up and saw the Imo the two vessels were on the intersecting courses—is that right? A.—That is right—about.

Q.—And the captain told us he could see the whole of the starboard of the Imo—ask him if he could see it? A.—Yes, from profile.

Q.—That is when he looked up just after the Mont Blanc blew the first 30
whistle. A.—Yes, it was precisely that blast of his ship that attracted his attention, and that is why he looked.

RECORD. Q.—And he could see the whole starboard side of the Imo then?

In the A.—Yes, from profile.

Exchequer Q.—And they were then on converging courses? A.—Yes.

Court of Q.—Ask him if he was surprised at the two blast signal from the Imo?

Canada, A.—Yes, because it is against the law and rules of navigation.

Nova Scotia Q.—He thought that the Imo was intended to pass between the Mont
Admiralty Blanc and the Dartmouth shore—intending to do that? A.—He tried
District. to understand its manoeuvres but he could not understand it.

No. 11. Q.—He thought a two blast signal meant that the Imo intended to pass
Evidence of to the right of the Mont Blanc? A.—I understood that she had the 10
Jean Bap- intention to come to the left, and I was surprised at it.
tiste Glotin, Cross-Ex-
amination. Continued.

Q.—Ask him if he thinks the signal meant that the Imo intended to pass to the right or starboard side of the Mont Blanc? A.—He did not understand at all its manoeuvres.

Q.—Ask him why he was surprised? A.—With what?

COUNSEL: At the two blast signal, if he did not think that the signal meant that the Imo intended to pass on the starboard side of the Mont Blanc? A.—Because the Mont Blanc had first given one short blast, the signification of which was that they were keeping the right of the channel and they were following the rules of navigation, and that the answer of the Imo giving a two blast signal at that time was violating the rules of navigation. 20

Q.—Ask him what he thought the two blast signal from the Imo meant? A.—He repeats again that he did not understand at all the manoeuvres of the Imo contrary to the elementary principles of navigation.

Q.—What does a two blast signal usually mean? A.—Two blasts mean I go to the left.

Q.—Does he think that a two blast signal means I intend to pass on your right? A.—The rules of navigation indicate that two short blasts means I come to the left and nothing more. 30

Q.—Ask him to answer my question, yes or not—does he think that a two blast signal means I intend to pass on your right? A.—It is impossible to give a reply yes or no for this case, he says.

Q.—Ask him to tell us again what he thinks a two blast signal means? A.—He repeats that according to the rules of navigation, which alone must give an opinion on this matter, that two blasts of the whistle signifies I go to the left.

Q.—Is that what he thought the Imo was doing at the time? A.—It is probable that she made this manoeuver but he did not notice it himself.

Q.—Will he tell us what one short blast means, as given by the Mont Blanc at the time? A.—I go to the right. 40

Q.—When the Mont Blanc gave that first one blast signal how close was she to the Dartmouth shore? A.—He cannot say exactly but he can say she was much nearer to the Dartmouth side than to the other side. She was very near, and the best proof is that she passed between the High Flyer and the land.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 11.
Evidence of
Jean Bap-
tiste Glotin,
Cross-Ex-
amination.
Continued.

Q.—Can he give an approximate idea of how far he was from the Dartmouth shore when the one blast signal was given by the Mont Blanc?
A.—He cannot precisely or exactly; but she was about 80 yards from shore.

Q.—Then it would be practically impossible for him to go any closer to the shore? A.—It was the first time he had come to Halifax and he had not studied the plan sufficiently to be able to say.

Q.—Was he surprised at the one blast signal from the Mont Blanc when he heard it? A.—He was not surprised at it, because according to navigation rules you keep to the right of the channel.

Q.—What did the one blast signal at that time signify to him? A.—I go to the right.

Q.—Does he mean that he intended to put his bow, the bow of his ship farther to the right—is that what it meant to him? A.—It is exactly what he just has said—I go to the right.

Q.—Ask him if it means that, understood from this signal that it was intended that the bow of his ship should be turned farther towards the right than it was after the whistle was given? A.—Yes.

Q.—And was she further to the right? A.—He believes so.

Q.—And she did not go ashore? A.—No.

Q.—She was 80 yards from the shore and the helm was put further to the right and she did not go ashore? A.—There are different ways to handle the helm by putting all over, or slightly.

Q.—Is that all the whistle intended to signify on his ship in his judgment? A.—Yes.

Q.—That the Mont Blanc intended to starboard her helm and go farther to starboard? A.—And get nearer shore by this very fact.

Q.—Ask him if he thought that it was intended as a signal that the Mont Blanc intended to keep the eastern shore, Dartmouth shore, on the way up the channel, on her own side? A.—The Mont Blanc had always this intention and she followed always the Dartmouth side of the channel.

Q.—Ask him if, under the French laws of navigation, the one blast signal from the Mont Blanc was intended to signify to the Imo that the Mont Blanc intended to keep her own side of the channel—in other words to keep to the eastern shore on the way up? A.—He answered first that there do not exist any French rules of navigation, the rules of navigation are International; and secondly, that the one blast whistle, as he has said several times, meant that they were going to the right. He says he cannot give any other meaning except those given in the rules of navigation.

Q.—Ask him if he was only 80 yards from the shore at the time the first one blast signal was given? A.—He said so already; but cannot be precise about it.

Q.—If that were so why was there any necessity for giving a one blast signal? A.—To show that they were going to the right.

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40

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

*No. 11.
Evidence of
Jean Bap-
tiste Glotin,
Cross-Ex-
amination.
Continued.*

Q.—To show they were going closer to the shore—is that what he means? A.—He thought that the captain was willing to hug the shore as much as the depth of the water allowed it.

Q.—Was it after the whistle had blown and the helm of the *Mont Blanc* was starboarded, that the two ships were on converging courses, or was it before that? A.—He only observed the blast of the whistle; but he could not observe the manoeuvres that were made because he was not on the bridge.

Q.—He told us yesterday that at some time the vessels were on intersecting courses, and I want to know at what time he was referring to— 10 that is when they were half a mile apart they were on intersecting courses?

A.—Yes.

Q.—When was that after the whistle was blown or before? A.—He repeats that he noticed the presence of the *Imo* after their first blast.

Q.—Then it must have been after the first blast that he noticed the two vessels were on intersecting courses? A.—Perfectly.

Q.—Have you been up to Bedford Basin since the collision happened? A.—No sir.

Q.—You don't know Bedford Basin at all? A.—Not at all.

Q.—Are you familiar with this chart M. B. R. 5—the captain has mark- 20 ed on this chart the point “W” as the place where the *Imo* was when the *Mont Blanc* first saw her? A.—He did not see the *Imo* at the same time as the captain—the captain saw her before him.

Q.—Mark on this enlarged plan here Exhibit M. B. R. 17 with the use of these models, where the *Mont Blanc* was the moment you first saw the *Imo*? A.—It is difficult for him to place her exactly with precision.

Q.—Were you paying much attention to the navigation of the ship yourself? A.—Yes, some.

HIS LORDSHIP:

Show him where the *High Flyer* was. 30

Mr. BURCHELL, K. C.

He does not know how far he was past it.

HIS LORDSHIP:

Show him where it was.

WITNESS: It is difficult to place it exactly—he thinks he cannot place it exactly—he does not give the exact position; but according to the nearest position he can give that is the way it was.

RECORD. (WITNESS MARKS WITH SHIP MARKED MONT BLANC
ALONGSIDE LETTER "A")

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

Q.—Can you show us where the Norwegian Boat was when you first saw her?

(WITNESS MEASURING THE DISTANCE BY THE LENGTH
OF THE MODEL, WHICH IS KNOWN TO BE 330', ALL BEING
ACCORDING TO SCALE).

No. 11.
Evidence of
Jean Bap-
tiste Glotin,
Cross-Ex-
amination.
Continued.

A.—He says he cannot be more precise than he is because no one can be precise, as few people have taken bearings of the place.

(WITNESS INDICATES WITH POINT "B" WHERE THE IMO 10
WAS AT THE TIME).

Q.—The Imo may have been marked further up or down the channel than shown on this chart—was it not very difficult for him to tell from where he was, whether she was farther up or down the channel? A.—It is difficult to be precise or exact about such things.

Q.—He had never been up the narrows to Bedford Basin before?

A.—Never.

Q.—And has not been up since? A.—Never.

Q.—How did he know the High Flyer when he passed by her? A.—Be-
cause the pilot told him it was the High Flyer.

Q.—Was he up on the bridge then talking to the pilot? A.—Yes,
perfectly.

Q.—What were his duties that morning? A.—His duty was to survey the work of the crew and to take orders from the master.

Q.—He had no special other duties that morning allotted to him?

A.—None.

Q.—He was not on the bridge? A.—He was not on duty.

Q.—Not on duty at all? A.—He was not on duty on the bridge; but his duty as first officer compelled him to stay on the duty on deck.

Q.—Ask him if every man aboard the ship left the ship after the colli-
sion? A.—Yes.

Q.—Ask him if he can account for one man being seen on the ship after the boats had left and before the ship had left the wharf? A.—It is impossible.

Q.—Ask him if he can account for two men being seen jumping from the Mont Blanc to the wharf after the Mont Blanc came in alongside No. 6 pier before the explosion? A.—He says it is one of the many legends which have been given out since the collision of the two ships here.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 11.
Evidence of
Jean Bap-
tiste Glotin,
Cross-Ex-
amination.
Continued.

Q.—Did he have any trouble on board his ship from the time they left New York City until they reached Halifax? A.—We had an excellent crew, with excellent morale, and had never any trouble whatever.

Q.—Was the ship on fire before the collision? A.—I do not think any one would have remained on board a ship loaded with explosives and being at sea.

Q.—His answer is no? A.—No.

Q.—Did he notice anything about the speed of the vessel after they had passed the High Flyer? A.—No, he did not take any notice—he came down from the bridge and busied himself with the work of the crew. 10

Q.—And he cannot say whether the vessel was going fast or slow? A.—He cannot say; but he knows the speed of the Mont Blanc is not very high speed.

Q.—Then he was paying attention to the speed? A.—No.

Q.—What is the speed of the Mont Blanc? A.—The maximum speed is $7\frac{1}{2}$ knots.

Q.—Ask him if he at any time before the collision noticed the Mont Blanc working with engines reversed? A.—He did not notice it.

Q.—Could he tell if he was aboard the ship and paying attention—could he tell from where he was standing? A.—When the ship is light; but 20 when the ship is under a load it is more difficult.

Q.—And he cannot say whether or not the engines went astern any time before the collision? A.—He does not know.

Q.—Did he hear at any time a three signal whistle from the Mont Blanc before the collision? A.—No.

Q.—Did he hear at any time before the collision a three blast signal from the Imo? A.—Yes, perfectly.

Q.—How long before the collision? A.—He says that he cannot say it with any great precision, it is difficult to say such a thing with great exactness. 30

Q.—Was it two or three minutes at least? A.—Scarcely.

Q.—How far apart were the two ships when he heard the three blast signal from the Imo? A.—From 150 to 200 meters.

Q.—In what direction was the Mont Blanc heading when he heard that three blast signal from the Imo? A.—The Mont Blanc had already given two blasts of her whistle and was following an oblique course.

Q.—Across the channel? A.—Yes, and this oblique course had for its purpose to avoid the collision which was inevitable if both ships had maintained their courses.

Q.—What does exhibit M. B. E. 13 represent, which you made yesterday? A.—This is the position of the two ships when the Mont Blanc went to the left. 40

Q.—After she had gone to the left or before? A.—After.

Q.—Does that show the position when he heard the three blast signal from the Imo. A.—Yes.

RECORD. Q.—And you will tell us today that their bows were 150 to 200 metres apart? A.—About.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—Your memory is better today than it was yesterday is it? A.—He says likely his memory should have diminished, he is older today than he was yesterday, and his memory should have diminished.

Q.—What experience have you had in extinguishing fires—has he ever been a fireman? A.—Never.

Q.—Never assisted in putting out fires? A.—Never.

Q.—Ever been in a ship before that has been on fire? A.—Never.

Q.—Ask him how long elapsed between the collision and the explosion? 10

A.—About a quarter of an hour.

Q.—How long does he think it took him to row ashore from the ship to the shore, after he got in the boat? A.—Five or six minutes.

Q.—How long was he on the boat before the explosion? A.—One or two minutes about.

Q.—Ask him again to tell us the first signal he heard of any kind?

A.—The first signal I heard was one short blast given by the Mont Blanc.

Q.—When she was very close to the Dartmouth shore? A.—She was near enough.

Q.—Almost as near as she could get? A.—He says that he has already 20 said that he had not studied the chart and did not know how near land the ship could go.

Q.—What was the next signal that he heard? A.—The surprising answer of the Imo which gave two short blasts.

Q.—And what was the next signal he heard? A.—The following signal of one blast given by the Mont Blanc.

Q.—What was the next signal he heard? A.—The following signal he heard was two short blasts given by the Imo.

Q.—And what was the next signal? A.—The following signal was the one given by the Mont Blanc, which consisted of two short blasts. 30

Q.—And what was the next one? A.—The following signals were the three short blasts given by the Imo.

Q.—What was he doing all the time the signals were being given? A.—He was leaning against the stanchion and looking.

Q.—When did he first think there was going to be a collision—when did he think there was danger of a collision? A.—It is when the Imo answered to them with two short blasts for the second time.

Q.—The first time he did not think there was going to be a collision—the first time he heard the two short blasts from the Imo? A.—There may have been a danger of collision—but the handling of each one of the 40 ships may have easily avoided the collision; but the second time it was not the same thing, it was more difficult to avoid the collision.

Q.—Ask him if he knows if anything was wrong with his engines? A.—Their engines were excellent.

No. 11.
Evidence of
Jean Bap-
tiste Glotin,
Cross-Ex-
amination.
Continued.

RECORD.

*In the
Exchequer
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Canada,
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District.*

No. 11.
Evidence of
Jean Bap-
tiste Glotin,
Cross-Ex-
amination.
Continued.

Q.—And if at any time after the Imo was in sight, if the Mont Blanc wanted to reverse her engines she could have done so? A.—She could have done it if she had wanted to.

Q.—How long would it take her to check her speed going at the speed she was when they first saw the Imo—to bring her to a stop by reversing the engines? A.—He did not make any experiment of that kind—it takes a practical experiment to say.

Q.—Has he ever been on this ship before? A.—It is six months that he has been on board of the Mont Blanc.

Q.—Has he ever seen her going at half speed and the engines reversed? 10
A.—He never remarked that—he never noticed it—it is a matter of a particular experiment when one wants to know it.

Q.—Assuming she was going half speed when the Imo was first sighted, can you give us any idea at all how quickly she could be stopped by reversing the engines? A.—He does not know that at all—he did not make any experiment.

Q.—Ask him if he knows it is more difficult to stop a heavily loaded ship than it is to stop a light ship—any speed? A.—It is more difficult to stop the speed of inertia of a loaded ship.

Q.—Then the ship was heavily loaded? A.—It was pretty near 20 her marks.

Q.—She was heavily loaded? A.—Yes sir, nearly down to her marks.

Q.—Did she have a deck cargo on? A.—Yes sir, Benzol.

Q.—On the bow? A.—On the deck.

Q.—What did that consist of on the bow? A.—Drums of Benzol.

Q.—How high were they—how high above the rail? A.—About 5 or 6 centimeteres below the rail.

Q.—Were you standing on the same deck as the deck load was on—was he standing on the same deck as the benzol was on? A.—No, he was 30 on the deck above—on the castle deck.

Q.—This plan marked M. B. E. 13, was the position at the time the Imo blew the three blast signal? A.—Yes sir.

Q.—Did you know that the engines of the Mont Blanc had been stopped for some time before that? A.—He knows nothing of the orders given to the engine room because he was not on the bridge.

Q.—And he did not notice the speed of his vessel being decreased before that time—he was not paying attention to that? A.—No, he was looking at the Imo and to her stem that was cutting quickly with foam.

Q.—Tell him to answer my questions and not put in these remarks. 40

Did the Mont Blanc turn around sharply when the two blast signal was given from the Mont Blanc? A.—Yes sir, she did pretty well,—she obeyed perfectly.

Q.—Is she an easy steering ship? A.—She is a ship that steers well—he asks what you mean by steering well.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 11.
Evidence of
Jean Bap-
tiste Glotin,
Cross-Ex-
amination.
Continued.

Q. If she answers her helm quickly? A.—Yes.

Q.—How far was the stern of the Mont Blanc from the Dartmouth shore when the ships were in the position shown on M. B. E. 13? A.—He was not looking astern—he was looking forward—he does not know.

Q.—In which position in the channel did the collision occur, according to him? A.—About in the middle.

Q.—Did the Mont Blanc keep that position as shown on M. B. E. 13, or did she swing around still more to the left before the collision? A.—It is possible.

Q.—Did he notice it himself? A.—No, he did not notice it; but 10 it is possible.

Q.—Well for all he knows the Mont Blanc may have been going fairly rapidly there? A.—He does not know.

Q.—After this gash was made in the side that you described, you left your position—after the ships came together and this gash was made in your ship's side—he did not wait until the Imo backed out? A.—He went on the after part of the bridge.

Q.—Ask him what sort of an anchor he had astern? A.—A very small anchor.

Q.—He had rushed down there I suppose too did he? A.—No. 20

Q.—What is that anchor they have there for? A.—In cases in the harbour where there were not any appliances for tying the ship by the stern. This is a kedje.

Q.—At one time you saw the Imo reverse and her head turn to the right, and you saw foam from her bow? A.—He never said that he had seen the Imo reverse her engines—he heard the three blasts of her whistle, and he noticed that the Imo turned rapidly to the right.

Q.—He heard the Imo blow three whistles and noticed that her head turned rapidly to the right? A.—Yes.

Q.—And in his judgment the steamers were then 150 to 200 metres 30 apart? A.—About.

Q.—The vessel struck at an angle of more than 90 degrees from your bow? A.—Yes.

Q.—Quite positive about that? A.—Yes sir.

Q.—He was standing 30 metres away? A.—Yes.

Q.—Does he know the captain said the very same thing as he has said too? A.—It is a proof that their estimations are the same.

Q.—And when they got on this parallel course as shown on M. B. E. 13 he said the distance between their parallel courses was how much? A.— 40 Perhaps 60 metres.

Q.—50 to 60 metres? A.—He cannot be exact of that point.

Q.—Where was he standing when the ships were in that position? A.—He was near the stanchion and he was looking around him.

Q.—Port or starboard side? A.—Starboard side.

RECORD. Q.—How long had he been standing on the starboard side? A.—Until after the collision.

In the Exchequer Court of Canada, Nova Scotia Admiralty District. Q.—How long before that had he been standing on the starboard side?

A.—It was some time already he was watching the work of the boatswain.

Q.—Before the collision? A.—Before.

Q.—He was on the starboard side when he first saw the ship, was he? A.—Yes.

Q.—So he was always on the starboard side of his own ship? A.—Yes.

Q.—He never changed from starboard to port? A.—Yes, to go down in the boat, to take to the boat.

Q.—After the collision? A.—Yes.

Q.—From the time the Imo came in sight until the collision he was always on the starboard side of his own ship? A.—Yes.

Q.—Ask him to give us in metres how deep the gash was in the side of his ship? A.—About three metres.

Q.—He cannot place the High Flyer at all for us on the plan can he?

A.—With difficulty— not exactly— he only knows on which side of her she passed.

Q.—Although he was watching the High Flyer particularly coming up? A.—When they passed near her he looked at her.

Q.—But did not notice where she was anchored? A.—No, he did not know the place.

Q.—And he cannot tell how far past the High Flyer the Mont Blanc was when he heard the first signal from the Imo? A.—It is very difficult for me to say it because I was watching the work of the boatswain and I did not take any notice of the time I was expending in watching that man.

Q.—He noticed the High Flyer particularly because he knew she was a famous ship— he told us that? A.—Yes.

Q.—Can he tell us what time elapsed between the time of passing the High Flyer and of hearing the first signal from the Mont Blanc? A.—He does not know— he cannot say.

Q.—Can he give us any idea at all—two minutes, one minute, thirty seconds, or what? A.—No, he cannot.

Q.—Cannot give any information about it at all? A.—No sir.

Q.—Would it be as long as two minutes? A.—More than that.

Q.—More than three minutes? A.—He cannot say it with exactitude.

Q.—He can be nearly right—was it more than three minutes. A.—He does not know.

Q.—I suppose he talked this matter over with the captain on several occasions since the collision? A.—Yes, he talked several times with his captain.

Q.—You won't undertake to say that the Imo did change her course, all that you can say is that you believe she did—I mean from the time you heard the first signal from the Imo until you heard the last signal?

RECORD. A.—He believes the Imo changed her course between the time the Imo gave her first signal and her last signal.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—Is he able to say definitely, or does he only believe so. A.—He cannot be positive about it, but according to the signal he may suppose it.

BY Mr. MELLISH, K. C.

No. 11.
Evidence of
Jean Bap-
tiste Glotin,
Cross-Ex-
amination.
Continued.

Q.—Did you or did you not notify the engineer who was down in the engine room, after the collision, to come on deck? A.—Yes, he said to the first engineer to come on deck—he said that himself to the first engineer.

Q.—He did that from the engine room door? A.—Yes sir.

Examined
by Captain
Demers,
(Assessor).

BY CAPATAIN DEMERS (ASSESSOR).

10

Q.—You said yesterday, to your great surprise you heard two blasts on the part of the Imo? A.—Yes.

Q.—Were you also surprised that you heard two blasts on your own ship after hearing one blast? A.—I was not surprised because this was the only manoeuvre to be made to avoid the collision.

Q.—According to that exhibit you saw a little while ago, you said the ships were apart 150 metres—if they continued on the same courses would they not have cleared each other? A.—If the two ships had kept to their courses there would have been no collision, and it was the manoeuvre of the Imo, coming to the right that is the cause of the collision—after she had given the three blasts of her whistle. 20

Q.—When she had given her three whistles—three blasts of her whistle the ships were parallel from each other at a distance of 60 metres?

A.—Yes sir.

Q.—At what time did you perceive the Imo's head turning over to the right under the impulse of full speed astern? A.—A short while after having given her three blasts.

Q.—What distance had been diminished between the two ships when you noticed the bow of the Imo turned over to the right—what distance less than 50 or 60 metres when you saw the head of the Imo had changed to the right—was the distance diminished between the two ships? 30

A.—Yes.

Q.—How much?—when you saw the head swing over to the right? A.—About 50 or 60 metres.

Q.—The moment you saw the head of the Imo swing to the right she was heading for you? A.—Yes.

Q.—What did you do on board your ship with the helm? A.—I don't know, I was not on the bridge at the time.

Q.—Did you not notice your ship's head going either to the one side or the other? A.—I believe that at that time the Mont Blanc was con- 40
tinuing to veer to the left.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 11.
Evidence of
Jean Bap-
tiste Glotin,
Cross-Ex-
amination.
Continued.

Q.—And your propellor was working back? A.—I don't remember.

Q.—At what speed was your ship going at the time when you noticed the Imo's head was swinging to the right? A.—He did not notice the speed of his ship.

Q.—Did you hear three blasts from your own ship? A.—No sir.

Q.—No three blasts from the Mont Blanc? A.—No sir.

Q.—You said yesterday that the Imo had penetrated into your ship's side about nine feet, three metres? A.—Yes.

Q.—What is the size of your hatch—the fore hatch, number one hatch? A.—4½ metres in width. 10

Q.—What is the width of your ship? A. From 10 to 11 metres, and the Imo penetrated my ship as far as near the combing of the hatch.

Q.—You had some ammunition for the forward gun? A.—Yes.

Q.—Where was it stowed? A.—We have 200 shells on the magazine on the forecastle.

Q.—What part of the ship? A.—Here (Indicating on plan).

Q.—Were those shells within a magazine? A.—Yes sir.

Q.—What is the division between that and the forehold, a steel division? A.—The chain wheel was between the two.

Q.—You said in part of your statements yesterday that you did not see how far the gash went down—was it as far as the water line? A.—I believe the gash went down to the water line. 20

Q.—What is the pitch of the ship in that part—flat or sharp?

A.—The bottom of the ship was beginning to get flat at that place.

Q.—You said the Imo penetrated nine feet? A.—Yes sir.

Q.—If she penetrated nine feet above your deck she must have passed below the water line? A.—Yes sir.

Q.—You said something about extinguishers yesterday? A.—Yes sir.

Q.—Where were they placed—what are they? A.—The steam extinguishers were to be found a little aft of the hatch of No. 1 hold. 30

Q.—How many extinguishers had you on the vessel? A.—One extinguisher in each hold.

Q.—I mean on the deck—you talked about extinguishers—are they just a pipe or tap on the hose or is it a portable extinguisher? A.—There was not a portable extinguisher. It was some pipes which conveyed the steam in the holds.

Q.—You use it for washing down decks? A.—No sir, we have spare pipes for washing off the decks.

Q.—Yesterday Mr. Burchell asked you about lining up the crew on the beach on the Dartmouth shore after they landed there? A.—Yes sir. 40

Q.—All your sailors have had a military or naval service experience I presume? A.—Pretty near all.

Q.—And they knew exactly what to do themselves, there was not much trouble to get them lined up for calling the roll? A.—No trouble.

Q.—It is the usual thing? A.—Yes sir.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

*No. 11.
Evidence of
Jean Bap-
tiste Cloutin,
Cross-Ex-
amination.
Continued.*

Q.—It was easy? A.—Yes sir.

Q.—Any mist or fog when this collision happened or prior to the collision? A.—In the southern part of the bay there was a little haze; but while coming up the weather was clear.

Q.—Whilst you were on deck how far could you see astern of you? A.—One could see St. George's Island.

Q.—Why did you pull over to Dartmouth instead of to Halifax in your boat? A.—Because the fire was in the fore part of the ship and we found ourselves about in mid channel—I suppose it was the eddy we had.

Q.—I reason this way, that you landed your boats and your bow was right across towards Halifax and it would be shorter for you to come to Halifax than to go to Dartmouth—you had to turn your boat around to go to Dartmouth? (indicating). A.—The boat on the starboard side and the boat on the port side were both obliged to turn around to reach the Dartmouth shore. 10

Q.—Was there a special order given to choose Dartmouth instead of Halifax? A.—It is because the fire was on the fore part of the ship and they were like this—(indicating).

Q.—Was there any wind? A.—Light wind.

BY CAPTAIN HOSE, (ASSESSOR).

20

Q.—How was the High Flyer laying with respect to the channel when you passed her—straight up and down the channel or with her stern towards Dartmouth or towards Halifax? A.—The head of the High Flyer was towards the Narrows and her stern was somewhat turned towards Dartmouth.

Q.—How high above the water line is your lower deck? A.—About six feet.

BY CAPTAIN DEMERS, (ASSESSOR).

Q.—You said a little while ago that the rules of navigation had to be observed and the one blast signal meant you had to go to the right? 30

A.—Yes.

Q.—If you were 80 yards from the shore was there any possibility for you to go to the right? A.—Yes, the ship could have gone a little to the right; but not putting the helm hard down, only a little helm could be put over.

Q.—By the international rules of the road when you have the right of way are you supposed to change your course? A.—When one is going on one side of the channel he must keep that side of the channel.

Q.—Who had the right of way? A.—The Mont Blanc was first on the right of the channel and later on she could see the Imo coming to her left. 40

RECORD. Q.—There is also a rule applying to the narrow channels? A.—Yes, the ship must keep to the right of the channel.

In the Exchequer Court of Canada, Nova Scotia Admiralty District.
Q.—On this occasion you were 80 yards from the shore, therefore you were on your own side of the channel? A.—We were very distinctly on the Dartmouth side.

Q.—Why did you blow two blasts and alter your course? A.—It was after the signals of the Imo and to prevent the collision which was becoming unavoidable.

No. 11.
Evidence of Jean Baptiste Glotin, Cross-Examination. Continued.
Q.—Did you rely on somebody else's signals to be guided as to your conduct? A.—I must rely on the signal of the other party, having no 10 other means to know what he means.

Q.—Your ship had given the first signal? A.—Yes sir.

Q.—Indicating that you had the passage? A.—Yes sir.

Q.—Why did you alter your course and signify it by two blasts of the whistle? A.—After having given the two first signals of one blast each, we went to the left to avoid the collision.

Q.—The two courses were intersecting each other? Q.—You were aware that you were carrying a very dangerous cargo? A.—Yes sir.

Q.—Could you see that the other ship coming down was light? A.—Yes. 20

Q.—Well then what was the proper thing to do in that case? A.—The courses were cutting each other.

Q.—What was the duty of your ship in that instance, in your opinion—I am asking you as an officer of a ship what was your duty? A.—As an officer of the ship we had to do what we did—at first we gave one blast, the second time we gave another blast, and in that time of one whistle the collision was unavoidable.

Q.—When the two blast signal of the Imo was given you gave another one blast? A.—Yes sir.

Q.—What distance were you then? A.—The signals succeeded each 30 other perhaps 30 or 40 seconds, about.

Q.—Is there anything in the rules of the road that directs you to alter your course in a case of that kind—what should you do? A.—There exists in the rules to prevent collisions, a clause which says that when the collision is unavoidable any manoeuvre is allowed provided it prevents the collision.

Q.—When the first two blasts of the Imo were received in answer to your own blast it caused you some surprise? A.—Yes sir.

Q.—Then there was a danger? A.—We were not precisely in danger, but her manoeuvres could not be explained. 40

BY CAPTAIN HOSE, (ASSESSOR).

Q.—Do you consider that if you had continued your course to starboard instead of at the last moment altering your course to port, that the collision absolutely and inevitably would have occurred? A.—Yes, certainly.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 11.
Evidence of
Jean Bap-
tiste Glotin,
Cross-Ex-
amination.
Continued.

Q.—Even if the Imo had altered her course to starboard in that moment?

A.—Certainly.

Q.—And you say that at that moment how far were the ships apart?

A.—About 250 metres.

Q.—At the moment you altered course to port instead of starboard?

A.—The stem of both vessels at that time were 250 metres apart.

Q.—That was at the moment the Mont Blanc altered her course to port?

A.—No, before.

Q.—I want to know the distance of the stem of the Mont Blanc from that of the Imo at the moment you altered course to port—what you estimate it to be? A.—From 200 to 250 metres. 10

AND FURTHER DEPONENT SAITH NOT.

J. F. ROWAN,

Official Reporter.

Mr. HENRY, K. C.

I propose to hand to the Court, as an exhibit, a copy of the “Mont Blanc’s” Protest.

(COPY MARKED AND FILED AS EXHIBIT M. B. R. 18).

No. 12.
Evidence of
Pilot
Francis
Mackey,
Direct-Ex-
amination by
Mr. Henry,
December
15th, 1917.

No. 12.

DEPOSITION OF PILOT FRANCIS MACKEY. 20

On this fifteenth day of December in the year of our Lord one thousand nine hundred and seventeen, there personally came and appeared

FRANCIS MACKAY.

Who, being duly sworn upon the Holy Evangels, doth depose and say as follows:

EXAMINED BY Mr. HENRY, K. C.

Q.—You are one of the licensed pilots of the Port of Halifax? A.—Yes sir.

Q.—How long have you been a pilot? A.—About 24 years, a little more. 40

Q.—And your age at present? A.—45.

- RECORD.
- In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*
- No. 12.
Evidence of
Pilot
Francis
Mackey,
Direct-Ex-
amination,
December
15th, 1917.
Continued.
- Q.—And during those 24 years have you been continuously engaged piloting ships in and out of the port of Halifax? A.—Yes sir.
- Q.—Steadily a pilot during that period? A.—Yes sir.
- Q.—Have you had any accidents attributable to your own fault? A.—None whatever.
- Q.—On the evening of December 5th did you bring a vessel out of the basin? A.—Yes.
- Q.—After leaving her at the entrance of the harbour what did you do? A.—I went on board the *Mont Blanc*.
- Q.—How did you get on board? A.—The pilot boat took me off from one ship to the other. 10
- Q.—Had the *Mont Blanc* anchored at that time? A.—No sir.
- Q.—Just arrived off? A.—Just arrived off? A.—Just coming in.
- Q.—What did you do? A.—I decided to go up towards the Examination Boat and later decided to anchor.
- Q.—You did so? A.—After the Examining Officer came on board.
- Q.—He came on board? A.—Yes.
- Q.—And interviewed the captain? A.—Yes sir.
- Q.—Was it at his suggestion you anchored for the night? A.—At my own suggestion. 20
- Q.—And he agreed to that? A.—Yes sir.
- Q.—Where did you anchor the ship then? A.—Just south of the examination boat, off Light House Bank.
- Q.—In or outside of the Lighthouse? A.—Outside.
- Q.—Did you remain on board the ship that night? A.—Yes sir.
- Q.—Tell me, pilot, for your own sake, whether you were drinking any liquor? A.—None whatever.
- Q.—You had gone on board the French ship that night? A.—None.
- Q.—And when you started to take the French ship in the next morning you were perfectly sober? A.—Yes sir. 30
- Q.—At what time did you have your anchor lifted on the morning of the 6th? A.—Approximately a little before 7.30—we passed the examination boat at 7.30.
- Q.—Had you any instructions as to where you were to take the vessel? A.—None different than the Admiralty instructions to anchor all ships for convoy in Bedford Basin.
- Q.—It had been reported to you that she was for convoy? A.—Yes sir.
- Q.—You passed up through the lower harbour without special incident? A.—Yes sir. 40
- Q.—Passed the *High Flyer*? A.—Yes sir, in the upper harbour.
- Q.—On which side of her? A.—Starboard side.
- Q.—Dartmouth side? A.—Yes sir, eastern side.
- Q.—Fairly close to her? A.—A good safe distance, probably between 60 and 100 feet, nearly 100.

RECORD. Q.—You would then, at that time, be some distance off the Dartmouth shore? A.—Yes sir.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.* Q.—Can you give us any point on the Dartmouth shore that you made for or that you passed close to? A.—Yes.

Q.—Is there any buoy or navigation mark that you can tell us about that you passed close to? A.—Yes.

Q.—See if there is one mark here on this chart exhibit M. B. R. 4? A.—I came up to this buoy on the starboard bow, the Black Rock buoy—before coming to the High Flyer, point “D”—later I headed up for this one marking this 24 feet, just lately put down—at the point marked “E”, 10

Q.—How did you pass with respect to that? A.—Just along a reasonable distance I should say.

Q.—Which side of it? A.—Left it on my starboard side.

Q.—After passing that buoy did you have to change your course? A.—Yes, I straightened up then to follow up my proper side of the channel.

Q.—That is to say you ported your helm? A.—Yes sir.

Q.—And directed the bow of your ship—the Mont Blanc, to starboard? A.—Yes sir.

Q.—Could you go around the bend in the channel—in order to round the bend? A.—Yes sir, in order to straighten up with the channel there. 20

Q.—When you straightened up to round that point at what distance do you estimate you were then off the shore? A.—Approximately about 320 or 330 feet.

Q.—When, in relation to that change of course was it that you first saw the Imo? A.—It was after I changed my course and was coming up—some little time—some minutes.

Q.—Some minutes on that course before you saw the Imo? A.—Yes sir.

Q.—Can you give us any approximation of the place in the channel where you were when you first saw the Imo? A.—I think I was coming along just about here. This spot here that is marked with “4”. 30

Q.—Is that above the High Flyer? A.—Yes sir.

Q.—Could you just, while we are at it, give us approximately the position of the High Flyer? A.—Approximately she was anchored here—the Niobe is moored there at No. 4 pier in the Dock Yard. I was not taking exact notice where she was—it seemed to me she was just off the starboard quarter of the Niobe—just about here—approximately in this point here marked “6”—might be a little lower down there.

Q.—Approximately there? A.—Yes sir.

Q.—When you first saw the Imo where was she? A.—I saw her masts over the land coming down the Narrows, over behind, over the land when I first saw her—Point “7”. 40

Q.—Had she reached any point shown on this chart? A.—Yes, I presume she was right about here when I saw the masts but she quickly came into view showing foam.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 12.
Evidence of
Pilot
Francis
Mackey,
Direct-Ex-
amination,
December
15th, 1917.
Continued.

Q.—Foam on her bow? A.—Yes sir.

Q.—Which land was it you saw the masts over? A.—The land just clear of the shed at No. 9, north of that shed, at the turn of the Narrows.

Q.—I want you to point out Mr. Mackay from that point 4, as the point you indicate at which the Imo was first seen by you,—at point 7 when you first saw her masts, there is no intervening land—practically none? A.—It might be a little more this way; but I saw her fore mast—she might be a little more south than where you have marked the position in the Narrows.

Q.—A little closer to the land? A.—Yes sir. 10

Q.—That is to say you think she may have been a little nearer the land than point marked 7? A.—Yes sir.

Q.—She was close enough so you could only see her foremast over the land? A.—Yes sir, and she shortly appeared.

Q.—In what direction, with regard to the channel was the Imo heading when you first saw her? A.—Right down I should say about for this here—heading about S E, probably $\frac{1}{2}$ S, or S E $\frac{1}{4}$ S.

Q.—Which you say would about bring her to this point you mark here as point “C”, when you first saw her—can you indicate on the Dartmouth shore a point at which she was apparently heading when you first saw her? A.—For this point marked “C”. 20

Q.—Would the course upon which the Imo was when you first saw her, if continued, intersect the course of the Mont Blanc—that S E $\frac{1}{4}$ E would be magnetic? A.—Yes sir.

Q.—What would you make the course of the Mont Blanc at that time? A.—About nearly N by W. I was heading for a point of land at the time.

Q.—The course of the Mont Blanc at that time would be about N by W? A.—Approximately; but I was not steering by any compass.

Q.—Will you indicate what point of land you were heading for?

A.—I was heading for about this point of the land west of Tuft’s Cove, or I might have been heading like here—Point 8 30

Q.—You could see the land perfectly? A.—Yes sir.

Q.—You were steering by that? A.—Yes, I could see over a mile.

Q.—At what distance, pilot, did you estimate the Imo was from you when you first saw her? A.—When I first saw her, her masts, she was, I presume, about a mile away—might be a little more.

Q.—And when you saw her hull and were able to make out her course how far would she be then? A.—About three quarters of a mile, maybe a little more.

Q.—Were you able to make any estimate of the speed at which she was travelling? A.—I felt that she was breaking the speed limits by the foam from her bow. 40

Q.—What do you understand to be the speed limit for the harbour? A.—Not over five miles for any part of the harbour, and in that particular part, very slow, in the narrows. Those are the Admiralty’s instructions.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 12.
Evidence of
Pilot
Francis
Mackey,
Direct-Ex-
amination,
December
15th, 1917.
Continued.

Q.—What action, if any, did you take, as soon as you made out the course of the Imo? A.—I immediately established my proper side and my right to the channel by blowing one blast.

Q.—Did the whistle answer promptly and distinctly? A.—Yes sir.

Q.—No confusion? A.—None whatever, we had been using it before.

Q.—Prior to that? A.—Yes sir.

Q.—Did you give any order or did the captain give any order to the helmsman at that time, simultaneously or just after? A.—At that time no—not just then.

Q.—Did you receive, or hear, or see any signal from the Imo? A.—Yes. 10

Q.—How soon after your signal was given? A.—A few seconds.

Q.—What was given? A.—Two short blasts.

Q.—Any possibility of doubt as to what that signal was? A.—So as to relieve myself of all possible doubt I blew another signal of one blast.

Q.—What did you get from that? A.—I still got another two blast.

Q.—Could you see the steam from the whistle of the Imo? A.—I did not pay any particular notice; but I heard the whistle very plain.

Q.—When, if at all, pilot, did you change the course of the Mont Blanc to starboard? A.—I changed just a little when I blew the second one blast. 20

Q.—Will you explain just why you did that? A.—I did it to let him see my port bow—plainly, and so as not to slew out of my course too quickly, thinking he was doing wrong, just very little. The first words I said 'mind your port helm so as not to let it come any more to port'.

Q.—What did you say to the wheelsman after that? A.—steady.

Q.—Any other signal? A.—Then starboarded when I got the two blasts from the Imo.

Q.—Was it hard astarboard—you are speaking of the direction of the ship all the time—on French ships when you go to starboard your ship goes to starboard? A.—Yes sir. 30

Q.—When you speak of starboarding you are speaking of the head of the ship? A.—I am starboarding the helm. Going to starboard then my ship's head is going to starboard.

Q.—Was it hard astarboard you gave when the ship's head was directed to starboard? A.—Just a little.

Q.—Was that order carried out by the helmsman? A.—Yes sir.

Q.—And the ship's head did go to starboard? A.—Just immediately.

Q.—Did you steady the helm? A.—Yes sir, just steady the helm a couple of minutes; but immediately after I went to port.

Q.—At the time you gave this second one blast signal how close had the ship's approached to each other? A.—At that time the second one blast signal, that ship, I should say, was about between 400 and 500 feet away, perhaps 400. 40

RECORD. Q.—What speed was she coming at that time? A.—Coming at quite a rate of speed and closing over on to my water.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.
No. 12.
Evidence of
Pilot
Francis
Mackey,
Direct-Ex-
amination,
December
15th, 1917.
Continued.

Q.—Was there any foam at her bows? A.—Not so much then; but quite a ripple.

Q.—Did you come to any conclusion at that time as to what the proper course for the *Mont Blanc* to adopt under the circumstances, would be? A.—The rules of the road,—knowing them as I do, and following them particularly, I considered it was right for me to exercise that clause in the rules which says to act as judgment says is proper, port or starboard, back or stop her.

Q.—What did you do in the exercise of that judgment? A.—My reason for stopping was to bring the ships parallel.

Q.—That is directing the head to port? A.—Yes sir, I gave him plenty of room to pass.

Q.—You succeeded in getting the two ships parallel? A.—They would have passed parallel if he had kept coming on.

Q.—What did the *Imo* do then? A.—He suddenly blew three blasts.

Q.—And did she perform any manoeuvre? A.—And at the same time it seemed as if she were twisting a little before or at the time he gave the three blasts.

Q.—Twisting which way? A.—His head to starboard.

Q.—When he gave the three blast signal could you tell me—or could you tell any manoeuvre he was performing on board? A.—No, any more than probably about five seconds after I saw him throw a wake out from his starboard quarter, from the propellor.

Q.—What movement, if any, did you perceive, of the head, the bow of the *Imo* after the three blast signal was given? A.—She flew quickly to starboard and remained up.

Q.—Her head came quickly to starboard? A.—Yes sir.

Q.—What about her speed? A.—Rather too fast then in my estimation.

Q.—Still coming ahead? A.—Still coming a pretty good speed.

Q.—Any manoeuvre or operation performed on board the *Mont Blanc*? A.—The only thing left for us to do was to put the engines astern.

Q.—And that was done? A.—Yes sir—it was immaterial whether they went astern or not at that time.

Q.—It would not have any effect on the collision? A.—The *Imo* was bound to hit her anyhow, and it might minimize the blow a little, that is all.

Q.—Were any signals given when you went astern? A.—I gave the order; but I don't think there was any time to give it—the attention was drawn to much with the effect of the *Imo* striking the blow.

Q.—Did you notice where the impact between the two vessels took place? A.—Abreast of No. 1 hatch, just abaft of the fore-castle head.

RECORD.

In the
Eschequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 12.
 Evidence of
 Pilot
 Francis
 Mackey,
 Direct-Ex-
 amination,
 December
 15th, 1917.
 Continued.

Q.—Could you tell from your position whether the stem of the Imo penetrated the side of the Mont Blanc? A.—Yes sir.

Q.—How far? A.—A.—I should judge about 9 or 10 feet.

Q.—With relation to the combings of the hatch could you tell? A.—I did not see that particular spot.

Q.—Could you tell whether the whole was continued down to the water line? A.—I felt by the height of the Imo and the shape of her bow, that it would be down to below the water line.

Q.—Could you tell whether the water was coming in? A.—I could not tell but I expected it was. 10

Q.—What was the immediate effect of the blow? A.—The blow immediately slewed the bow of the Mont Blanc to port.

Q.—So she was then pointing in what direction? A.—For the south side of No. 6 and slewing just a little.

Q.—Prior to receiving this blow how would she be heading? A.—Up the Narrows with No. 9 wharf on the port bow.

Q.—After you had changed your course to port? A.—After I changed the course to port and steadied to let the other ship pass me.

Q.—No. 9 was on the port bow? A.—Yes.

Q.—No. 9 is just above 8? A.—Yes sir. 20

Q.—Parallel with the shore? A.—Yes.

Q.—How many points on the port bow would you say No. 9 was off your port bow after you had steadied after porting? A.—About $1\frac{1}{2}$ or $1\frac{3}{4}$ points on the port bow, $1\frac{1}{2}$ points.

Q.—How long did the two vessels remain in contact? A.—Just a few seconds.

Q.—What did the Imo do? A.—She was going astern—then his headway was stopped, and he went quickly away.

Q.—Headway stopped by the collision? A.—Yes sir.

Q.—Any noise? A.—Quite a crash. 30

Q.—That could be heard any distance away? A.—By any boats in the vicinity close about—heard all over the ship.

Q.—Then what was the first indication of the seriousness of the hole that you saw on the ship? A.—Smoke came out quickly, followed by flame.

Q.—And a short time after it was decided to abandon the ship? A.—Yes, on account of the nature of the cargo.

Q.—The boats were got out? A.—Quickly.

Q.—In good order? A.—Yes sir, and coolly.

Q.—And the crew got in? A.—Yes sir, first the starboard boat filled 40 up with her crowd and we filled up on the port side later.

Q.—Can you tell us why it was the boats went to Dartmouth? A.—I suggested at first with a wave of my hands, I thought we could get there quicker and it was the opposite way of the ship.

RECORD. Q.—You considered the opposite way the best? A.—I considered it most prudent on account of the trees on the other side.

In the Exchequer Court of Canada, Nova Scotia Admiralty District. Q.—Whereabouts with respect to the channel would you consider this collision took place? A.—Nearly in the centre.

No. 12. Evidence of Pilot Francis Mackey, Direct-Examination, December 15th, 1917. Continued. Q.—Mr. Mackay, the length of the ships and the chart are as nearly as possible according to scale and I would like you to place the ships as near as you can in the positions in which they were at the time of the collision — the two ships in contact at the moment of the collision, and before the ship's course was changed at all—before the collision changed it. Show the angle of the impact as close as you can before the impact had any effect 10 on your ship, and also the place in the harbour where it took place?

(WITNESS INDICATES ON ENLARGED PLAN BEING EXHIBIT M. B. R. 17 AS REQUESTED BY COUNSEL).

Q.—Then I understood you to say that the impact caused her to head just south of pier 6? A.—Twisted her to the westward.

Cross-Examined by Mr. Mellish December 15th, 1917. BY Mr. MELLISH, K. C. (CROSS EXAMINATION).

Q.—I would like you to go over the story in your own mind in a connected way from the time you came in sight of George's Island, having regard specially to the speed, and your position and so on, in a connected way?

A.—When I came in through the inner gate I could see everything was 20 clear, slight smoke, it had been clearing away—I could see over a mile. I proceeded up, keeping the eastern side of the harbour a little in the middle first, heading up towards the buoy on Black Rock Shoal then dead on the starboard bow.

Q.—How much? A.—A point, less than half a point.

Q.—What was your speed then? A.—Coming through the gate it was half speed—the two ferry boats met going across and I gave full speed to clear them, then half speed again, then later slow.

Q.—When you passed this black rock buoy what was the speed of your ship? A.—I just put her on slow, and proceeded on slowly, and rounded 30 the buoy off 24 foot patch, south of Black Rock Point.

HIS LORDSHIP:

Q.—That was on your starboard bow? A.—Yes sir, that was the right side to leave it on.

BY Mr. MELLISH, K. C.

Q.—Were you fairly close to it? A.—Probably 150 feet or a little more, about 170 feet from it; but passing up to turn around the next point, Black Rock Point.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination.
December
15th, 1917.
Continued.

Q.—Is that the point as indicated there with the point “E”, where the 24 foot patch is—the buoy is at the point “E”? A.—Yes sir.

Q.—That is the 24 fathom patch you are speaking of? A.—Yes sir.

Q.—Marked point “E” on Exhibit M. B. R. 4? A.—Yes sir.

Q.—It is 24 foot patch, or is it 24 fathom patch? A.—24 foot patch.

Q.—From there? A.—I ported my helm to proceed parallel with my proper side of the narrows.

HIS LORDSHIP:

Q.—The porting of the helm of your ship puts your ship to port?
A.—No, it puts the ship to starboard.

Q.—The naming of the movement is different? A.—Yes sir.

10

BY Mr. MELLISH, K. C., Continuing.

Q.—We will straighten that out now—it is just the same as the English ships? A.—Yes sir.

Q.—There is really no difference in it?

HIS LORDSHIP:

I was under the impression that it was opposite from our ships?

BY Mr. MELLISH, K. C.

Q.—They use right and left—starboard your wheel your ship’s head goes how? A.—The same as the wheel; but opposite to the helm.

Q.—Starboard your helm? A.—The ship’s head would go to port.

Q.—Porting your helm the ship’s head goes to starboard? A.—Yes sir.

Q.—It is the same on this ship? A.—Yes sir.

Q.—The same as the English ships? A.—Yes sir.

Q.—I got it right last evening—I find on this ship—I don’t know how it is on the other French ships; but on this ship the head of the ship goes the same way as the wheel—the same as the English ships.

BY CAPTAIN HOSE (ASSESSOR).

Q.—With the order to the helmsman hard astarboard he immediately puts the wheel to port?

30

Mr. BURCHELL, K. C.

I thought on the French ships that if they ordered or wanted the wheel hard astarboard they put it hard astarboard.

RECORD. BY CAPTAIN HOSE.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—If you give the order hard astarboard to that Frenchman he would put the wheel hard astarboard? A.—If I said hard astarboard the helm would go to port, and the wheel would go to starboard—the same as the ship.

No. 12.
Evidence of BY CAPTAIN DEMERS.

Francis Mackey,
Cross-Ex-
amination,
December
15th, 1917.
Continued.

Q.—It is the tiller goes hard astarboard? A.—Yes sir.
Q.—And your rudder goes to port? A.—Yes sir.

BY CAPTAIN HOSE.

Q.—Just the same on the Frenchman as our own ships? A.—Yes 10
sir.

BY Mr. MELLISH, K. C., Continuing.

Q.—Sometimes they run the tiller aft of the rudder post and then the tiller goes the same way as the rudder. At all events when you ported this ship her head goes to starboard? A.—Yes sir.

Q.—The same as the English ships? A.—Yes, when I port the helm.

Q.—Go on from there? A.—After I passed and got my ship parallel with the eastern side of the channel, which was proper, my proper position, I proceeded slowly and at a certain point I blew one blast of the whistle when I saw the Imo. 20

Q.—Was it after you saw the Imo you blew one blast? A.—Yes sir.

Q.—And he answered you with two? A.—Yes sir, I then said mind your port helm which they did not seem to quite understand and

AND FURTHER DEPONENT SAITH NOT FOR PRESENT.

J. F. ROWAN.

Official Reporter.

AND IT BEING 1 P. M. COURT ADJOURNED UNTIL 2.30 P. M. TO PARTAKE OF LUNCH.

PURSUANT TO ADJOURNMENT THE COURT RESUMED ITS SITTING AT 2.30 P. M. 30

RECORD. FRANCIS MACKAY, a witness having previously been sworn upon being recalled doth depose and say further as follows:

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

EXAMINATION BY Mr. MELLISH, (CONTINUED).

Q.—I think we stopped just about after you passed the 24 foot patch up there, with a buoy there, and you gave your signal of one blast?

*No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
15th, 1917.
Continued.*

A.—When I was above Black Rock Point I stopped the engines, after I gave the one blast signal.

Q.—Go on from there? A.—Then I proceeded slowly, losing her way, and then—

BY THE COURT.

10

Q.—Did you stop your engines? A.—After I passed Black Rock Point, after I blew the one blast I stopped the engines.

Q.—Where was that? A.—Above Black Rock Point below the French Cable boat wharf.

BY Mr. MELLISH.

Q.—Was that when you sighted the Imo? A.—I had sighted the Imo's masts before that, and I sighted her hull, quite a bit after I passed the 24 foot patch (marked E) that is below Black Rock Point. The telegraph cable wharf is just slightly north.

BY THE COURT.

20

Q.—What speed from Black Rock Buoy to Black Rock Point?
A.—Going slow.

Q.—And, for some time after passing Black Rock Point? A.—I stopped the engines after I blew one blast and saw the bow of the Imo.

BY Mr. MELLISH.

Q.—You have indicated that already where that was on the chart, at the point 4? A.—Yes.

(4 is the same point that was marked "A" on chart M. B. R. /4).

Q.—That is when you sighted the Imo? A.—Sighted the Imo, blew one blast and stopped the engines.

Q.—That was the first blast? A.—That was the first signal that was given.

Q.—From either boat? A.—Yes, from either boat; and then he answered me with 2; when I saw the foam from his bow, previous to hearing the two whistles, I decided I would not be like him, exceeding the

30

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
15th, 1917.
Continued.

speed limit and I slowed my ship down; I answered his 2 blasts a little later with one and he answered me with 2; seeing him going at that rate of speed I knew if I kept on he would bang me ashore; I was not in a position to let the anchor go owing to little flood tide and swinging my ship crosswise in the channel, either out in the channel or swinging her stern ashore, and having on a load of explosives I didn't want to put her ashore, and if I had reversed my engines I knew she would slew ashore; I would have brought the tide on the starboard quarter and put her ashore, besides being crosswise, so I decided when I gave this second blast so as to attract his attention and see if he thought he was making a mistake; I just said, 'mind your port helm, starboard a little' so as to prevent her head from going to port, owing to little tide on the port quarter, when we were approaching I saw he was going pretty fast, when he got within—I can't give the distance exactly in feet—I saw it was no use in keeping to my shore without going ashore and him banging me up on the bank and I decided to star board my helm and gave him two blasts, and if he had kept on, and I had continued, or been allowed to continue on, I could have improved the position I gave him, although I made it absolutely safe for him to pass me, I could have improved my position by putting engines full speed ahead, as it was I was out in the middle of the channel when he suddenly put his engines astern or gave the signal he was going astern. I then had had his starboard quarter open enough to see the wake of his propellor; five seconds after he gave the three blasts. At the speed she was going he simply twisted her right in and rammed the ship. 10

Q.—You stated in your evidence to Mr. Henry you thought she was going faster than she should be? A.—I was pretty certain she was exceeding the limit.

Q.—After she went full speed astern; what do you mean by that?

A.—The speed he was going after he put his engines astern he was going so fast he could not stop her, his speed was nearly five knots when he rammed us. Previous to this, before the collision, when I saw him up above I reckoned from the foam, and the shape of his bow,—a fairly sharp bow—that she was going at least seven knots; I am positive she was at seven knots at least. 30

Q.—Perhaps you would indicate the relative position of the ships when you determined to starboard your helm? When you gave your two short blasts—the relative positions? A.—(Witness draws M. B. E. /18). His stem slightly overlapped my bow.

Q.—What was the danger of the ships in that position? A.—I could not keep on without striking him. 40

Q.—And if you had ported? A.—If I had ported I would have to go ashore and he would have rammed me on the port bow, perhaps a little further aft; besides I knew the T. N. T. was in No. 2 hold; so I starboarded and gave him room to pass me with perfect safety and if he had continued on to pass me I could have given my ship more speed and still given him a lot more room than he had, but he had sufficient to pass me.

RECORD.

In the
Exchequer
Court of
Canada,
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No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
15th, 1917.
Continued.

Q.—With the ships in that relative position what distance was there between them in your estimation? A.—About 300 feet, 280 feet.

Q.—About a ship's length? A.—Yes, and he made me think at the time, on account of his going so fast, he was afraid to pass me on that side for fear he would not be able to stop his ship going at the excessive rate of speed; I thought if he had continued on and gone on the starboard side of my ship going at the excessive rate of speed perhaps he might have thought he could not stop his ship. He went astern too soon in my estimation.

Q.—That was your speculation as to what he was thinking? A.—The 10
first thought struck me at that time—knowing Hayes as I do—I said, that is not your order. I didn't think it was his order. I didn't think Hayes would do that.

Q.—You knew him as a competent pilot? A.—I knew him well; it seemed to strike me very forcibly that the telegraph was rung by somebody else and without his orders.

Q.—The effect of your starboarding was, I think you have already told us, to bring the ships parallel? A.—Yes, which is not hard matter to do.

Q.—And after you starboarded you gave the order to steady? A.—Yes.

Q.—And I understood you to tell Mr. Henry brought pier 9 on your 20
port bow a point and a half roughly? A.—Yes, all right for going up channel and allowing him to pass, and owing to little flood tide then making on my port quarter the ship kept her head steady even when we went astern on the engines, because it was a low power engine and it was not sufficient to counteract that effect of the tide and slew her head to starboard under ordinary conditions; it didn't throw my ship's head to starboard, I didn't expect it, we had steerage way and little flood tide on the port quarter to counteract the engines and besides we were loaded.

Q.—Does that make any difference being loaded? A.—Quite a 30
difference.

Q.—I suppose it is a matter of common knowledge a ship loaded carries her headway? A.—She will steer better with the engines going astern; she will steer longer. Of course, if the engines were high power she might throw her head to starboard quicker but being low power and tide she didn't throw her head to starboard and kept on straight.

Q.—So when you were struck you maintain your position was practically the same as when you said steady? A.—The same as when I put it to parallel both ships.

Q.—And the result of the collision in regard to your ship's head was what? A.—That she struck us so hard she slew us around and brought 40
us in line with the south side of pier 6, drifted slowly over on flood tide and set her against the corner as she passed and set the wharf on fire.

Q.—Did you see her pass the corner of the wharf? A.—Yes, I was on the shore at the time; she was drifting over that way at the time we were landing; I went a little further up towards some trees as every-

RECORD. body did and told everybody. I told Captain Murray to get away the ship is going to blow up; after I landed I saw her drifting on the south side of pier 6; she set the wharf on fire as she was going down and I later saw her when I thought she had about touched the ground.

*In the
Exchequer
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Canada,
Nova Scotia
Admiralty
District.*

No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
15th, 1917.
Continued.

Q.—How long after that did she blow up? A.—I can't give it exactly in minutes; but it seemed about I should say from 15 to 18 minutes, probably it might have been 20; I was not looking at my watch; I was busy to see how everybody was taking it and shouting out to women at the time; two women to get away.

Q.—Were you injured by the explosion? A.—I was knocked down 10 and felt I was pretty well knocked out at one particular time; I felt I was kicking on the ground and everything was darkness, and I didn't know; after a while I seemed to get up quickly and I found the captain close to me and we had just been getting out from under a tree torn out by the roots and thrown out on the road.

Q.—After that you were all right except for the shock? A.—Uninjured; I had a slight knock; I never saw my cap afterwards; a slight pain there on the head from it but no bruises and a slight bruise on the side of the nose

Q.—This order to starboard your helm which would throw your ship's 20 head to part, who gave that order in the first instance? A.—I did; but the words were hardly out of my mouth when the captain repeated them showing he was of the same mind.

Q.—Were all orders in regard the movements of the Mont Blanc given by you? A.—Yes, almost together, we were of the same mind; we agreed so easily on all the orders that were given from the time I boarded her there was never any dispute about the orders.

Q.—As a matter of fact you gave the orders in the first instant?
A.—Yes.

BY THE COURT.

30

Q.—Can you talk French? A.—No, I just know a few words, but the captain could understand, I knew port and starboard, I knew full speed, half speed and stop in French.

Examined
by Mr.
Mellish.

BY Mr. MELLISH.

Q.—When you gave the order say to port on that ship what would the captain say to the helmsman? A.—Babord.

Q.—In this ship would he tell him the right, left, port or starboard?
A.—I never told him in French, he understood enough in English. I didn't give any French orders; I gave him English.

Q.—I want to make clear whether or not there was any confusion or any 40 misapprehension of orders by the helmsman of your ship of any kind?
A.—Not a particle.

RECORD.

In the
Exchequer
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No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
15th, 1917.
Continued.

Q.—The orders you wanted carried out were carried out? A.—Yes.

Q.—There was no misapprehension or misunderstanding?
either between the officers or myself. A.—No,

Q.—Your engines were put full speed astern? A.—Yes.

Q.—Very shortly before the collision but there was no signal from your
ship to that effect? A.—No, because it didn't matter.

Q.—It was telegraphed from the bridge? A.—Yes.

Q.—There was a signal to the engine room? A.—Yes.

Q.—After the collision perhaps you would tell us what you did?

A.—After the collision I stood and watched where the ship made the hole. 10

Q.—What kind of a hole was it? From your observation? A.—Pretty
good sized hole, probably 9 or 10 feet; smoke came suddenly out later fol-
lowed by flame; I could see the flame get bigger and the smoke higher;
the first order I gave out was look out for your boats. And everybody
set about; those went to the starboard boat and the others got the port
boat ready. The captain and chief officer went down looking about the
men; I stood there and watched nearly everybody get in the boat and I
thought the captain and I would be the last to leave the ship; but he had
to run back to find the Chief Engineer and the captain, and I went down
about the same time as the chief engineer, practically went down together, 20
the last three.

Q.—What I want to point out, did you do, or attempt to do, anything
further with the navigation of the ship after the collision, if so, tell us what
it was? A.—I went back on the bridge.

Q.—After starting down with the captain? A.—This was before we
went to the boats, after I gave the order to go to the boats I started to go
off the bridge, I said full speed ahead, thinking I might force a little water
in the hold and there was no response from the engine room.

Q.—They had evidently left the engine room? A.—Yes, I didn't
notice any response. 30

Q.—After the order full speed astern were there any subsequent orders
to the engine room you know of? A.—No, only this one I speak of
before leaving the ship.

Q.—Now were the engines going at the moment of the collision?
A.—Going astern; they had been going astern, about the time she hit we
stopped.

Q.—Did you give the order to stop? A.—The captain himself stop-
ped, I was just going to give the order as he did.

Q.—I suppose that is the proper thing to do? A.—Yes.

Q.—Did you know the ship Imo? A.—Yes, somewhat. 40

Q.—Have you ever been aboard her? A.—Yes.

Q.—For what purpose? A.—I have taken her out twice out of the
Bedford Basin as a pilot.

Q.—When? A.—During the past summer. I don't know the dates
but during the past summer on two occasions.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
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No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
15th, 1917.
Continued.

Q.—What have you to say as to her navigability? A.—She was a fairly handy ship, steered well, had plenty of power and I could handle her quite easily. Never had any trouble with her. She was a handy ship.

Q.—Her speed? A.—Both times I took her out I asked the speed as I do in all cases and the captain said, with this coal we can do about 11 to 12 knots, with the kind he had.

Q.—Was that Nova Scotia coal? A.—I don't know; I am not sure about that; I don't think it was Nova Scotia coal.

Q.—I suppose that is all you know about her in a general way? A.—Yes, her helm was rigged same as British ships and same as the Mont Blanc. Good steering gear.

Q.—How long had Pilot Hayes been in the service? A.—About the same length of time as myself. He holds a license one year less than that I had, about a year.

Cross-Ex-
amined by
Mr. Bur-
chell, K. C.

CROSS EXAMINED BY Mr. BURCHELL.

Q.—You and Pilot Hayes went up to the Basin together the night before? A.—The afternoon before.

Q.—He intended to take the Imo out that night? A.—Yes.

Q.—And you intended to go with another steamer? A.—Yes.

Q.—And you got your steamer away? A.—Yes.

Q.—And the Imo hadn't finished coaling and could not get away? A.—Yes.

Q.—And you expected the Imo would be leaving in the early morning? A.—I didn't know; I didn't know when he was to get his coal. I felt some time the next day.

Q.—What time did you leave Bedford Basin in the afternoon?

A.—Somewhere about 3.30, probably a little later.

Q.—Are there regular hours for opening the gates? A.—I guess about 3 o'clock.

Q.—Are there regular hours for letting ships through the gate? A.—Yes.

Q.—What are the hours? A.—Varies from day to day, generally from 7 in the morning until 9, or from 7.30 to 9 lately.

Q.—A ship could get through any time during these hours? A.—Yes.

Q.—Were you particularly looking out for the Imo to come down that morning? A.—I was prepared for any ship that was coming down.

Q.—You didn't particularly expect the Imo that morning especially? A.—I didn't know, I was not looking out especially for her, I was keeping myself in proper position for any ship coming down.

Q.—How long are you a pilot in Halifax? A.—24 years.

Q.—And you know every bend of land and almost every rock I suppose? A.—Pretty well, yes, some of the pebbles I might not know.

Q.—And Pilot Hayes for 23 years? A.—About.

RECORD.

In the
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No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
15th, 1917.
Continued.

Q.—You knew him intimately? A.—Yes.

Q.—Friendly relations with him? A.—Yes.

Q.—And you considered him a good pilot? A.—Always considered him a very good pilot.

Q.—This collision happened pretty close to the brewery wharf?

A.—Not very close.

Q.—It was the nearest wharf on the Dartmouth side to get to?

A.—It was not the nearest wharf.

Q.—Was not the brewery wharf the nearest point of land to go to?

A.—There was a little jut of land, a ferry landing that is where we went. 10

Q.—You knew there was a lot of stevedores working at piers 8, 9, and 6? A.—I didn't know, I didn't see them.

Q.—Generally are? A.—Yes.

Q.—You never thought of going to the brewery wharf to telephone over to anybody in Halifax about the explosion? A.—No.

Q.—Never occurred at all? A.—No, my idea was to look out for our lives. I had no time to run to the brewery to telephone, everybody could see.

Q.—How much farther to go to the brewery wharf? A.—Quite a little time, our boat was headed for this landing 20

Q.—Like the captain of the ship, you were quite calm, cool and collected? A.—Yes.

Q.—Your brain working all right? A.—Yes.

Q.—And never occurred to use the telephone? A.—Yes, it occurred to me after the explosion when I tried to telephone and could not get anybody.

Q.—Do you know where in Bedford Basin the Imo was anchored? A.—Pretty well, yes.

Q.—Does the point "P" on M. B. R. 5 show it approximately?

A.—Just about; about the end of the X, it was not quite that far north. 30

Q.—It is supposed to be the X? A.—Yes, the X near point "P".

Q.—On this chart M. B. R. 4, which is the point which indicates your position when you first saw the masts of the Imo? A.—The point marked in blue with letter "A"; not any further south.

Q.—And you could see the masts of the Imo you told us this morning over the top of pier 9? A.—Yes.

Q.—Over which end of pier 9? A.—Over the northern part.

Q.—Mark on this chart where you first saw the Imo? That is, your line of vision over pier 9? When you first saw the masts of the Imo over the land, mark your line of vision from point "A" in which you saw the masts of the Imo the first time? (M. B. R. /4). A.—The inside of the black line from point "A" to the point "K" indicates the point of vision; she intersected that line; she was not coming down on that line; that is when I saw her masts; I didn't take the bearing because the compass was not correct; some westerly deviation and you could not get a very good bearing. 40

RECORD. Q.—You saw her masts somewhere in that line of vision? A.—I saw her foremast on that line.

In the Exchequer Court of Canada, Nova Scotia Admiralty District. Q.—You could not tell just where she was because you could not see her hull? A.—I could tell she was not on the upper side of the Narrows, more towards the South and West side of the Narrows.

Q.—Point 7 does not indicate correctly the point at which the Imo's masts were when you first saw her? A.—No.

No. 12. Evidence of Pilot Francis Mackey, Cross-Examination, December 15th, 1917. Continued. Q.—Could you mark approximately just where she was on that line; where you think she was? A.—I would say that she was there, 9; she might have been a little north of that.

Q.—Then can you mark on this chart approximately where the Imo was when you first saw her hull? A.—Her stern had just cleared point of No. 9; 10.

Q.—How soon after that was it you gave the signal? A.—As soon as her stern turned No. 9 I gave one blast and she answered with two.

Q.—To get from point 9 to No. 10, coming out of the Basin, the Imo, from the Western side she must have been coming under the starboard helm? A.—He was coming straight out; he probably did; he would not have to starboard very much to get out there.

Q.—Starboard a little? A.—Just according; if when I saw his masts I can't give a definite position because the chart intervened, but you asked me for an approximate position and I gave it to you; he might have been a little north and it might not have been necessary for him to starboard to get to No. 10; possibly it might but perhaps not.

Q.—Who gave the first signal, you or the Imo? A.—I did.

Q.—You marked on this chart the point "A" as the place from which you first saw the masts of the Imo? A.—Yes.

Q.—What point indicates your position on this chart M. B. R. /4 when you gave the one blast signal, where were you then? A.—When I first blew the one blast I was on this line, her stern was clear No. 9.

Q.—Where was the Mont Blanc when you blew the one blast; you gave "A" the position where you saw her foremast; what point indicates your position when you saw the hull of the Imo and gave the one blast signal? A.—Witness marks 12 on chart.

Q.—So that according to you the Imo was moving a great deal faster than the Mont Blanc? A.—Yes sir.

Q.—You moved a very short distance between the time you saw the foremast of the Imo and the time you saw the hull and gave the one blast signal? A.—Yes.

Q.—And you understood from the Imo's two blast signal that the Imo intended to pass down the left hand side of the channel instead of the right? A.—Yes, he was cutting across my course.

Q.—Are you familiar with the rules of the road? A.—Yes.

Q.—Know what two blasts means under the International Rules? A.—I am directing my course to port.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 12.
Evidence of
Pilot
Francis
Mackey,
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amination,
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Continued.

Q.—It does not mean I intend to pass you on your starboard side?
A.—On my starboard side, that is what he intends.

Q.—You think that is what the rule means? A.—Yes, he wanted to pass me on my starboard side.

Q.—And you think that is the meaning of the rule? Article 28: two short blasts means I am directing my course to port? A.—That is right.

Q.—And you therefore thought there was, I suppose, a crazy man in charge of the Imo? A.—I thought there was something very erratic or extraordinary going on.

Q.—If the Imo at that time had in fact her helm to starboard and directing her course to port, caused by the lay of the channel at this point, do you think it would be a wrong signal to give? If the Imo was in fact at the time she blew the two blasts under starboard helm directing her course to port, caused by the necessities of the channel, was that a wrong signal for her to give? A.—That would be alright if he had followed it out; but he didn't follow it out; his ship was twisting in the turn of the channel with his head gradually coming to starboard to parallel himself with the part of the channel I was paralleling.

Q.—What was the next signal you got? A.—The next signal I got was two blasts.

Q.—And you replied with one? A.—Yes.

Q.—Have you given evidence in a case before on the stand? A.—No—one case of a wreck.

Q.—You understand the nature of an oath? A.—Yes sir.

Q.—What do you say was the nature of the second signal you heard from the Imo? A.—Two blasts.

Q.—And you think there could be no mistake about that? A.—There was no mistaking that; I was paying sharp attention to the blasts of the whistle.

Q.—I suppose you know there were a number of people standing on the shore there watching this collision? Have you talked with any of them? A.—No.

Q.—Do you know you are going to be contradicted by a number of people who say that was not the signal? A.—I don't know, that does not make any difference with me.

Q.—The second signal of two blasts, if given, was a wrong signal? A.—I didn't say it was; if it had been followed out—but it was not.

Q.—What happened after the two blast signal was given by the Imo? A.—He could not continue on that same course without going ashore but he twisted his ship around because that channel has a turn in it.

Q.—Mark the position of the Imo when the second two blast signal was given? A.—If he continued on the course he was when I saw him at the point 10 the Imo would have struck the Dartmouth shore about the point "C" instead of coming on I could see him gradually twisting his ship down the channel.

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RECORD. Q.—I am instructed at that stage you speak of when she twisted around in the channel? A.—She twisted some.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

Q.—I am instructed a number of witnesses will say on that occasion the Imo blew three blasts, reversed her engines and that caused her head to turn in the channel? A.—That is not the point I am talking about.

No. 12.
Evidence of
Pilot
Francis
Mackey,
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amination,
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15th, 1917.
Continued.

Q.—You say at some stage between the point 10 and "C" you saw the Imo's bow twist around in the channel to starboard? A.—Twisting down a little to starboard.

Q.—On that occasion didn't you hear a three blast signal from the Imo? A.—Not then. 10

Q.—And if I tell you I can produce two or three witnesses to say they did hear that three blast will you contradict it? A.—It makes no difference to me; at that time.

Q.—Then you have not yet marked on the chart the position of the Imo when she gave what you say was the second two blast signal? A.—She came down and twisted to starboard and she was about here when she gave the second two blast signal. (Witness marks point 13). This was after he had swept around to that point with a starboard helm. She could not very well get there without it.

Q.—Where was the Mont Blanc when the Imo was at point 13? A.—I 20 came up, I then had stopped and worked my ship out in this position, about 14.

Q.—So you had starboarded before you got the second two blast signal from the Imo? A.—Not at all.

Q.—You are clear about that? A.—That is the position 14; pretty clear; I might be a few feet one way or the other.

Q.—The point 14 is the position in which the Mont Blanc was when the Imo gave her second 2 blast signal? A.—Approximately yes, I moved out enough with starboard helm to open up his starboard side.

Q.—After you heard his first 2 blasts, far enough to open up his star- 30 board side? A.—Yes.

Q.—Had you given any 2 blast signal up to that time yourself? A.—Not before I starboarded my helm.

Q.—Between his first 2 blast signal and his second 2 blast signal you had, according to this chart, you had starboarded your helm and came to port? A.—No

Q.—How did you get to the point 14 from the point "A" without star-boarding your helm? A.—I starboarded my helm after I passed point "A" and I blew another blast of 1.

Q.—It was between the first 2 blast signal from him and the second 2 40 blast signal you starboarded your helm and came to port? A.—Not at all, you have got it wrong.

Q.—You have marked on this chart the point 14 as the point where you were when the Imo gave her second two blast signal? A.—Yes.

Q.—And you said it was correct beyond a doubt? A.—Approximately.

RECORD.

In the
Exchequer
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No. 12.
Evidence of
Pilot
Francis
Mackey,
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amination,
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Continued.

Q.—And to get to the point 14 from the point “A” you must at some stage have starboarded your helm? A.—Not until he gave me two blasts of the whistle.

Q.—How do you explain you got to the point 14 from “A” without starboarding your helm? A.—The point X near point 14.

Q.—You must have starboarded your helm? A.—No, I didn’t starboard; you marked this line not correctly; after I blew the first blast I said, mind your port helm; starboard just a little, he was hardly moving—port just a little I meant—but she didn’t move hardly at all, but she came approximately to that point 14; I didn’t starboard my helm to do that. 10

Q.—When you gave your first one blast signal did you then change your course to starboard? A.—Not very much.

Q.—Did you do it at all? A.—No, I didn’t.

Q.—From the one blast signal you didn’t change your helm to starboard? A.—No.

Q.—Is that in accordance with the rules? A.—Yes, I was on my starboard side and wished to bring it to his notice.

Q.—By the International regulations, one blast signal means, I am directing my course to starboard? A.—Yes, but it does not necessarily mean, when a ship blows one blast and sees another ship—he might blow one blast to indicate that I am keeping my starboard side of the channel. 20

Q.—At some point after you were at point “A” you told us this morning on two or three occasions you ported your helm, show us at which point you ported your helm? A.—When did I tell you that.

Q.—You told us some time after you blew your first blast you ported your helm slightly? A.—Some time after; that was when I gave the second one blast.

Q.—Where was that on the chart? A.—I don’t know exactly in feet but it was some—probably—three minutes—probably four minutes, after I blew the first blast and got an answer with 2; I gave him another blast to make sure and let him understand my signal: I felt he was making a mistake. 30

Q.—Would it be at the point “D” or “E” you blew your second one blast signal? A.—I can’t just exactly locate when I blew the last signal: I was watching the Imo so intent I didn’t notice the distance in feet.

Q.—Some three or four minutes elapsed between the first one blast signal and the second one blast signal? A.—I think so, perhaps less.

Q.—Give us the order of your own signals? A.—I gave one blast.

Q.—And three or four minutes afterwards the second one blast?

A.—No, I gave one blast, answered by the Imo with 2; then I gave another one. 40

Q.—Three or four minutes between the first and second one blast? A.—Something like that; interval long enough to distinguish the whistles; they sounded well; after I got his 2 blast signal, after blowing my first one, and getting his 2, then immediately I blew another blast to find out what he really meant to do.

RECORD. Q.—You never thought then of stopping your engines? A.—I had my engines stopped then.

In the Exchequer Court of Canada, Nova Scotia Admiralty District. Q.—You never thought of reversing? A.—It was no use—I would ram my ship ashore and put her crosswise in the channel.

Q.—How far were you from the Dartmouth shore when you blew your one blast? A.—350 feet, 320 to 350.

Q.—Just a ship's length? A.—According to what ship.

No. 12. Evidence of Pilot Francis Mackey, Cross-Examination, December 15th, 1917. Continued. Q.—Your own ship? A.—Yes.

Q.—This chart does not indicate the correct position—"A"—of your ship? A.—Approximate position. 10

Q.—It cannot indicate the approximate position if you were only 350 feet from the shore; come down and scale the point "A" from the shore? Does not that scale 200 yards from low water mark? A.—I am giving an approximate idea. The point "A" is nearly 600 from the shore.

Q.—Do you wish to change the statement; is the point "A" on the chart right or is your distance wrong? Were you 600 or 300 feet? A.—I don't think I was 300; I am not positive on that point, of the number of feet from the shore; it is an approximate idea. I was watching the other ship intently.

Q.—To go over this again: I asked you to fix the point where the Imo was when she gave the 2 blast signal and you fixed the point 10? A.—About that. 20

Q.—And at the same time when you got that 2 blast signal the Mont Blanc was at the point 14? A.—At the first 2 blast signal I was at the point 12; first of all I will give you the correct line I was heading up on.

Q.—When the second 2 blast signal was given from the Imo she was at point 13 and the Mont Blanc at 14? A.—Well, approximately.

Q.—How wide is the channel—the navigable channel for larger vessels like the Imo, coming down the Narrows? As shown on this plan M. B. R. /4; you have gone up that channel hundreds and thousands of times? A.—I don't say thousands. 30

Q.—How wide is the navigable part of that channel? Do these lines indicate? A.—You see the depths of water there.

Q.—Do these lines indicate the channel? A.—Indicate the bank.

Q.—Are ships going up and down the channel—large ships—supposed to keep within those dotted lines? A.—At her draft she can go alone 22 feet.

Q.—Are ships of the size of the Imo supposed to keep within the dotted lines in the Narrows shown on M. B. R. /4? A.—It is immaterial; it is according to how they are placed, according to the draft of water. 40

Q.—What are these dotted lines indicating? A.—They indicate the mark of the deepest water in that channel or harbour between the two banks.

Q.—You put your engines at slow at Black Point Buoy? A.—Black Rock Point, about there.

RECORD.

In the
Exchequer
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Evidence of
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amination,
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Continued.

Q.—Or at the buoy? A.—After I passed the buoy.

Q.—The point 9 is approximately where the High Flyer was? A.—Yes.

Q.—Just at what point did you put your engines at slow? A.—I just forget the point—where I put the engines slow.

Q.—Yes. A.—After I passed the Black Rock Buoy and somewhere off the Point.

Q.—What caused you to put your engines slow there? A.—I wanted to go up slowly; I saw the masts after I got up above the point.

Q.—You hadn't seen the masts of the Imo for sometime after that?

A.—After I came past the point a bit. 10

Q.—Did you put your engines at slow when you first saw the masts of the Imo or sometime before that? A.—When I first saw the masts of the Imo.

Q.—Then it was at Black Point Buoy? A.—No, it was above it; I told you that, and I didn't notice the particular point.

Q.—Previous to that at what speed were you going? A.—Along, I suppose, about four knots, hardly that, very slow.

Q.—Were your engines at half or full speed? A.—Half before that.

Q.—From the time you left the gate were your engines at full speed at any time? A.—One time, to clear the ferry boats. 20

Q.—And if I bring three or four witnesses to say you were going full speed, as fast as you could go, after you had got past Black Point Buoy, it is not correct? A.—It is not correct.

Q.—You say you were going at half speed from some place below the High Flyer until you saw the masts of the Imo when you went slow?

A.—Yes, some distance below; after I passed the ferry boats I went half speed, but previous to going slow again, or previous to going slow after I had gone half speed from the ferry boats, there was a boat crossed my bow and I went slow.

Q.—Where was that? A.—Somewhere off Deep Water Terminus, 30 abreast of pier 4 or 5.

Q.—That is somewhere opposite Black Point? A.—Away down below.

Q.—Away down below the High Flyer? A.—Yes.

Q.—You were not close to Deep Water Terminus? A.—No, we didn't go on that side.

Q.—After you got past Black Point and when you saw the masts of the Imo you put your engines at slow? A.—Yes.

Q.—And how long were they going at slow? A.—Not very long.

Q.—How long would you say? A.—A few minutes, probably a couple. 40 of minutes; not over.

Q.—What would be her speed then? A.—Very slow; I suppose it would be between 3 and 4 knots; four knots.

Q.—Then you stopped your engines. A.—Her engines might not be giving her all the power.

RECORD.

In the
Exchequer
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Canada,
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No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
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Continued.

- Q.—And you stopped your engines at some stage? A.—Yes.
- Q.—What stage was that? A.—When he answered me with 2 blasts.
- Q.—The first or second two blasts? A.—First two blasts.
- Q.—Do you mean to tell me there were 3 or 4 minutes between the first blast signal from the Mont Blanc and the first 2 blast signal from the Imo? A.—I didn't say three or four minutes.
- Q.—You said you had your engines running three or four minutes? A.—I didn't say three or four minutes.
- Q.—At slow? A.—I didn't; I said about 2 minutes; little more.
- Q.—Running 2 minutes at slow? A.—About that, maybe a little 10
more.
- Q.—And you put your engines at slow when you first saw the Imo? A.—Yes.
- Q.—Saw her masts or her hull? A.—When I saw her mast.
- Q.—You put your engines at slow when you saw her masts? A.—Yes, I said mast.
- Q.—And you kept them at slow for about 2 minutes? A.—Yes.
- Q.—And then stopped? A.—Yes, after I had got his signal of 2 blasts.
- Q.—What caused you to put your engine at slow when you saw his mast? A.—I saw he was coming over the land pretty fast; opening out. 20
- Q.—Could you see the speed of the vessel when you saw his foremast? A.—Flying past the land pretty fast.
- Q.—Do you know there was a slight haze? A.—Yes.
- Q.—And you undertake to say you could tell, seeing one mast over the land, you could tell how fast she was going? A.—I had an idea. I could see the north side of the Narrows, and seen the sun on the light brown paint of his mast.
- Q.—You were over a mile away? A.—Yes.
- Q.—And you got frightened and put your engines at slow? A.—I never got frightened. I was never frightened in my life. 30
- Q.—You put your engines at slow when you saw the foremast of the Imo? A.—Yes.
- Q.—You ran them 2 minutes at slow? A. Approximately; it might have been 3; I was not timing the occurrence.
- Q.—And you stopped them? A.—Yes.
- Q.—When? A.—After I got the 2 blasts.
- Q.—The first 2 blast signal from the Imo? A.—The first.
- Q.—And there was no other signal given on your telegraph or anything done with your engines until just before the collision when you reversed them? A.—I don't think there was. 40
- Q.—Don't you know? A.—I know there was not, it was not necessary, the ship was steering.
- Q.—Tell me how long elapsed from the time you put your engines at slow until you put them into reverse? A.—I can't tell you the correct time—I didn't time the ship.

RECORD. Q.—It would be several minutes? A.—Yes, my attention was taken up in watching the ship.

In the Exchequer Court of Canada, Nova Scotia Admiralty District.
Q.—Your ship was still carrying headway? A.—Enough to steer.

Q.—Apparently enough headway to carry her out from the middle of the channel where the collision occurred and afterwards to the pier 6?

A.—When the collision occurred the ship looked to be stopped, when the Imo hit her, and she twisted around and drifted slowly over to No. 6; I can say pretty well she simply drifted.

Q.—How was the tide that morning? A.—A little flood, about an hour or little more flood tide.

Q.—Coming in? A.—Yes.

Q.—I want you to take this large chart (M. B. R. /17) which is the scale of the two ships which are to scale and mark on this chart the position that the Mont Blanc was in when you first saw the masts of the Imo. Don't you know at what position on the shore you were without measuring? A.—I was steering on a line; I passed this point "K" I should say about 320 feet or probably 400 feet off the wharf between 300 and 400 feet.

Q.—Does that indicate the course you were steering? A.—M.—N. indicates the course.

BY THE COURT.

Q.—Was that course steered by compass? A.—A point on the land, north of Tufts Cove.

By Mr. Burchell.

BY Mr. BURCHELL.

Q.—You were steering for a point on the land marked "C"? A.—If you like.

Q.—At which point on that line M.-N. were you when you first saw the masts of the Imo? A.—Far enough across to see No. 9.

Q.—Can you tell me by relation to the Dartmouth shore where you were on M.-N.? A.—There was no particular point on the land I could take; I didn't take any particular notice of any part of that land.

Q.—On what point of that line M.-N. were you when you saw the foremast of the Imo for the first time? A.—Point "D"; that is the approximate position.

Q.—You place the model and I will mark around it? A.—(Witness places model on chart and it is marked around).

Q.—Put down now where the Mont Blanc was when you saw the hull of the Imo and gave your first one blast signal? A.—Point "E".

Q.—"E" shows the position of the Mont Blanc when you gave the first one blast signal? A.—Yes, those positions are not the exact spot.

Q.—The next signal you gave was another one blast signal? A.—Yes.

RECORD.

In the
Exchequer
Court of
Canada,
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District.

No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
15th, 1917.
Continued.

Q.—It was when the ship was at—you stopped your engines? A.—Yes.

Q.—You went slow when the ship was in the position of “E”?

A.—Yes.

Q.—When you gave your second one blast signal indicate on the chart the position of the Mont Blanc? A.—Point “F”.

Q.—You still kept on the same course? A.—When I gave the one blast.

Q.—Up to the time you got in the position shown by “F” you still were keeping on the same course M.-N.? A.—I was on that course.

Q.—You kept on that course until you got 2, blasts of the Imo’s whistle? 10

A.—The second 2.

Q.—Where were you when you got the second 2 blast whistle from the Imo? A.—Immediately after I blew the second one blast, the ship didn’t go half her length I don’t think.

Q.—Place that model on the plan M. B. R. /17 and show me where you were when you heard the second 2 blast signal from the Imo? A.—Half a ship’s length ahead. (Point “H”).

Q.—And you still had not changed your course, when you heard the second 2 blast signal? A.—I then changed my course.

Q.—I thought you told me on this chart you were at the point 14? 20

A.—That is right; 14 on that plan M. B. R. /4.

Q.—You were in the position of “H” when you got the second 2 blast signal from the Imo; what did you do then? A.—Starboarded my helm.

Q.—So as to swing to port? A.—Yes.

Q.—Was the order hard astarboard? A.—No.

Q.—What was the order? A.—Starboard.

Q.—Who gave that order, you or the captain? A.—I did, and he transmitted it.

Q.—Did you both give it together? A.—Both together.

Q.—What did he say? A.—He spoke in French to the wheel. I 30 don’t know exactly what he said.

Q.—For all you know he may have said hard a starboard in French? A.—He might have; it was not necessary to put it hard a starboard and I don’t think he said it.

Q.—You had no interpreter on the bridge? A.—No.

Q.—The man at the wheel could not speak English as far as you know? A.—No.

Q.—And the man at the telegraph could not? A.—No.

Q.—And the captain could not speak English? A.—He knew enough to understand what I meant; when I spoke in English he understood it. 40

Q.—Do you tell me the Captain of the French ship could carry on a conversation with you in English? A.—No, I didn’t say he could.

Q.—Does he know starboard, port? A.—Yes.

Q.—And hard aport and hard astarboard? A.—Yes, if I said hard astarboard I would say toute.

RECORD.

In the
Exchequer
Court of
Canada,
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No. 12.
Evidence of
Pilot
Francis
Mackey,
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amination,
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Continued.

Q.—Would he understand you? A.—Yes.

Q.—You didn't say toute? A.—No.

Q.—Were you at the position "H" when you gave that 2 blast signal of your own? A.—In that approximate position, yes; these positions might not be exactly definite but I know when I starboarded to allow him to pass me there was any amount of room.

Q.—Will you, on this chart M. B. R./17 show me where the Imo was when you saw her mast? A.—I can give you an idea; I gave it on the other chart.

Q.—How many changes of course did the Imo make before the Mont Blanc ported her helm? Go to port at the point "H"? You swung to port at the point "H"? A.—Yes, but I did not port my helm.

Q.—How many changes of course do you think the Imo made? A.—I don't think she made but only one after a time after she had opened out with the chart.

Q.—After she got in sight of you and saw the hull, how many changes of course and what were they up to the time of the position "H"?

A.—He seemed to be making a continuous change.

Q.—Describe that? A.—Straightening his ship down in the part of the channel that I was in.

Q.—Was he going to port and then to starboard and then going to port and then to starboard? A.—He had to change his head to starboard in order to do that, although he blew a 2 blast signal.

Q.—What is a continuous change of course? A.—Following the bend of the Narrows.

Q.—He had to change his course continuously to get down the Narrows? A.—Yes, somewhat; it was necessary.

Q.—Go to starboard and port in order to get down the Narrows? A.—Yes, I didn't say she went to port.

Q.—He had to change from starboard to port? A.—Yes, quite a lot.

Q.—He had to go to starboard and port, it is a winding channel? A.—Yes, to get down the part I was in.

Q.—You said he had to go to starboard and port and starboard and port? To make several changes? A.—He didn't have to make several changes; when he was coming out of the upper part of the Narrows he blew 2 blasts.

Q.—Did you notice what changes of course the Imo made in coming down that channel from the time you first saw the hull until you got in the position "H"; your answer a minute ago was she made continuous changes of course? A.—One continuous change until he got to a certain point, to follow the bend of the Narrows, his head was coming to starboard.

Q.—All the time after you saw him his head was coming to starboard? A.—Not all the time but enough of the time to straighten him down in my part of the channel.

RECORD. Q.—Do you mean to say when you first saw the Imo close into the shore where you marked here she had to go to starboard? A.—I don't mean to say that and I have not said so.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—She had to go to port? A.—It was not necessary to go to port to keep straight on.

Q.—To go to the other side? A.—It was not necessary for him to go to port.

No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
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Continued.

Q.—Tell me how many changes of course you noticed the Imo make from the time you first saw her until you got in the position "H"?

A.—About here he could keep straight on; I noticed the changes of 10 course.

Q.—What changes were they? A.—The first one was he had to turn down the Narrows and in order to do that he would port his helm and go to starboard in order to straighten her down the channel I was in, and after that when he got her straightened down a bit, it was after he straightened down he blew these second two blasts, and then I starboarded to give him a parallel course and when he got down—

Q.—Give me consecutively the changes in course you noticed the Imo make; did she make more than one change, starboard one time and port another? A.—No, she twisted in the channel and in order to do that 20 he ported his helm and went to starboard; that was the first change.

Q.—Were there any other changes? A.—The other change then was—that was when he was blowing the second blast he was coming down the channel, straightening down, I gave one blast to see whether he intended to follow down on my starboard side or not, after giving the two blasts. He immediately then blew the second 2 blasts.

Q.—Come to that chart (M. B. R./17) and mark where the Imo was when you were at the point "H"? A.—He was coming down the channel at a pretty fast clip—he was coming down here pretty fast.

Q.—I asked you to mark on the plan the position of the Imo when the 30 Mont Blanc was at point "H"? A.—The Imo was then about there—"J".

AND FURTHER DEPONENT SAITH NOT FOR THE PRESENT.

R. ECCLES,

Official Reporter.

IT BEING THEN 4.45 P. M. COURT ADJOURNED UNTIL 10 A. M., DECEMBER 17TH, 1917.

RECORD.

FOURTH DAY'S SITTINGS.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

COURT AND COUNSEL PRESENT AS ON FIRST DAY, WITH
EXCEPTION OF MR. F. H. BELL, K. C.

10 a. m., Monday, December 17th, 1917.

J. T. Rowan, Official Reporter.

No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
17th, 1917.
Continued.

MR. BURCHELL, K. C.:

I wish to say, my Lord, that in addition to being retained by the owners of the Steamer Imo, I have been retained by the Norwegian Government—the Norwegian Consul in this City having instructed me to bring to the attention of this Court the treatment which has been meted out by the authorities of this City to an important witness in this suit, who is a Norwegian subject, papers to prove which I have in my possession. 10

Your Lordship will remember that a day or two ago a letter was handed in from Major-General Benson, Officer Commanding the Military District here, in which it is stated that this man had his eye carefully examined by the eye specialist, and so on. (COUNSEL READS LETTER FROM MAJOR GENERAL BENSON REFERRED TO).

I wish to read this affidavit which I have made, and which I will hand in to the Court.

(MR. BURCHELL'S AFFIDAVIT MARKED AND FILED AS 20
EXHIBIT M. B. R. 19).

HIS LORDSHIP:

File your affidavit and if we can do anything about further hospital treatment for this man, if we find he requires it when he appears before us on the stand or here, I happen to know that the Victoria is open to emergency medical cases.

MR. BURCHELL, K. C.:

We found this man under military hospital guard. None of the men from the French ship are under guard or under arrest of any kind, and none of the other members of the Norwegian ship, as far as I know, are under arrest. 30

RECORD. MR. HENRY, K. C.:

*In the
Exchequer
Court of
Canada,
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District.*

No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
17th, 1917.
Continued.

May I add, my Lord, that I consider that the interference with this witness, without any reference to your Lordship, or to me representing the Crown in this matter, was entirely unwarranted. Mr. Burchell and I both made arrangements to put this man in this hospital—I made the arrangements myself with the American authorities, and I consider that it was unjustifiable for this man to have been removed from that hospital without any communication with any one at all.

The American authorities were informed that he was being put there, by Mr. Burchell and myself, and Mr. Burchell, I understand, asked them 10 at the time if they had any remarks to make on the subject of this man that they should be made either to him or to me. He was put in the City Prison without either of us having any opportunity of dealing with the matter. We were then lulled to rest by being told that he was put there simply and solely so he would be available for the Court.

I was personally told that he was not being held as a suspect. I told the Provost Marshall that Mr. Burchell had important information about this man if the Intelligence Department wished it; but they let the matter stand for three days without endeavouring to get the information from Mr. Burchell, and when, yesterday, I discovered for the first 20 time that he was under military arrest, and the only reason he was under arrest was on account of his suspicious actions in the Bellevue Hospital—it can hardly be said to be suspicious actions for a man who was suffering from serious wounds to get away from there when he was not given any treatment.

I trust that there will be in some way or another, an official investigation of this, and that the matter will be thoroughly ventilated, because I must say that, representing the Crown as I do, I am not at all satisfied with the way in which this matter has been dealt with.

MR. MELLISH, K. C.:

30

Except for the imputation by my learned friend in his statement or affidavit, that this man had been kept in gaol by somebody who had an interest in keeping him there, I have no interest in the matter I learned of it here this morning for the first time.

I disclaim on behalf of myself and on behalf of my clients any connection at all with the matter.

RECORD. MR. BURCHELL, K. C.:

*In the
Exchequer
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Canada,
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District.*

I did not in any sense mean that Mr. Mellish was connected with this matter—Mr. Mellish is miles and miles above such a petty injury as that.

MR. MELLISH, K. C.:

No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
17th, 1917.
Continued.

I never heard of this man until the letter came in from Major General Benson, and I may say that I have had something to do myself with getting people out of gaol for military arrest, for having their skylights open, people who have been residents of this city for 25 years—British subjects, who have recently been put in gaol because there was a fire in their house, and so on.

10

FRANCIS MACKEY- PILOT OF THE S. S. MONT BLANC, A WITNESS PREVIOUSLY SWORN, UPON BEING RE-CALLED DOTH DEPOSE AND SAY AS FOLLOWS FURTHER:—

Cross-Ex-
amined by
Mr. Bur-
chell, K. C.

CROSS-EXAMINED BY MR. BURCHELL, K. C.:

Q.—Pilot, I have your evidence which was taken on Saturday now before me. I think it may be important for us to discover exactly when you put your engines to slow. Now I find that at Page E. 24 I asked you the question “just at what point did you put your engines slow” and you answered, “I just forget the point—where I put the engines slow” and then I find at another place what you say in answer to a question “did you put your engines slow when you first saw the masts of the Imo or sometime before that, and your answer is “when I first saw the masts of the Imo”—then I find that in answer to another question on Page d 49 you say that you put the engines slow between the black rock buoy and the buoy off 24 foot patch—that is the third answer that you gave, and then I find on Page E 2 you said that “when I saw the foam from his bow, previous to hearing the two whistles, I decided I would not be like him, exceeding the speed limit and I slowed my ship down.” 20

Will you tell me now this morning where you say you put your engines slow, or will you say you don't remember? A.—To give you approxi- 30
mately an idea, but indefinitely at the particular spot.

Q.—The particular time in relation to passing a particular buoy or in relation to anything? A.—I cannot say definitely.

Q.—In other words you forget when you put your engines at slow—that is probably the correct answer—that is one answer you gave me on Saturday? A.—I know that they were going slow.

RECORD.

*In the
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Canada,
Nova Scotia
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No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
17th, 1917.
Continued.

Q.—One answer you gave me on Saturday was I forget when I put my engines at slow—is that it pilot? A.—Forget it at first.

Q.—You forget at first? A.—Yes sir.

Q.—Just what do you mean by that? A.—I don't remember just exactly the time.

Q.—Or the place? A.—Or just the place.

Q.—Do you consider it of any importance to this Court to know where you put your engines at slow? A.—According to the speed I was making it was not very great.

Q.—You don't think it of much importance? A.—Not very great. 10

Q.—Will you take the chart and give me approximately the distance from Black Rock Buoy to Black Point? A.—Black Rock Buoy is "D" on the chart M. B. R. 4.

Q.—What is the distance from the point "D", which is Black Rock Buoy, to Black Point, approximately? A.—I suppose about half a mile.

Q.—You can use the scale here and tell me on this chart—to the point itself? A.—A little more than half a mile.

Q.—What is the distance from Black Rock Buoy to the buoy at 24 foot patch, which is at the point "F" on this chart? A.—Four cables.

Q.—How far is that? A.—Not a half a mile—it is a cable less than 20 half a mile.

Q.—Ten cables to the mile? A.—Yes sir.

Q.—How far is it from the point "E" the buoy at the 24 foot patch, to the point "A", which is the point where you say you first saw the Imo? A.—About $3\frac{3}{4}$ cables.

Q.—Did you or would you regard it as of any assistance to the Judges to know whether you stopped your engines at the 24 foot patch or at Black Point, or at the buoy where you first saw the Imo—the point you first saw her? A.—I don't think it would be of any great assistance.

Q.—Now pilot, I understand you to say that at some time, I think it is a minute by you—at some time you gave two blasts of your whistle and turned to port, starboarded your helm so as to swing the bow of your ship to port—that is admitted? A.—Yes. 30

Q.—I understood you to say that the helm was turned at that time very slightly to starboard, or that is the order you gave? A.—Yes, I said easy to starboard—starboard a little.

Q.—Can you tell the exact words you said? A.—I might have said just a little to starboard.

Q.—Are they the exact words you used—just a little? A.—Yes sir.

Q.—Spoken in English? A.—Yes. 40

Q.—Who did you speak to? A.—To the captain.

Q.—You say you did not use the work tout? A.—No.

Q.—What does tout mean—a whistle? A.—Means full.

Q.—I am reading you from page 37 of the captain's evidence, down near the middle of the page—Q.—Who was blowing the whistle? A.—The pilot, the two blasts were given by the captain himself, the two last blasts.

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amination,
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Continued.

Q.—What two last blasts were they? A.—Two short blasts consecutive-ly given by him meaning I am heading towards the left. Q.—That was given by the captain himself? A.—Yes sir. Q.—And the captain himself gave the orders to the helm at that time? A.—He gave it himself in French all to the left. Q.—He told the helmsman to left? A.—Yes sir, himself in French.'

You heard that evidence and you heard what the captain says, and that the order he gave was all to the left? A.—According to that—I don't remember.

Q.—Can you understand French—what he did say? A.—No. 10

Q.—Now pilot, I understand that you said in your evidence on Saturday that the manoeuvres you had to make both on the telegraph and on the whistle and on the helm were so apparent that both you and the captain called out the orders together—all the orders together—is that right? A.—In nearly every case.

Q.—That is to say you called out an order in English and the captain called out an order in French? A.—Yes, sometimes repeated it.

Q.—You cannot talk French, and you don't know what the captain said? A.—Not at that particular time of giving the order.

Q.—How do you know he gave the same order as you did? A.—When 20 I gave the order to starboard I motioned with my hand and said easy.

Q.—I am talking about the signals to the telegraph, the orders to the whistle, and all the manoeuvres which were made? A.—Mostly all the manoeuvres that were made were given by me in English, and he understood enough about them.

Q.—The captain told us he does not understand English at all, except a few words, that is right? A.—I suppose.

Q.—Will you still stick to the statement that you and the captain called out all these orders simultaneously, you in English and he in French? A.—No. 30

Q.—You will change that now? A.—No, I am not changing—I told you he transmitted the motion and orders in French after me giving them.

Q.—On page D 43 you say you gave this order' mind your port helm so as not to let it go any more to starboard'—did you give that in English or in French? A.—I did not give that order.

Q.—I mean at any time—I will read from page D 43 of your evidence—which I fortunately have here in typewriting. You say at the top of that page 'mind your port helm so as not to let it come any more to port?' A.—That is right—you said to starboard.

Q.—You gave that order? A.—Yes. 40

Q.—In French or in English? A.—In English.

Q.—This order was given in English? A.—Yes sir.

Q.—To a captain who did not understand English—is that right? A.—I gave the order mind your port helm.

RECORD. Q.—Did you give this order ‘mind your port helm so as not to let it come any more to port’ to a captain who did not understand English?

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A.—That is right.

Q.—What—so you might as well be talking in Hindu? A.—Later just said just a little, which he understood.

Q.—You don’t say that here? A.—I said it yesterday.

No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
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Continued.

Q.—I am turning to page E 2 of your evidence, near the bottom of the page where you said, speaking about the time when you gave this second one blast signal ‘so I decided when I gave this second blast so as to attract his attention and see if he thought he was making a mistake; I just said ‘mind your port helm, starboard a little’ so as to prevent her head from going to port’—is that right? A.—Yes. 10

Q.—That was also an order given in English? A.—Yes sir.

Q.—You could not explain that in French? A.—No, could not try to—did not know it.

Q.—How many men were on the bridge before the collision? A.—I think at that time the captain and the man they called the first lieutenant, and myself and the helmsman.

Q.—Who was at the telegraph? A.—I forget whether the captain transmitted the order to the second mate or not. 20

Q.—Who was at the telegraph, standing by it? A.—The first lieutenant I presume he is.

Q.—He did not understand English the captain told us the other day? A.—I don’t think so.

Q.—Who was at the wheel? A.—The helmsman.

Q.—Do you know his name? A.—No sir.

Q.—We have been told he could not understand English? A.—Perhaps not, I don’t know.

Q.—Is it not a fact now that he could not? A.—I don’t know for a fact. 30

Q.—Did you speak to him in English? A.—Never spoke to him at all.

Q.—Did you give any orders to him? A.—By motion of the hands always.

Q.—When you gave orders who did you give them to? A.—Gave them to the captain generally—he generally transmitted the orders—in most all cases.

Q.—You spoke to a captain in English, who did not understand English, and he transmitted the order to the helmsman in French? A.—I did not say that the captain did not understand English.

Q.—The captain has told us he did not understand English—he has been here in court—he says he knows one or two words in English—you know that is all the English he does know? A.—That is all I know that he does know. 40

Q.—When you gave an order mind your port helm so as not to let it come any more to port, he would not understand what you were talking about? A.—He understood when I said just a little.

RECORD. Q.—He could understand that much of the conversation just a little?

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District.*

A.—Yes, because he acted accordingly.

Q.—Do you know what the word in French is for steady? A.—I know the sound of it if I heard it.

Q.—What does it sound like? A.—Dwatcomsir. (Apparently).

Mr. BURCHELL, K. C.

No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
17th, 1917.
Continued.

I am asking the stenographer if he can get this statement but he says he cannot get down what it means.

BY Mr. BURCHELL, K. C. (CONTINUING).

Q.—Have you been taking any French lessons from anybody since this 10 inquiry opened? A.—Never.

Q.—Have you tried to learn any French from the French Consul here? A.—Never.

Q.—You have told us in another place on Saturday that you knew the French for port, and I think you gave it to us—that is right? A.—Yes sir.

Q.—What is it? A.—Port is 'babord' as I understand the sound of it.

Q.—What do you understand the French is for the other word, starboard? A.—Tribord.

Q.—Mr. Mellish asked you a question here on page E 7 'when you gave 20 the orders say to port on that ship what would the captain say to the helmsman, and your answer is 'babord'? A.—I just forget what he did say.

Q.—Did you tell Mr. Mellish on Saturday that answer to that question? A.—I thought he did say that—he repeated port after I would say it, the order he would give to the helmsman I think was "babord."

Q.—Are you speaking now from actual instances which you heard on board this ship, you giving an order port and the French captain says "babord" to the helmsman—are you thinking now of a concrete case in which that was done? A.—I would not—I did not particularly notice what he said; but I motioned with my hand so as not to make a mistake. 30

Q.—Is that answer right or is it not when you gave the order say to port on that ship what would the captain say to the helmsman—and you answered "babord"—is that right? A.—I think he would say "babord".

Q.—Did you hear him say "babord any time? A.—I don't remember exactly.

Q.—Could you understand him if he did call that out? A.—I think I could.

Q.—You think you could catch the word "babord" if he spoke quickly in French? A.—Yes sir.

Q.—Did you hear the word "babord" on that ship that day? A.—Yes 40 sir.

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Evidence of
Pilot
Francis
Mackey,
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amination,
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Continued.

Q.—What is the word for starboard? A.—Tribord.

Q.—Did you hear him use the word tribord in his conversation that day? A.—Yes sir.

Q.—What did he mean by it? A.—I am not sure; but I think he was meaning the way I put my hand.

Q.—Did he think he was putting the ship to starboard? A.—That is what he thought.

Q.—Not to starboard his helm? A.—That is what he thought.

Q.—Do you know in French ships that they have done away with the words port and starboard, and use the words right and left? A.—I have 10 lately been told so.

Q.—When did you discover that? A.—Since this inquiry.

Q.—Then your statement is wrong that the captain used the word “babord”, because that does not mean right or left? A.—I only said at that time that I thought that—I did not say definitely.

Q.—I will read the question asked of you pilot, by Mr. Mellish when you gave the order say to port on that ship what would the captain say to the helmsman? And you said in answer “babord?” A.—That is what I thought at that time.

Q.—At which time? A.—When I gave that answer to Mr. Mellish, 20 that is what I thought.

Q.—You would not attempt to say this today, port or starboard in French? A.—No sir.

Q.—And you did not give any order in French? A.—No.

Q.—You don't know whether the captain understands what the order steady in English means? A.—I don't know particularly.

Q.—Do you or do you not know? A.—Not particularly, not by word.

Q.—In answer to a question of Mr. Henry on page D 43, of your evidence what did you say to the helmsman after that, and your answer was steady? A.—Yes. 30

Q.—Is that correct? A.—I think so.

Q.—I thought you told me a minute ago you did not give any order to the helmsman? A.—I gave them to the captain.

Q.—Your answer then is not correct? A.—Of course the helmsman would get them through the captain.

Q.—You did not give an order to the helmsman of steady? A.—I gave an order to the captain of steady, by indicating with the hand.

Q.—At any rate when you were coming up the harbour was the mate on the bridge with you? A.—Yes.

Q.—I suppose you had been talking to the mate the night before? 40 A.—Yes sir.

Q.—He talks pretty good English? A.—Very good.

Q.—And he was up on the bridge how long before the collision? A.—I don't just remember how long; but he was up and down I presume about once or twice.

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Evidence of
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amination,
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Continued.

Q.—Was he up there when you were passing Black Point for instance?
A.—I don't remember just then; but I think he was up when we passed the High Flyer.

Q.—What makes you remember that? A.—They seemed to know the High Flyer, something in connection with her.

Q.—Were you talking to the mate about the High Flyer then?

A.—Any more than I told them about it—that it was the High Flyer.

Q.—Did you tell them that or did they know? A.—Probably he knew it before—I don't know.

Q.—You could talk in English to the mate? A.—Yes sir. 10

Q.—You were standing and looking at the High Flyer and having a conversation with him? A.—No sir.

Q.—Did you tell the mate what a famous ship the High Flyer was?

A.—I said something about her sinking the Kron Prinz Wilhelm.

Q.—Then the mate went down from the bridge? A.—I could not tell.

Q.—He was not on the bridge when the Imo was first sighted?

A.—I don't remember.

Q.—Do you remember at what time the mate left the bridge? A.—Not exactly. 20

Q.—Do you wish us to understand that the mate was on the bridge when you were giving these orders after the Imo was sighted? A.—I don't remember—I know the captain was there and the officer standing by the telegraph.

Q.—Did you know this ship was loaded with dangerous munitions?
A.—Yes sir.

Q.—Very dangerous explosives? A.—I did not know to what extent or danger; but I knew she had explosives.

Q.—You did not think it part of wisdom to have an interpreter, or the mate, with you on the bridge at any particular time? A.—It was not 30 necessary, the captain was carrying out all my orders—everything that I said he knew.

Q.—Do you wish us to understand now that all these orders that were given were understood? A.—With the motion of the hand, my hand, at the time he seemed to understand them.

Q.—What kind of motion did you give to stop the engines? A.—He knew when I would say it in English—he would know it.

Q.—Did you say it in English? A.—Yes sir.

Q.—You cannot tell us at what time you slowed your engines?
A.—Not exactly. 40

Q.—Do you know that the captain of this ship has stated here, emphatically, that he was in command of the ship—you heard the captain's testimony here? A.—Yes sir.

Q.—And you heard him say you were only there to ask advice from?
A.—Yes sir.

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Evidence of
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amination,
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Continued.

Q.—Is that right? A.—That is the way I understood my position.

Q.—And the captain was in command of the ship? A.—Yes sir.

Q.—And he could give any orders he wanted irrespective of you?

A.—Yes sir.

Q.—I will read the portion of the captain's evidence to you on page 38
—I asked the captain this question. "Q.—At some time the captain

himself took command of the ship from the pilot? A.—At all times the
captain is the master of his ship. He received advice from the pilot and
he has that advice executed, and in no case does he give the command to
anybody else"—that is right on this ship—the captain was not telling 10
a lie? A.—You are putting the emphasis I think the wrong way on the
sentence.

Q.—It will read a little further. "Q.—Does the captain say that all
the time he himself was in command of the ship, and not the pilot, that
he himself gave all the orders before the collision occurred? And the an-
swer is "The pilot was giving advice, telling him we must go to the right
or to the left, and he transmitted the orders." A.—I think what he
meant is that the captain is always supposed to be in command of his
ship—the pilot is there to give advice.

Q.—Reading from page 40 "Q.—He did not consider the pilot as 20
in charge of the ship? A.—In no case, the captain remains alone re-
sponsible for his ship, the captain remains alone responsible for his ship no
matter what happens according to the French law, and he believes it to be
an international law."—that is right? A.—Yes.

Q.—Then you were not in command of the ship? A.—No sir.

Q.—And it was the captain of this French ship was running this ship
himself? A.—No.

Q.—Was there a divided command—were you in command at sometime
and the captain at other times—is that right? A.—The captain was
in full command of his ship. I was there advising him as to the navigating 30
of his ship in.

Q.—When he wanted your advice he would ask for it and got it?

A.—He never had to ask for it.

Q.—He did not ask for it? A.—We are there to give it, and if he does
not choose to accept it he has not to do so.

Q.—Did you hear the captain say it was the captain himself blew
what I think was the fatal two blast signal, and gave the order all to the
left—the captain says he gave that order himself, and not you—is that
right? A.—I don't know that he gave the order all to the left—only
to the left, to port, starboard the helm, 40

Q.—You heard me read the evidence that he said he did give it?

A.—I don't remember him saying it.

Q.—You could not tell whether he did say it or not? A.—No.

Q.—What are you talking about? A.—I don't remember him saying
it.

RECORD.

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Evidence of
Pilot
Francis
Mackey,
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amination,
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Continued.

Q.—How far away was the telegraph from where you were standing?
A.—I suppose about probably 10 or 12 feet.

Q.—And there was a man standing by the telegraph?
A.—Close by it.

Q.—And the captain gave the orders in French to him?
A.—I presume so.

Q.—Must have been in French?
A.—They must have been—I don't just remember whether they were in French or English; but they were carried out.

Q.—You told us that the man at the telegraph could not understand 10 English?
A.—I presume he could not.

Q.—Do you mean to tell me for a minute that that French captain, speaking to a Frenchman at the telegraph gave an order in English?

A.—No.

Q.—You don't mean to tell us that?
A.—No sir.

Q.—What do you mean by saying you don't know whether he gave the order in French or English?
A.—I did not notice him giving the order in French or English; but the order was carried out as it was given by me.

Q.—You could not tell what order the captain gave in French?
A.—I 20 could see the telegraph.

Q.—From where you were?
A.—Yes sir.

Q.—Could you see on the telegraph what was done standing 10 or 12 feet away?
A.—Yes sir, and also could read it.

Q.—Do you know the signals on the French telegraph?
A.—Yes sir.

Q.—What are they?
A.—The same as the British signals.

Q.—In French or in English?
A.—In French—when I heard the word repeated I pretty well knew what they were saying.

Q.—When the French captain repeats the order you know what he says?
A.—Yes, if I was paying attention to what he said. 30

Q.—Were you paying attention to what he said?
A.—I was paying attention to the gesture in moving the telegraph; but not what he was saying.

Q.—Can you give us in French, one word that is on the telegraph?
A.—I cannot give it on the telegraph the proper pronunciation.

Q.—Can you spell there one single word that was on the telegraph instrument?
A.—Yes.

Q.—What word?
A.—Tout.

Q.—What is that?
A.—Full.

Q.—And another?
A.—Demi mitesse. 40

Q.—Spell it?
A.—I don't know if I can spell it correctly.

Q.—Spell the first part first?
A.—Demi.

Q.—And the other word?
A.—I think it is "tasse".

Q.—What other words do you know?
A.—Don't know if I can spell them correctly; but slow is lente, I think.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
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No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
17th, 1917.
Continued.

Q.—What is that for? A.—I think it means slow.
Q.—Who was blowing the whistle? A.—I gave the order and the captain used to I think, blow the whistle.

Q.—You think the captain blew the whistle—all the whistles himself?
A.—Yes.

Q.—Are you sure about that? A.—Pretty sure.

Q.—You did not blow any whistles yourself? A.—I don't remember.

Q.—Your memory ought to be pretty good of what happened that day? A.—It ought to be pretty fair.

Q.—Were you on the bridge at all? A.—Yes sir. 10

Q.—You were? A.—Yes sir.

Q.—Did you pull the whistle cord at any time? A.—I don't remember pulling it any time.

Q.—You don't think you did? A.—I don't think I did.

Q.—It is a thing that you would have impressed on your memory?

A.—It might be if the captain were not standing close—I always expect an officer to pull the whistle.

Q.—It is not your practice to pull the whistle yourself? A.—Not generally unless there is nobody else handy at the time.

Q.—The captain was there that morning? A.—Yes sir. 20

Q.—Did he blow all the whistles? A.—Yes sir, I think.

Q.—If the captain says you were blowing all the whistles he is mistaken? A.—If he said I blew all the whistles he is mistaken—I don't think he said that.

Q.—If he did say that he is mistaken? A.—Yes sir.

Q.—If the captain says that you blew all the whistles with the exception of the two blasts he is mistaken is he? A.—Yes sir.

Q.—Who did blow those two last blasts? A.—I gave the order, the captain blew it himself. Q.—If the captain says he gave that order

of his own judgment would you say that is right or that is wrong? A.—I 30 think we gave the order at the same time.

Q.—You called out together? A.—Yes sir.

Q.—You called out in English and he in French? A.—I called out in English.

Q.—What did you call out? A.—Two short blasts.

Q.—Do you suppose the captain would understand that? A.—Yes, he also gave an order too and the whistle was pulled immediately.

Q.—Have you not told us that the captain understands only two or three words of English? A.—I don't know if he understands two or three or five or six. 40

Q.—Do you think he understands two short blasts? A.—I think he understands it by the movements.

Q.—If the captain says he blew the whistle of his own accord, without any advice from you is he right or wrong? A.—He may be right and he may be wrong.

RECORD.

*In the
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Evidence of
Pilot
Francis
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amination.
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Continued.

Q.—You don't know yourself? A.—Perhaps he did not hear what I said.

Q.—Perhaps he could not understand what you said? A.—Perhaps, I don't know; but I think he did.

Q.—Then in this diagram plan, M. B. R. 17 "H" was the position of the Mont Blanc at the time that two blast signal was given? A.—Approximately.

Q.—Then I understood you on Saturday to say very emphatically, that the order you gave was just a little to port after the two blast signal?

A.—Yes.

Q.—And that did not have the effect of throwing her directly across the channel? A.—No, not without continuing.

Q.—If the captain's statement is right that the helm was turned all to the left, in other words that there was a hard astarboard helm, and the vessel must have been thrown more across the channel than if your order had been obeyed? A.—If it had been carried out.

Q.—If the captain says he gave any order all to the left, which we have got in English hard astarboard? A.—Yes.

Q.—And if he says the ship obeyed that perfectly of necessity the ship must have been thrown more across the channel than if the order you had given had been carried out, which was a little to the left—is that right or wrong? A.—Hard astarboard would be—I watched the ship's head and prevented any movement of that kind being carried out.

Q.—Will you tell me the words that you gave to the helmsman or the captain with regard to the helm after that two blast signal was given up to the time of the collision? A.—Starboard a little.

Q.—Starboard a little? A.—Yes.

Q.—Used those words in English? A.—Yes sir.

Q.—Who to? A.—The captain.

Q.—What did he say to the helmsman? A.—I don't know how he transmitted it to the helmsman.

Q.—Do you know if he understood you? A.—I think so.

Q.—You think he did? A.—Yes sir.

Q.—And you feel sure about that—do you think he understood your order starboard a little? A.—I think so—I thought he did anyhow.

Q.—If he gave the order hard astarboard he could not have understood? A.—If he did give the order hard astarboard I don't know—I don't know that he did.

Q.—What other order was given by you up to the time of the collision except starboard a little? A.—I said steady when I thought she starboarded enough.

Q.—Say that in English? A.—Yes sir.

Q.—How far had she moved? A.—She had not moved very far, only enough to allow him to pass if he had kept on the way he was going—he had crossed—he was crossing over to my starboard side.

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No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
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Continued.

Q.—Now pilot, you told us on Saturday that when you first saw the masts of the Imo you were a good sea mile away? A.—Yes sir.

Q.—That is right? A.—Yes sir.

Q.—How many feet in a sea mile? A.—6820.

Q.—It is not 6080? A.—I just forget to be exact—6080 I think is correct.

Q.—You have marked on this place M. B. R. 17, the position “D” as the approximate place where you were when you first saw the masts of the Imo—that is right is it? A.—I think so.

Q.—The point “H” is marked down there as the approximate place where you gave the two blast signal and starboarded your helm? A.—That is an approximate position—I am well up in the drawing; but I might have been a little further astern.

Q.—These might not have moved so far? A.—The blue print in the first place is not altogether correctly marked.

Q.—I am reading your evidence page D 44 where in answer to Mr. Mellish’s question “At the time you gave this second one blast signal how close had the ships approached each other? You say at that time the second one blast signal, that ship, I should say, was about between 400 and 500 feet away, perhaps 400? A.—I would not exactly be sure— I did not exactly measure the distance by feet—I was too much intent on watching her movements.

Q.—The point “F” on this chart here indicates the point where you were when you gave the second one blast signal on your ship? A.—Approximately.

Q.—So, when you starboarded your helm and gave this two blast signal you must have been closer than 400 feet? A.—She was approaching all the time.

Q.—She must have been closer than 400 feet—is that right? A.—Probably.

Q.—Will you please measure the distance according to this plan, you say you moved from the time you first saw the Imo’s mast until you gave this two blast signal and starboarded your helm? A.—I could not give you the distance in feet.

Q.—Approximately 3 ship lengths? A.—Might be three and might be 2½.

Q.—More than three? A.—I don’t think.

Q.—What is the length of your ship? A.—300 some feet.

Q.—How much exactly? A.—I think about 320 or something like that.

Q.—320 feet—so that your ship must have moved a distance of something under 1000 feet from the time you first saw the masts of the Imo until you starboarded your helm? A.—Probably, I am not positive as to the number of feet.

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Q.—Could you say it did not exceed three ship lengths? A.—Yes, I would—I said perhaps under three ship lengths.

Q.—Do you want to take that back? A.—No.

Q.—It is under three ship lengths? A.—Yes sir.

Q.—It is not more than three ship lengths? A.—No sir.

Q.—If we say 1000 feet it is allowing you the same thing A.—Yes sir.

Q.—More than 1000 feet is too much you think is it? A.—Yes.

Q.—In the same period of time the Mont Blanc must have moved about 4700 feet—the Imo rather? A.—I was not timing her exactly. 10

Q.—If the Imo were one mile away, 6080 feet when you first saw her masts and you moved between 900 and 1000 feet from the time you first saw her masts and gave the two blast signal and went to port—if the Imo was only 300 or 400 feet away from you at some time before you gave the two blast signal then it must follow, must it not, that the Imo had moved 4800 feet while you were moving less than 1000? A.—I don't know exactly just how the Imo was moving.

Q.—Can you calculate that? A.—Not just off hand.

Q.—There are 6080 feet in the mile? A.—Yes sir.

Q.—She was at least one mile away you say? Yes sir. 20

Q.—You moved between 900 and 1000 feet? A.—Probably.

Q.—And the Imo was certainly not more than 300 feet away from you when you starboarded your helm? A.—She was about between 300 and 400 feet I think I said.

Q.—You said between 300 and 400 when you gave the second one blast? A.—I don't think so.

Q.—Between 400 and 500? A.—Yes sir, approximately.

Q.—Then she must have been closer when you gave your two blast signal—that was afterwards? A.—Yes sir.

Q.—How far away do you say she was then? A.—Far enough away 30 to get in a parallel position with me.

Q.—Must have been less than 400 feet? A.—Yes sir.

Q.—Because in D 44 you say she was between 400 and 500 feet away, because at that time you say in answer to a question from your Counsel as to what speed she was coming at at the time that she was coming quite a rate of speed? A.—Yes.

Q.—So she must have got closer to you than 400 feet at the time you gave the second two blast signal? A.—Yes sir, naturally.

Q.—Did you say she was 300 feet away or closer—which would you say? A.—When we paralleled both ships. 40

Q.—I am asking you before you paralleled both ships, when you blew the second two blast signal—before you blew the two blast signal, how far away was the Imo from you at the time you blew the two blast signal? A.—I think about 400 feet.

RECORD. Q.—You said between 400 and 500 feet when you blew the two blast signal?
 A.—A little less—I blew the two blast signal immediately after he blew his.

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Q.—After he blew his two blast signal? A.—Yes sir.

Q.—Then his two blast signal was blown at a time when he was between 300 and 400 feet away from you—is that right? A.—Yes sir, or perhaps he might have been closer than 400—closer to 400 feet away.

No. 12.
 Evidence of
 Pilot
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 Mackey,
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 amination,
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 17th, 1917.
 Continued.

Q.—Not over 500 feet? A.—No.

Q.—Then while you were moving somewhere under 1000 feet the Imo was moving well on to five thousand feet—she was moving five times as fast as you? A.—I don't know whether it was 4 or 5 times.

Q.—Between 4 and 5 times—that is what it figures out at? A.—Perhaps, and more.

Q.—Is it not a fact that according to your own figures the Imo must have been moving 4 or 5 times as fast as you? A.—Perhaps.

Q.—I asked you on Saturday to mark on the chart the point “J”—the last question I asked you was to mark on this plan M. B. R. 17, the position of the Imo when the Mont Blanc was at the point “H” and you answered the Imo was at the point “J”? A.—Approximately.

Q.—Will you measure the distance from “H” to “J” on that plan? 20

(WITNESS DOES AS REQUESTED).

Q.—That is nearly 1100 feet? A.—Yes sir.

Q.—That “J” is not accurately down there then? A.—I told you only approximately.

Q.—Will you mark there when you say you were 300 feet away—at the time you gave the two blast signal? A.—Perhaps more than 300 feet.

Q.—You told me that when you gave the second one blast your ship was at the point F—your ship was then at 400 or 500 feet away? A.—Yes sir.

Q.—Subsequently you moved ahead to the position “H” when you gave a two blast signal, and came to port, and you also said at the same time the Imo was coming down very rapidly, at great speed, on top of you, and if you were between 400 and 500 feet away when your ship was at the point F you must have been a great deal closer when your ship was at the point H—will you say 300 feet? A.—No.

Q.—How far? A.—Nearly 400 feet, if not 400.

Q.—Then the distance you gave to Counsel must be wrong? A.—I gave you an approximate distance.

Q.—You gave it to your Counsel, Mr. Mellish—do you wish to take it back? A.—I say it approximately—I think I did then.

Q.—You said between 400 and 500 feet, and then you said perhaps 400? A.—I think I said about.

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Evidence of
Pilot
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amination,
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Continued.

Q.—I will read it to you if you want to change it then? A.—I don't want to change anything.

Q.—Do you want to change it any? A.—Not much—not radically.

Q.—It is a question and answer to Mr. Henry, the Government Counsel, it is on the top of D 44, at the time you gave this second one blast signal, how close had the ships approached each other? And you answered at that time the second one blast signal, that ship, I should say, was about between 400 and 500 feet away, perhaps 400.

Do you wish to change that—did you make a mistake? A.—I might have been giving it a little short—I said approximately at the time. 10

Q.—No, you said between 400 and 500 feet, and you said perhaps 400—was that a mistake? A.—Probably.

Q.—What distance will you make it today—it is here between 400 and 500 feet? A.—When I gave the second one blast signal? . COUNSEL.
Yes.

Q.—I would say that it was not less than 500 feet I gave an approximate estimate at the time—I was not giving an exact distance in feet?

Q.—You say now it is not less than 500 feet? A.—I would say about 500 feet.

Q.—Would you say more then 500 feet? A.—I don't think more—I 20 was not measuring distances at the time—I knew he had room by putting my ship in a parallel position to pass him.

Q.—She was coming you say, at that time, at a quite a rate of speed? A.—Yes sir.

Q.—How close were you together after you moved ahead to the position "H" and when you blew the first two blast signal? A.—He had worked over to my starboard water then—I would say about 300 feet apart.

Q.—About 300 feet? A.—Yes.

Q.—During that time you have shown on this plan that you yourself moved about half a ship's length? A.—I think that is near it. 30

Q.—That is what you told us? A.—Yes.

Q.—You moved about 115 feet? A.—I moved far enough to make a parallel position.

Q.—Do you mean to tell me—I am asking you between the second one blast signal and your first two blast signal, that you moved to a parallel position—that you made any change in your helm? A.—After the two blast signal? A.—I am asking you, if you will look at the chart you will see what I refer to—the position of the point "F" shows where you were when you blew your second one blast signal—the position "H" on the chart M. B. R. 17, shows where you were when you blew your two blast signal, 40 and you say you moved about half a ship's length during that time? A.—Perhaps a little more.

Q.—Then if you were only 300 feet apart the Imo must have moved, going at the same speed as you were? A.—I don't know what his speed was.

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Evidence of
Pilot
Francis
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amination,
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Continued.

Q.—Then it would follow if you were 300 feet apart that the Imo was going at the same speed as you? A.—Perhaps.

Q.—Do you say she was going at the same speed as you or faster? A.—I don't know.

Q.—Would it not follow if you were only 300 feet apart when you gave your first two blast signal and you moved half a ship's length, that the Imo was still—was the Imo still at that time as your Counsel suggested?

A.—She was still coming.

Q.—Was she still coming or still in the water—your Counsel suggests she was still? A.—She was still coming.

Q.—Slowly? A.—Not too close—faster than I thought she should be coming.

Q.—She must have been coming at the same speed as you were?

A.—Probably faster.

Q.—Very slightly faster? A.—I think so, quite a little bit faster.

Q.—Will you tell me how many signals in all you heard from the Imo before she gave her three blast reverse signal, which you say was just before the collision? A.—I heard two signals previous to that.

Q.—You heard the two blast signal one mile away, when she was just coming around the bend? A.—Less than a mile away.

Q.—Pretty nearly a mile away? A.—Yes sir.

Q.—Then you heard no other signal until you heard a two blast signal? A.—Yes sir.

Q.—And you told us a few minutes ago that that two blast signal was not given until the Imo was between 400 and 500 feet away? A.—About 500 feet away.

Q.—And you wish us to accept that statement pilot? A.—Yes.

Q.—When I tell you I have sworn statements which I intend to hand in here, from the men on the High Flyer and that I am going to produce in Court, witnesses who will say that there was at one time a one blast signal from the Imo—will you still say there was none? A.—I never heard any and I was listening pretty attentively too.

Q.—Will you say positively that the Imo did not at any time blow a one blast signal—or will you say that she may have blown it and you did not hear it? A.—I will say I did not hear any one blast signal.

Q.—Will you admit that she may have blown it and that you did not hear it? A.—I will hardly admit that.

Q.—In spite of the fact that I can assure you I have sworn statements from the men on the High Flyer that she did? A.—I can tell you what I heard.

Q.—Will you admit the possibility of your being mistaken—of there having been a one blast signal which you did not hear? A.—That could happen; but I don't think it happened.

Q.—There is a possibility that it might have blown? A.—It could be possible; but I only heard two blast signals and I was watching him

RECORD. pretty sharply, and if he did blow a one blast signal it must have been a very weak one.

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Q.—And you will still say that the Imo did not give you any whistle from the time you first saw her three quarters of a mile away until she got within 400 or 500 feet from you? A.—She blew two blasts—that is all I heard.

Q.—She blew two blasts—three quarters of a mile away? A.—Yes, in answer to my one.

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Q.—And she blew two blasts when she was 400 or 500 feet away? A.—Yes sir.

Q.—And after that, according to you, she blew a three blasts, full astern 10 signal? A.—Yes sir.

Q.—How close was she when she blew the three whistles? A.—Close off the bow—I should say about a couple of hundred feet.

Q.—Will you show the point “J” correctly on this chart—that is the point where the Imo was when you starboarded your helm and gave your two blast signal—you have got it over 1000 feet away—will you not put it at the correct distance? WITNESS WHEN she blew her two blast signal? COUNSEL. When you blew your two blast signal—you have it over 1000 feet away there, or you have it 1000 feet away and you say it should be 500 or 600 feet—will you look on that chart and tell me how far, according 20 to you, the Mont Blanc moved in a direct line from the time that you gave your two blast signal until the time of the collision? A.—She answered her helm immediately.

Q.—How far on this chart does it show she moved? A.—It did not move half her length I don't think.

Q.—You have shown on this plan as being 550 feet?

Mr. MELLISH, K. C.

That is from the time of the two blasts until the collision?

BY Mr. BURCHELL, K. C. (CONTINUING).

Q.—From the time the two blasts were blown until the collision? 30 A.—I thought you meant from the one blast.

Q.—The question I mean is from the two blasts until the collision? A.—I starboarded the helm and she was twisting and moving ahead while she was moving.

Q.—Was she twisting to right and left? A.—Twisting to port all the time until I steadied her.

RECORD. Q.—How long do you say you had her under a little starboard helm?

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A.—Not very long.

Q.—How long? A.—Long enough to put her on a parallel line with the Imo.

Q.—That is the time you gave the order steady to your helmsman which you don't know whether he understood or not? A.—I think he understood.

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Evidence of
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Q.—How far is it between bow and bow—according to this scale the bow of the Imo, where she was when you blew your two blast signal and her bow at the moment of collision—do you know that distance—is it approximately closely 600 feet? A.—I did not move that distance. 10

Q.—How far do you think you moved? A.—300 feet about.

Q.—That line M. N. shows accurately the course you were on—you marked that accurately as your heading—that is right? A.—About right, and I think it is not as far off this point as it should be by the scale.

Q.—You wish now to move the line M. N. a little further out? A.—I think it was marked there—a little too far in.

Q.—How much farther do you wish to mark this line M. N. on the Halifax side—how much according to the scale—do you wish to move it—how much over 400 feet? A.—About 420 or 430 feet. 20

Q.—From the wharf K? A.—Yes.

Q.—And your paper shows 375? A.—Yes.

Q.—And you want to make it 45 feet in? A.—45 to 50 feet in.

Q.—So the line M. N. should be 45 to 50 feet further on the Dartmouth shore? A.—Yes sir.

HIS LORDSHIP:

Q.—That is the lower end of it? A.—Yes sir.

BY Mr. BURCHELL, K. C. (CONTINUING).

Q.—At the lower end near the wharf K? A.—Yes sir.

Q.—You are still on the same point G? A.—Yes. 30

Q.—When you came up to the position of H. it would make very little difference at the point? A.—Very little difference.

Q.—If you moved the point M. 50 feet farther out you would not be 50 farther to the westward at point H.? A.—It would be a distance of about 20 feet there.

Q.—How far do you say your ship moved in a direct line after your two blast signal until the collision? When she was at the place of the collision; how far would you say she was from the place where you blew your two blast signal in a direct line? A.—If it had been a direct line I should say about 400 feet; but she was twisting a little until I steadied her. 40

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Q.—So that she must have moved then more than 400? A.—I am not sure—I could not measure exactly the 400 feet.

Q.—Does that not follow? A.—There would be a little difference—not a great deal.

Q.—You say you blew a one blast signal first? A.—Yes sir.

Q.—And I understood you to say yesterday that the fact that you blew first was of importance because it gave you the command of the channel?

A.—Yes.

Q.—Is that right? A.—Yes.

Q.—If he had blown the two blast signal first would he have had com- 10
mand of the channel? A.—It would not be the proper thing for him to do.

Q.—I am asking you if he had blown the two blast signal first would it have given him the command of the channel? A.—It would be according to the side of the channel I would be on, whether I would consider it or not.

Q.—If the Imo had blown a two blast signal first would that have given him command of the channel? A.—It would have been improper for him to do it—I cannot say whether he would take command of the channel there. 20

Q.—Did you not say on Saturday that it was alright—I understood you to say on Saturday that his two blast signal was alright if he had followed it out? A.—I would have considered it if he had followed it out.

Q.—I am asking you again if you did not say on Saturday that his first two blast signal would have been alright if he had followed it out?

A.—Yes sir.

Q.—He did not follow it out? A.—No.

Q.—Did you say pilot, that it would have been alright if he had followed it out? A.—Yes sir.

Q.—Pilot, there are a number of wharves all the way along on the 30
Halifax side opposite to where you were when you first saw the Imo, and farther along right up the shore? A.—Yes.

Q.—There is the Sugar Refinery, and the Dry Dock nearly opposite?
A.—Yes.

Q.—And Pier 6 which is a long pier? A.—Yes sir.

Q.—And Pier 8 and 9 which are very important piers? A.—Yes sir.

Q.—And piers farther up? A.—No piers after pier 9, only to get into the basin.

Q.—There are also wharves on the Dartmouth shore, the Brewery Wharf and the cable Company's wharf? A.—Yes. 40

Q.—This place, certainly all below 9 is part of the public harbour of Halifax? A.—Yes.

Q.—And very large vessels coming in piers, 8, 9 and 6 and the Sugar Refinery and so on? A.—Yes sir.

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Evidence of
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Continued.

Q.—Well now pilot I want you to draw a line, suppose a line drawn across the harbour from east to west across the bows of your ship when you first saw the Imo, and I want you to draw an imaginary line across the channel from east to west in the same way across the bows of the Imo when you first saw her, and I want you to tell me how many steamers or craft or vessels of any kind you saw moving in the intervening water, after you saw the Imo and before the collision? A.—I did not see many moving.

Q.—Will you tell me any you saw moving? A.—I think I saw a small tug boat around there. 10

Q.—A small tow boat? A.—Tug boat.

Q.—You are familiar with the tug boats in the Halifax Harbour?

A.—Yes sir.

Q.—What one was this? A.—I think it was the one Captain Murray was on, the Hilford.

Q.—Where? A.—Somewhere off the Dock Yard, perhaps a little north of the Dock Yard, or the Dry Dock.

Q.—In which direction was she moving? A.—Coming out from the western side, going around my stern.

Q.—Going north or south? A.—I just forget. 20

Q.—Paid no attention to her? A.—No, because he was not in my way.

Q.—What was the name of that vessel? A.—The Hilford I think her name was.

Q.—She was not towing anything? A.—No sir.

Q.—At what pier did the Hilford come out? A.—Just after the collision I noticed him particularly coming alongside.

Q.—I am asking you what vessels or craft you saw in that intervening water between your bow and the Imo's bow, from the time you first saw her until the collision. I want you to draw a line across the channel from the Halifax to the Dartmouth side, across your bow when you first saw the Imo? A.—Yes. 30

Q.—And I want you to draw a line up here across the channel across the Imo's bow when you first saw her? A.—Yes.

Q.—And there is a space of water intervening there which is bounded by the Dartmouth shore on the east and the Halifax shore on the west sides—a line drawn across your bows east and west would be the southern boundary and a line drawn across the channel east and west across the Imo's bows would be the northern boundary?

HIS LORDSHIP:

In other words ahead of him, between him and the Imo, how many vessels did he see moving in the harbour? A.—None directly in line between the Imo and myself. 40

RECORD. BY Mr. BURCHELL, K. C.

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Q.—I have not asked you that question and you know I did not ask you that question? A.—Yes.

Q.—You know I did not ask that question?

HIS LORDSHIP:

No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
17th, 1917.
Continued.

Between your ship and the Imo when you first saw the Imo, between your ship and the place where the Imo was, how many vessels did you see moving? A.—None.

BY Mr. BURCHELL, K. C.

Q.—Do I understand between your bow and the Imo's bow there were 10 no vessels moving—between the line? A.—Yes.

Q.—Is that what you mean? A.—Yes.

Q.—I mean anywhere in the harbour north of you between you and the Imo, anywhere in the harbour between the Halifax and Dartmouth shores, anywhere between you and the Imo was there a vessel or craft?

A.—There might have been small boats—I know what you are coming at.

Q.—What do you think I am coming at? A.—I think I know what you are coming at—I presume you want to find out about the small barge with a load of stone which was going up alongside of pier 8?

Q.—What barge was that? A.—I don't know what she was.

Q.—Did you see her? A.—Yes.

Q.—Don't you think I made the question very plain in the first instance? A.—Not quite.

Q.—The answer you wanted to give was not anything in a direct line between you and the Imo? A.—Yes, that is what I thought you wanted; but later when you said either side I wanted to know whether you just meant that direct line or either side of my ship.

Q.—When did you first notice this boat with the tow—did you notice her at all or have you heard about that since? A.—No sir.

Q.—Why did you think I was so anxious to know about her? A.—I 30 thought you might want to find out about her, to make sure whether there was anybody between us or not.

Q.—You seem to know very well what I was after? A.—That was the only thing that I noticed, and I wanted to know definitely whether you thought there was anything in a straight line or whether there was anything off the side.

Q.—Will you tell me at what time you noticed a tug and when, and how many scows did she have? A.—I noticed one small scow.

Q.—Did you notice any vessel there with two scows in tow? A.—I did not notice any with two—she might have had two.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
17th, 1917.
Continued.

Q.—I want you to be very careful about this—did you actually see that tug with the scows or the one scow before the collision or has anybody told you about it since? A.—I saw it myself.

Q.—At what time did you see her and where were you? A.—Some-time after I passed the High Flyer.

Q.—Where was she then? A.—Well on the western side going up, going and keeping in out of the way.

Q.—On the Halifax side? A.—Yes sir.

Q.—How far up was she? A.—I think he was approaching up towards pier 8 when I saw her.

Q.—And the Imo at that time was not then in sight? A.—She was in sight, or her masts.

Q.—You told us you were down to the High Flyer when you first saw this tug coming with a tow? A.—Yes sir.

Q.—That is right? A.—Yes sir.

Q.—Could you not see the Imo then? A.—No.

Q.—Then between the time the Imo happened or appeared in sight this tug must have been well above pier 8? A.—She was not above pier 8 as I saw her.

Q.—When did you next notice her after you first saw her? A.—I noticed her just—she just seemed to be going very slowly along about pier 8.

Q.—Do you know what tug that is now? A.—No sir.

Q.—Do you know the tugs in this Harbour? A.—Yes sir.

Q.—Do you know the Stella Maris? A.—Yes sir.

Q.—Was that the tug Stella Maris you saw there with the tow?
A.—I am not sure which tug it was.

Q.—You know the tug Stella Maris? A.—Yes sir.

Q.—You were not paying any attention to her? A.—Not as to what tug it was.

Q.—You could not have been paying much attention to her or you would have recognized her? A.—If I had watched her sharply I would have known which tug it was.

Q.—This tug and tow were going up the Halifax side of the channel?
A.—Yes sir.

Q.—Fairly close? A.—Yes, close in.

Q.—Did you notice that tug start to cross over to the Dartmouth side after the Imo appeared in sight and then turn around back again to the Halifax side? A.—No.

Q.—You did not? A.—No I did not.

Q.—If the Imo wanted to signal to the Stella Maris or whatever tug that was that she intended to pass to the left, a two blast signal would be a proper signal to give to the Stella Maris? A.—Yes, if I had not blown mine—I was the first ship to blow.

Q.—Then according to you the Imo should not have paid any attention at all to the Stella Maris but should have gone down this way—the Imo

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RECORD. should have come down on her own Halifax side of the channel and run the Stella Maris down? A.—He had plenty of room to do it without that.

Q.—Don't you think the Stella Maris was as much entitled to a whistle as you? A.—Yes.

Q.—And the two blast whistle was the proper whistle to give? A.—He was not entitled to a whistle as much as I was because I was the one who blew.

Q.—Then according to you a great deal hangs on who blows the first blast? A.—Yes sir.

Q.—Then you think the whole case turns on the point as to who blew the first whistle? A.—Yes sir.

Q.—And if I bring a number of witnesses who can prove that the Imo blew the two blasts first for the Stella Maris she was right? A.—She could not see the Stella Maris—she could hardly see the Stella Maris.

Q.—She could hardly see the Stella Maris? A.—Yes.

Q.—Do you know what happened to the Stella Maris? A.—No.

Q.—Did you see the Stella Maris drop her barges and go back and try to put your fire out? A.—I did not notice.

Q.—I am instructed by the people on the Stella Maris that there were not any warnings given them that there were explosives on board—that you gave them no warning? A.—I did not have time, any more than to shout out to the people near. 20

Q.—Did you try to make the people hear—did you hear that some of the people on the Stella Maris were killed? A.—I heard some.

Q.—Did you know that the people on the Stella Maris had no knowledge that there was any danger, that there were explosives on the ship, and that they were preparing to try to put the fire out without any warning from you? A.—I did not see the Stella Maris come near us.

Q.—If I am instructed that the men on the Stella Maris saw you row away in a boat, in a position in which you must have seen them, and they were getting their hose ready to put this fire out, and trying to put this fire out, and got no warning from you—is that right? A.—I don't think it is correct. 30

Q.—Do you mean to tell me you never saw the Stella Maris after the collision? A.—No sir.

Q.—Never saw her at all? A.—No sir.

Q.—Did you see any boat go in and attempt to put the fire out? A.—No sir.

Q.—Did you see any boat coming down the channel racing for the Mont Blanc after the collision? A.—No sir.

Q.—Do you know as a matter of fact that the Stella Maris did go alongside and that the captain and officers performed a great deed of heroism in trying to put this fire out? A.—I heard that.

In the
Eschequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
15th, 1917.
Continued.

RECORD. Q.—You never gave them any warning? A.—I warned all the boats

In the I saw.

Exchequer Q.—If the men of the *Stella Maris* tell me that they got no warning from
Court of you, although they were in hearing distance from you they are not cor-
Canada, rect? A.—It is correct I did not see them to give them warning.
Nova Scotia

Admiralty Q.—Do you know the captain of the *Stella Maris*? A.—Yes.
District.

Q.—What is his name? A.—Brannan.

No. 12. Q.—Do you know he was killed? A.—I heard he was killed.
Evidence of

Pilot Q.—Do you know there were 24 men killed on the ship? A.—I heard
Francis that. 10

Q.—Do you know she came back to put the fire out? A.—By you
Mackey, saying it.

Cross-Ex- Q.—Did you see the account in the paper this morning? A.—No sir.
amination,

December Q.—It is news to you that the *Stella Maris* after being up the channel a
17th, 1917. considerable distance turned back and tried to put that fire out? A.—No
Continued. sir.

Q.—It is news to you? A.—Yes sir.

Q.—Never heard about it before? A.—No sir, nothing definite
about it.

Q.—She was certainly above you at the time of the collision? A.—Yes 20
sir.

Q.—Must have been a considerable distance above you? A.—She
was above me; but I don't know just how far.

Q.—Did you notice her drop her barges? A.—No sir.

Q.—Never noticed her anchor her barges and turn back? A.—No,
all my attention was taken up with the boats.

Q.—All your attention was taken in saving your life? A.—I was
shouting out to the men in the vicinity.

Q.—I am instructed by men and stevedors who were standing at pier 8
that you were within hearing distance of them, and that you could have 30
given them a warning to go away and you did not do so? A.—I yelled
out to everybody that there was danger.

Q.—I am instructed by the men on this pier that you were within hearing
distance of them, and that you did not call out to them that this ship had
explosives on board? A.—I called out to everybody in sight that that
ship was in danger and likely to explode.

Q.—Did you call out particularly to the men on the pier 8 and pier 9
about the danger, and that there was going to be an explosion? A.—No,
I did not call out to them particularly—I did not notice any men on pier 8
and 9. 40

Q.—Did you notice the *Curacas*, a fine, large and new steamer at No. 8?
A.—I saw a large steamer there.

Q.—She was a new steamer and a very valuable steamer? A.—Yes
sir.

Q.—Worth three or four million dollars? A.—Yes sir.

RECORD.

In the
Eschequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
17th, 1917.
Continued.

Q.—You know there were men on board of her? A.—I don't know.

Q.—Did you not anticipate there were stevedors on board of her loading?

A.—Yes sir.

Q.—And at pier 9 there was another large steamer the Calonne?

A.—Yes sir.

Q.—You did not call out any special warning to them, although within hailing distance? A.—I called out to everybody I saw.

Q.—If you yelled out down the harbour these people would hear you?

A.—I think I was too far from pier 8 for them to hear me.

Q.—If I am instructed that the people on pier 8 say that you never called out, although they claim you could have done so—what would you say? 10

A.—I called out there and did everything I could possibly do to let everybody hear me, whether at pier 8, 9, 10 or anywhere else.

Q.—Then these men are not right? A.—They might not have heard me.

Q.—Can you explain the fact that these men stood coolly by and watched this ship going up in smoke for 10 or 15 minutes, as I am instructed that there was not a man left these piers by reason of the fire because they had no warning that this ship was loaded with explosives? A.—Perhaps so.

Q.—Then this warning could not have been very effective? A.—Per- 10
haps they did not hear me.

Q.—You took to the woods in Dartmouth? A.—I did not take to the woods.

Q.—Did the captain tell you to take to the woods at Dartmouth?

A.—We went across and landed there and we went up and looked for protection.

Q.—You took to the woods in Dartmouth? A.—Not quite so flatly as you put it—we did considerable shouting before we took to the woods.

Q.—Now then, pilot will you please mark on that chart there the so called parallel position in which you got your ship with the Imo before the collision? Mark on that chart the place in the harbour, on the Exhibit 30
M. B. R. 17,—the point H. is where you were at the time you gave the two blast signal? A.—Yes.

Q.—Where were the ships when you got this so-called parallel position you have been talking about? A.—About there.

Q.—Go over it again and verify it and make dead sure it is the parallel position in the harbour—remember the ships and map and everything are to scale—put the ships in the dead sure position in which they were when they were in that parallel position you were talking about? A.—No,— you know marking those things on paper is not the same as when you are 40
going on the water—here is the position in which we were when we should have passed parallel.

Q.—You will put it down as the position? A.—Approximately.

Q.—We will mark it R. and S., showing the approximate parallel positions of the ships—you claim the Imo had her head pointed towards the

RECORD. Dartmouth shore in that position—is that what you claim—the Imo had her head pointed in that position towards the Cable Company's wharf.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination.
December
17th, 1917.
Continued.

A.—Yes, plenty of room to go by me.

Q.—And you claim to have moved two ship's lengths? A.—Probably that.

Q.—Between the time that you blew the two whistles and the time you got in this parallel position? A.—Probably.

Q.—Is that right? A.—I think it is nearly correct.

Q.—The chart shows that you moved two ship's lengths from the time you gave that two blast signal until you got into this parallel position? 10

A.—Yes sir.

Q.—In the meantime you gave no signals on the telegraph at all?

A.—Not until he gave his three.

Q.—Up to the time you got in this parallel position "S" as shown on that plan, you had not given any signal on the telegraph to the engineer, from the time you blew the two blast signal? A.—She was stopped.

Q.—She was stopped somewhere down here—from the time you blew your two blast signal and starboarded your helm? A.—Yes.

Q.—Up to the time you got into the position marked "S" on the plan which you call the parallel position to the Imo, had you given any signal 20 on the telegraph? A.—None.

Q.—So that she moved that distance, two ships lengths, with the engines not moving at all? A.—About.

Q.—She carried that from her previous headway? A.—Yes sir.

Q.—Two ships lengths is how many feet? A.—600 feet.

Q.—In other words you moved 660 feet? A.—Roughly.

Q.—Roughly you would move 660 feet? A.—About, probably.

Q.—Pretty nearly in a direct line according to you, you had given very little starboard helm? A.—Yes, enough to parallel the ship.

Q.—You moved 660 feet and the Imo was 300 feet away from you 30 when you blew that two blast signal—is that right—that is what you told us? A.—Did I say 300 feet.

Q.—Yes, you said 300 feet this morning? A.—I said approximately.

Q.—You said approximately 300 feet? A.—Yes sir.

Q.—You said this morning when you blew the two blast signal at the point "E." you were 500 feet away? I was not particularly marking the distance by feet—I could not judge the exact distance by feet in any of those markings.

Q.—When you were in the position "E."? The Imo then was I should say about 300 or 400 feet away—that is the position I was watch- 40 ing particularly when I got parallel.

Q.—You mean the distance between the courses is between 300 and 400 feet, or the difference between the courses is bows.

Q.—What was the distance between the courses there on parallel courses—you don't know how far your courses were apart? A.—Not

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
17th, 1917.
Continued.

exactly; but I expected to pass him I should say about 100 feet or probably a little more—we would have passed if he had kept on.

Q.—Then you say when the ships were in the position shown by R. and S. that the Imo reversed her engines? A.—He blew the three blasts and reversed his engines.

Q.—Will you explain to me how it was possible for you to get from the point "S." to the point which you have marked on the chart as being the position in which the Mont Blanc was in at the instant of the collision—did you drift sideways? A.—No, the Imo was coming pretty fast.

Q.—Will you measure the distance you have moved sideways between the position of the Mont Blanc when she was in this so called parallel position? A.—Sideways on the Mont Blanc.

Q.—I am asking you the distance that is shown on the chart between the Mont Blanc when she was in this so called parallel position and the position in which she was at the time of the collision?

MR. MELLISH, K. C.:

This witness was asked to prepare and place these positions in the position at the time of the collision, and quite a number of other positions, and the positions do not agree—they are a few inches apart.

BY MR. BURCHELL, K. C. (CONTINUING):

Q.—Will you agree with me that it would be impossible for the Mont Blanc to get into the position you have marked here on this plan 17, as at the time of the collision if she was at the point S. when you were on the parallel courses—is that not an impossibility—is there something wrong? A.—It was not an impossibility that morning—that is the position we got in.

Q.—Will you tell me how you drifted sideways towards Halifax from the position S. until you got to the position you were at the place of the collision—was there a tide carrying you over? A.—To which side.

Q.—To the Halifax side? A.—No, a slight tide—all that I can see is that those positions are approximate and marking them on paper is quite different from sailing up the harbour.

Q.—You have marked an impossible position on the chart? A.—Probably on paper; but sailing up the harbour is quite different from this.

Q.—Did you at any time drift sideways as it would seem from the positions you made on the chart? A.—I don't remember drifting sideways until after the collision

Q.—Continued to drift sideways? A.—Not very well after the collision.

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RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
17th, 1917.
Continued.

Q.—Now then Mr. Pilot you have attempted to show on this diagram that your ship at the time of the collision was pointing up and down the harbour and not across the channel—have you not? A.—Yes, up and down, No. 9 on the port bow.

Q.—Do you want the Court to believe that you were pointing with your head up and down the harbour as you have shown on this plan? A.—Approximately.

Q.—Do you want the Court to believe it approximately? A.—Yes.

Q.—Or do you mean you want them to believe it was the approximate position? A.—Approximate position, I was heading up then with No. 10 9 on the port bow.

Q.—And if the captain of the ship admits himself that he was laying with his head a great deal more to the Halifax side than you have shown us? A.—I would stick to my own line.

Q.—And if all the witnesses on the shore say you were laying directly across the channel and come into Court and say so you would still say you did not believe them? A.—I would stick to my own line.

Q.—You got to that line by first starboarding the helm a little bit after the two blast signal—that is right? A.—Yes sir.

Q.—The captain says he gave hard astarboard there and not a little? 20 A.—Perhaps he did; but I checked the swinging myself by steadying.

Q.—By calling out steady to the helmsman? A.—Yes sir, by motioning with my hand.

Q.—And you told us that you don't know whether the helmsman understood what you meant by the word steady or not? A.—The captain was transmitting my orders.

Q.—Your evidence was that you said steady to the wheelsman? A.—I gave the order steady to them.

Q.—To whom? A.—To the captain.

Q.—You did not give it to the wheelsman? A.—It is transmitted 30 to the wheelsman.

Q.—And you don't know whether the captain knew what you meant by steady? A.—I feel that he did—I have no doubt that the captain understood it.

Q.—Did you notice an anchor on the bow of the Imo before the collision? A.—Not particularly.

Q.—Do you know there was an anchor there? A.—I felt there was one there.

Q.—On which side was it? A.—She would have an anchor on both sides I presume.

Q.—Do you know whether she had or had not an anchor on both sides? A.—I could not swear because I was not looking at that particular part of the ship.

Q.—You heard all the witnesses in the Court giving their evidence? A.—Yes sir.

RECORD.

*In the
Eschequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
17th, 1917.
Continued.

Q.—Did you hear the witness from the Imo say there was only an anchor over the port bow? A.—Yes sir.

Q.—Do you believe that? A.—Yes sir.

Q.—The angle of the blow I suppose, according to you you will agree with the mate and the captain, was at an angle of more than 90 degrees from the bow of your ship? A.—Approximately—it might have been that or might have been a little more or less.

Q.—You have not shown an angle of more than 90 degrees on the bow for your collision? A.—I just gave a rough marking.

Q.—You know what I mean by an angle of more than 90 degrees from the bow? A.—Yes sir. 10

Q.—Do you say it was more than 90 degrees? A.—I would say it was between 80 and 90.

Q.—And if this anchor was hanging down it would be about the water line? A.—Perhaps not.

Q.—I understood the mate to say—did you hear him, that it was about the water line—they were waiting to take it aboard? A.—It might have been.

Q.—This gash of 10 or 12 feet did you notice the anchor catch that at all—how far do you think the gash was? A.—Between 9 and 10 feet. 20

Q.—Did you notice the anchor catch in the gash at all there? A.—I did not notice—the first thing I noticed was the stem cutting in—if the anchor was down long enough it probably would catch; but I did not notice whether it was down long enough.

Q.—If there were a gash of 9 or 10 feet, as the Imo went in there with the bow did you not notice if the anchor caught or not? A.—I might not have my eye on the anchor at that particular time—the anchor would go there without my seeing it.

Q.—If you did not notice the anchor you could not tell much about the gash? A.—I am giving an approximate idea of the gash.

Q.—The captain says the smoke came so quickly he could not tell how deep the gash was down? Do you agree with that? A.—Yes. 30

Q.—You don't know anything about the speed of the steamer yourself—your steamer, the Mont Blanc—you don't know how fast she can go? A.—Only as I have been told.

Q.—But you don't know yourself? A.—I never timed her.

Q.—You never had her full speed for any length of time did you? A.—No.

Q.—You say you have not? A.—No sir.

Q.—There was a slight haze was there not up in the upper part of the harbour, or stream? A.—Some smoke clearing away. 40

Q.—You said yesterday in your evidence that there was some haze in the upper part of the narrows? A.—I think I said smoke.

Q.—You say you did not use the word haze? A.—I don't think I used it—I used the word smoke.

RECORD. Q.—Was there any haze in the upper part of the harbour where the Imo was? A.—Only a little smoke.

In the Exchequer Court of Canada, Nova Scotia Admiralty District. Q.—A little smoke on the water? A.—Just scattered up a certain height.

Q.—You would not call it steam rising from the water that morning? A.—No sir.

No. 12. Evidence of a mile. Q.—It was perfectly clear where you were? A.—Yes, could see over

Pilot Francis Mackey, Cross-Examination, December 17th, 1917. Continued. Q.—And if I can show you the evidence a little later on, where you said there was a haze, you will take it back and contradict your former state- 10 ment? A.—I did not say there was not haze; there might be a little from the top of the water; but the principal thing was smoke.

Q.—You said smoke down about the Inner Gate? A.—Yes.

Q.—But you also said there was also a little haze up the basin? A.—I don't think—the haze was immaterial.

Q.—It was not very serious you think? A.—No, not worth speaking about.

Q.—You said you saw the Imo at 8.25 or 8.30? A.—About that.

Q.—What time was the collision? A.—I suppose the collision must have been about 10 or 12 minutes later I should say—it might have been a 20 little before 8.30 when I saw the Imo—I am not quite sure.

Q.—What time did you think elapsed between the time you first saw the Imo until the collision—15 minutes? A.—No, I don't think so.

Q.—How long would it be? A.—About 10 or 12 minutes I should say.

Q.—How long elapsed between the time when you blew the two blast signal and the Imo was somewhere about 300 feet away, until the collision approximately? A.—A case of about 4 or 5 minutes probably.

Q.—Do you mean that; you don't mean to say when the Imo was 300 feet away from that time, 4 or 5 minutes elapsed up to the time of the collision? A.—No. 30

Q.—It would not be over a minute? A.—Between one and two minutes I should say.

Q.—So that it would follow from that that you went 900 feet in 11 minutes, or 10 minutes? A.—I cannot say definitely as to the number of feet.

Q.—You have told us very carefully you were three ship lengths from the time you first saw the Imo until you starboarded your helm—do you want to change that now? A.—As I thought—perhaps she would be less.

Q.—Now you find you are quandered do you want to change your statement? A.—I don't see I am caught out—I just want to tell the thing 40 as I saw it happen.

Q.—If I have witnesses to say that you were coming at what was a terrific speed up that morning past the Dock Yard, and approaching the place of the collision I want to see whether that is correct or not?

A.—Decidedly incorrect.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
17th, 1917.
Continued.

Q.—Can you tell us with exactitude when you stopped your engines—at what position in relation to the Imo? A.—Not just exactly, approximately.

Q.—You don't know whether it was when you first saw her or when you blew your first or second whistle—when you first saw her did you stop your engines or when was it? A.—We were going slow when I first saw her.

Q.—Can you tell me at what stage you stopped your engines?

A.—I think it was after she gave her two blasts.

Q.—You are not certain about it? A.—Not to be definite.

Q.—How far was the High Flyer from the collision? A.—Just giving 10 a rough idea, the High Flyer, I thought was anchored off the starboard quarter of the Niobe.

Q.—Approximately what distance? A.—Half a mile I suppose—perhaps a little more.

Q.—Did you think it was that distance? A.—I never measured that distance in feet.

Q.—And you passed close to the High Flyer's stern going up, did you? A.—Yes.

Q.—You told us yesterday that the ship had only a little speed left when you gave the order to go to the left, and gave the two blast signal? 20

A.—Very little speed—steerage way.

Q.—Just had steerage way? A.—Had enough steerage way.

Q.—Did she have good steerage way? A.—Very good.

Q.—She must have had very good headway on her? A.—Just enough to steer by—quite well below the speed limits.

Q.—You had stopped your engines sometime before? A.—Yes sir.

Q.—You could not have very good headway on? A.—Sufficient.

Q.—Sufficient for steerage way? A.—Yes sir.

Q.—If you put hard astarboard she would go hard astarboard? .

A.—Yes, she would answer her helm alright. 30

Q.—You said something yesterday about going back and putting the helm amidships after you started to leave the ship? A.—After the collision.

Q.—Yes? A.—I went back but the captain had given an order himself just before I did to put the helm amidships I thought.

Q.—Did you hear him give it? A.—I thought I heard him give it—I said put the helm amidships as well.

Q.—Who to? A.—I just forget whether the man was at the wheel or not, or whether he did it himself.

Q.—You yourself went personally back to do something with the helm 40 after you started to leave the ship? A.—I did not run back to check the helm exactly.

Q.—Did you tell anybody an hour after that the ship would have gone into the Lorne Club if you had not gone back personally and put the helm amidships? A.—I just forget.

RECORD. Q.—Did you or did you not? A.—I just forget—I am not quite sure.

In the Exchequer Court of Canada, Nova Scotia Admiralty District. Q.—Do you know Captain Johnson, who is here in the Court Room?

A.—Yes.

Q.—Did you tell Captain Johnson within an hour of the explosion or thereabouts that you went back and put the helm of the *Mont Blanc* amidships and if you had not done that she would have gone into the Lorne Club instead of No. 6 pier? A.—I might have said that.

Q.—Did you or did you not say that to Captain Johnson? A.—I said that yes.

Q.—And the captain is wrong when he says you did not change the 10 helm? A.—I just forget whether he or I gave that order now.

Q.—You told Captain Johnson that you did it yourself within an hour after the explosion, that you did it yourself and now you cannot say whether the captain did it or you did it? A.—I don't say I put the helm amidships—it was an order.

Q.—I am instructed that you told Captain Johnson that you yourself went personally back to the helm took hold of the wheel and put the wheel amidships? A.—I don't remember saying I took hold of the wheel because that would be hardly a thing I would do unless there was nobody at all there.

Q.—There was nobody there—they had all climbed down? A.—I don't think.

Q.—I am talking about the case when you were ready to get into the boat it looked to you that you might do something with the wheel and that you went up on the bridge to change the wheel in some way—is that correct that you did that? A.—No.

Q.—Did you tell Captain Johnson you did that? A.—No sir.

Q.—What did you tell Captain Johnson? A.—I might have told him when I went up on the bridge and gave the order full speed ahead thinking I might force some water in the hold and put out the fires.

Q.—Did you tell him that? A.—I think I might have told him that—I might have said something about the wheel; but I just forget.

Q.—If the wheel had not gone amidships was there a danger of her going to the Lorne Club? A.—She might have gone down there.

Q.—At the time of the collision your wheel must have been hard astarboard? A.—Not at all.

Q.—The Lorne Club is some distance below Pier 6? A.—Yes.

Q.—It is right at the Sugar Refinery? A.—Yes.

Q.—And if you told Captain Johnson that if you had not put the wheel amidships the *Mont Blanc* would have gone into the Lorne Club then 40 it must follow that the wheel of the *Mont Blanc* must have been to starboard at the time of the collision? A.—That does not follow.

Q.—What does follow? A.—The impact of the blow from the *Imo* would cause that.

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Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
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Evidence of
Pilot
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Mackey,
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Continued.

Q.—What was your idea of putting the helm amidships, so she would run into Pier 6? A.—That she would probably ground on the beach.

Q.—What would have been the effect of putting the helm hard aport? A.—She would not have twisted—as she was headed that way when the collision happened there was no use changing the way as she would not have answered as the weight was stopped.

Q.—She drifted in on the tide you think? A.—Yes sir.

Q.—I have witnesses who say she came in fairly rapidly—you don't believe them? A.—No sir.

Q.—You were on the other side? A.—I was looking out for the land- 10
ing, trying to get the cars out and singing out to everybody that I saw to get away, that the ship was likely to explode there.

Q.—Did you see any other craft besides the Stella Maris that morning? Notice any motor boats? A.—I noticed some there after the collision?

Q.—Before the collision? A.—I just forget whether I noticed any motor boats but there was nothing in the way.

Q.—I mean were there any other craft besides the Stella Maris seen in the harbour? A.—There might be.

Q.—Did you not see them—and you not see them or that there were not any—which did you mean? A.—There might have been some 20
small things in the way.

Q.—Did you know the captain of the Imo? A.—Yes sir.

Q.—He spoke pretty good English? A.—Pretty good.

Q.—Was your ship on fire to your knowledge before the collision, pilot? A.—Not to my knowledge.

Q.—No smoke at all? A.—No sir.

Q.—The engineer was the last man to come from below? A.—I think 30
so.

Q.—Had to go back and get him? A.—The captain ran back I under-
stand—I don't know what he ran back for.

Q.—He was apparently the only man on the ship that stuck to his post? A.—I think every man stuck to his post.

Q.—You thought your position was to get away as soon as you could? A.—Not particularly.

Q.—The engineer, they had to send for him to come back, to come up—he was down below? A.—As they told me.

Q.—The firemen had come up? A.—I just forget.

Q.—Do you know the engineer? A.—To see him.

Q.—Was he hurt? A.—I don't think.

Q.—As I understood the captain of the Mont Blanc when he gave an 40
order right to the helmsman the helmsman would turn his wheel to the right and the bow of the ship would then go to the right—do I understand correctly? A.—If he turned his wheel to the right the bow of the ship would go to the right.

RECORD. Q.—On an English ship if you turn the wheel to the right will the ship go to the right or to the left? A.—Go to the right.

In the Exchequer Court of Canada, Nova Scotia Admiralty District.
Q.—Now a starboard helm with you means the ship goes to the left?
A.—Yes.

Q.—Is that what you mean? A.—Yes sir, being as it is something new I have never bothered much about that.

Q.—Then you don't know if you give an order starboard to the man at the wheel in French, whatever the French word is for right, you don't know what that means, whether it means going to the right or left?

A.—Yes.

Q.—You know that? A.—I am not particularly definite how they would take it; but if I give an order to starboard the helm I would expect that they would do so, and I would indicate with my hand the way I wished it.

Q.—Then you know that on the French ship they don't say starboard and port? A.—I know they use the French words corresponding to that in French.

Q.—Do you know if they use the words corresponding to right and left? A.—I know of some ships they do use port and starboard in—some of the French cable ships here.

Q.—Do you know if on this ship the captain used the words starboard and port or right and left? A.—I think he spoke in French to the wheelsman.

Q.—Do you know, if, in speaking in French or giving directions to the wheelsman, he used the words starboard and port in French, or the words right and left in French? A.—I don't know exactly what words; but he repeated the English from me.

Q.—There are some range lights at Tuft's Cove? A.—There is a gas buoy—I have not seen the range lights there.

Q.—That is range lights which have just been put in there? A.—I never noticed them there yet—they are talking about them; but I don't know that they are there.

Q.—You were not steering by the position of the range lights that morning? A.—No sir.

Q.—There was one man left behind on the ship was there, pilot?
A.—We left none as I understood.

Q.—I understood the captain to say there was one man missing from the crew? A.—We understood there was; but he turned up.

Q.—There was no man left aboard the ship—do you know? A.—Not to my knowledge.

Q.—How long do you say that the engine was at the signal stop before the signal to reverse? A.—I just forget the exact time.

Q.—Just a matter of seconds or minutes—5 or 10 seconds or what?
A.—Perhaps a matter of five minutes—perhaps a little more.

Q.—Could not be less than 4 or 5 minutes? A.—No sir.

No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
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Continued.

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RECORD. Q.—If the captain says $1\frac{1}{2}$ minutes he is clearly wrong? A.—I think he said approximately. He may be right and may be wrong.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.
No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
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17th, 1917.
Continued.

Q.—I am asking a question on Page 43 of his evidence. “How long were the engines stopped working—how long was he at the signal stop before the collision or rather before the order reverse?” and the answer is “Perhaps one and a half minutes.”—That is clearly a wrong answer? A.—I don’t say that it is—it might be and it might not—I was not timing it at the time.

Q.—Do you realize that you travelled a very short distance and the Imo travelled the greater part of a mile in that interval, besides reversing her engines? A.—I know we did not go very far. 10

Q.—The Imo did not travel that mile in anything like two minutes? A.—She was travelling very fast.

Q.—Did she do it in two minutes? A.—I would not say she was travelling the mile in two minutes.

Q.—So it must have been longer than 11 minutes from the time you gave stop to the signal reverse? A.—I just forget the exact time.

Q.—Is it more than $1\frac{1}{2}$ minutes or will you say you forget entirely? A.—I cannot give an exact estimate of the Time.

Q.—It may have been $1\frac{1}{2}$ or 5 or may have been 10? A.—Anywhere 20 from $1\frac{1}{2}$ minutes to 5.

Q.—Were you so confused that you cannot remember—will you say that? A.—I was too intent on watching up the channel.

Q.—Were you a bit confused? A.—No sir.

Q.—Not excited? A.—No sir.

Q.—Thought everything was going on alright? A.—Yes sir.

Q.—The captain says also that his engines were working astern only 20 to 30 seconds before the collision—will you agree with that—that is the Mont Blanc’s engines? A.—Yes, about that time.

Q.—That is all she was working astern? A.—Yes sir. 30

AND FURTHER DEPONENT SAITH NOT FOR PRESENT.

J. F. ROWAN,

Official Reporter.

AND IT BEING 1 P. M., COURT IS ADJOURNED UNTIL 2.30 P. M. TO PARTAKE OF LUNCH.

RECORD. PURSUANT TO ADJOURNMENT THE COURT RESUMED ITS SITTING AT 2.30 P. M.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

FRANCIS MACKEY, A witness having previously been sworn upon being re-called doth depose further and say as follows:—

(R. ECCLES, Official Stenographer).

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Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
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Continued.

CROSS-EXAMINATION BY MR. BURCHELL, (CONTINUED).:

Q.—You know there were some people killed in the explosion that followed? A.—Yes.

Q.—Did you know there were some thousands severely wounded and injured for life? A.—Yes.

Q.—And you know at 2.30 that is the hour set for the funeral of a large number of unidentified victims of the explosion? A.—I don't know

Q.—Do you know the bells are ringing now for this funeral? A.—I have not heard them.

Q.—I want to ask you now, knowing that this is the hour for the funeral, if you are willing to admit frankly that you have been deliberately perjuring yourself for the last two days? A.—No.

Q.—You say that everything you told us is absolutely true? A.—To the best of my knowledge; to the best of my ability.

Q.—You say that at this hour? A.—Yes.

Q.—You say that at this hour? A.—Yes.

Q.—You are considerable of a hard drinker yourself? A.—No.

Q.—A man who frequently gets drunk? A.—No.

Q.—Sometimes you get drunk? A.—Not lately, I have sometimes, a long while ago.

Q.—You drink quite a bit? What is known as a constant drinker? A.—No, not a heavy drinker.

Q.—I am instructed you are making a salary of a \$1000 a month during the last few months, is that right? A.—No.

Q.—What does your salary amount to?

Mr. Mellish objects. Received.

Q.—What does your salary average the past few months? A.—It varies.

Q.—You are paid by fees? A.—Yes.

Q.—Pilots lump all their fees and divide it equally? A.—Well, yes.

Q.—What have you been drawing? A.—I have been drawing somewhere about, I forget the exact figures, about probably \$500, \$400, or something.

RECORD.

*In the
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Continued.

Q.—Have you not frequently made as high as \$1,000? A.—No.

Q.—Have you ever? A.—I think there was one month a \$1,000; I am not quite sure.

Q.—Did you enquire about the seacocks on this ship after the collision?

A.—No, I felt that was the duty of the master.

Q.—You didn't think it was your duty to enquire to see if she could be sunk? A.—Not being much of an engineer I don't know about them.

Q.—You didn't know about them? A.—I heard of them.

Q.—You knew every ship had? A.—Yes.

Q.—Is it not a difficult thing to bring out a vessel from the upper part 10 of the Narrows at the entrance of the basin at full speed? A.—No.

Q.—You can start from the basin at full speed, say 12 or 10 knots an hour, and come right through without any trouble? A.—Yes, if you wanted to.

Q.—When the Imo first came into view, when you saw the whole of her for the first time, could you see all of her starboard side? A.—Yes, after she cleared No. 9.

Q.—The first time you got a full view you could see the whole of her starboard side? A.—Yes.

Q.—Where in relation to the whistle is the bridge? A.—At the stern of 20 the bridge on the funnel.

Q.—How far away from where you were standing? A.—I don't exactly know.

Q.—10, 20, 30 or 40 feet? I mean the whistle itself? A.—Probably 40 feet, perhaps 30.

Q.—Good loud strong whistle? A.—It was a good whistle.

Q.—And worked alright? A.—Yes.

Q.—You told us on Saturday that you were never frightened of anything in your life? Is that right? A.—I never had a great deal of fear; I never got frightened; I won't say that I do get frightened. 30

Q.—Are you not rather a stubborn man and like to have your own way? A.—I don't think I am stubborn.

Q.—If you thought you were in the right and had the right of way going up would you persist in it pretty strenuously? A.—I would like to be able to carry it out.

Q.—There is some little confusion in the minutes, as to whether you did or did not change the course of the Mont Blanc when you blew your second one blast signal? Please clear that up? A.—I changed it slightly; but very little.

Q.—Which way? A.—To starboard. 40

Q.—To the right? A.—Yes.

BY Mr. ROBERTSON.

Q.—After the collision, immediately after, what was your opinion as to when the explosion would occur? A.—After being told about the nature

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amination,
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Continued.

Q.— of the kind of explosives I thought it might blow off in an instant.

Q.— You didn't anticipate there would be 15 or 20 minutes? A.— No, I didn't think it would last that long.

Q.— What do you say as to whether there was anything you could do to move the ship so as to cause greater safety to the citizens of Halifax?

A.— The way it looked to me it was immaterial whether anything could be done; there was nothing I could see that could be done to improve the situation.

Q.— I think you told us what you did, about full speed ahead?

A.— I ran back on the bridge and gave the order to get full speed ahead, 10 thinking I might force some water into the hold; I am not quite sure whether the captain executed that order or not; I don't think there was any response.

Q.— Can you say how long it was you left the ship before the explosion? After the collision? A.— Probably between 12 and 20 minutes.

Q.— How long after the collision did you leave the ship? A.— I think probably five minutes had elapsed, perhaps more.

Q.— There was some talk by Mr. Burchell as to whether you warned people on leaving the ship? A.— Yes, Captain Murray, he looks after the 20 slow convoys coming out of Halifax; he used to be captain of the Empress of Britain; I asked him first to tow us away but they didn't come near; I said that she is going to blow up; get away; there was the captain of the little sugar boat around there too; the Acadia Sugar Refinery's boat, and I told him that ship is going to blow up, get away.

Q.— Can you say as to what others? A.— There was a motor boat; I waved my hand to it.

Q.— How about the French captain? A.— He was doing the same thing, he was in the same boat with me.

Q.— How many boats were there put away from the ship? A.— Two 30 boats.

Q.— There is a small matter I would like to mention; is 24 years strictly correct as to your service? A.— I meant to correct that before the Court adjourned on Saturday; 24 years service, 22 as a pilot.

Q.— The first two years as apprentice? A.— Yes.

Q.— Is there any fact in connection with this that you wish to mention after what has already been brought out? Anything you wish to state?

A.— I only wish to state as regards the drawing on paper, I am not quite familiar with blue prints and I gave approximate positions; sailing up the harbour after what had taken place as regards signals I put my ship in a safe position for the other ship to pass me. 40

Q.— There has been some aspersions cast on you as to your habits of sobriety; I would like to ask you? A.— I am always very careful with liquor, always have been, and when I am on duty I make it a point never to feel the effects of intoxicating liquor.

Q.— On that particular day?

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Continued.

Mr. BURCHELL: Who is Mr. Robertson representing?

Mr. ROBERTSON: I am acting for the pilot commission and both these men are their servants and I want to see fair play and bring out anything that may be useful; I am not personally retained by Pilot Mackay.

Q.—When did you go on duty the day before? A.—I went on duty on Monday morning; I am on duty all the time; that is outside.

Q.—And you went on board this ship, the Mont Blanc, at what time? Wednesday night.

Q.—About what time of day? A.—I think sometime after 4 o'clock probably.

Q.—Did you see the Examination Officer? A.—Yes.

Q.—What time was that? A.—He came on board after I put the ship to anchor.

Q.—Were you speaking to the examination officer? A.—Yes.

Q.—Remember his name? A.—Freeman, I think, is his name; I have been told so.

Q.—Navy officer? A.—I think he is in the voluntary service.

Q.—Was there any other officer or seaman with him when he came aboard? A.—No.

Q.—From that time of going on board the Mont Blanc until the time of the collision, at the risk of repeating a question, did you have any intoxicating liquor of any sort? Drink any? A.—None at all.

BY Mr. CLUNEY.

Q.—You have already given to the Court the speed that you brought the Mont Blanc up the harbour up to the ferry and you changed your speed there? A.—Yes.

Q.—When did you next change it? Somewhere near Black Rock? A.—At the ferry and then Black Rock Point.

Q.—You have already given to the Court the speed that the Imo was coming when you first saw her? A.—Approximately.

Q.—And the speed at which she was coming immediately before the collision? A.—Yes.

Q.—Whose duty is it when a ship is entering or leaving the harbour with a pilot on board, whose orders regulates the speed of the ship?

A.—Generally the pilot.

Q.—When bringing the Mont Blanc up the harbour you were responsible for the speed and gave all the orders? A.—Yes.

Q.—And the same thing would apply on the Imo? A.—Yes.

Q.—The pilot on that boat was responsible for the speed? A.—If his orders were carried out.

Q.—Could you at any time during the time these boats were approaching each other, could you discern the pilot on the bridge of the Imo?

A.—No.

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Evidence of
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amination,
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Continued.

Q.—Are they covered? A.—Just the tops of their heads would be visible over the dodger.

Q.—Can you tell us how many figures you could see? A.—I was not looking at the bridge but at the bow of the ship.

Q.—And you are not in a position to say how many persons there were on the bridge? A.—No.

Q.—Could you recognize Pilot Hayes? A.—No.

Q.—And you don't know, as a matter of fact, whether he was on the brige or not? A.—No.

Q.—When did you discover he was on that ship? A.—The first I 10 knew when they found his body—when he was on the ship.

Q.—When did you first find out he was pilot of the Imo bringing her out of the channel? A.—The day before he went up with me for that purpose to bring her out; but I heard he didn't stay there; she hadn't finished coaling and he came down to the city and went back next morning.

Q.—You afterwards learned he was in charge of the Imo? A.—I learned he was there.

Q.—On Saturday you told the Court, gave the Court Pilot Hayes record as a pilot; 23 years experience? A.—About 24 years in the service. 10

Q.—And he was recognized as skilful and careful and in every way a competent pilot? A.—Yes.

Q.—Not a man who would while in charge of the ship as pilot surrender his charge to anyone else? A.—Not very easily.

Q.—He would not obey a command of the captain of the ship if he didn't think it should be carried out; from your knowledge of the man, of his experience and ability, was he a man that would obey an order of a captain while he was acting as pilot of the ship if he thought that command or order was wrong in the navigation of the ship? A.—I don't think. 30

Q.—He would not surrender his authority or his judgment to any captain of the ship? A.—No, I don't think.

Q.—You stated when you first saw the Imo coming down towards Dartmouth that she was coming at the speed of five miles or knots?

A.—When I first saw the Imo I reckoned she was coming between six and seven; probably seven.

Q.—And I will ask you to fix the point give us an idea what part of the channel she was in then? A.—Upper prrt of the Narrows.

Q.—About the narrowest part of the place? A.—No, not quite in the narrowest part. 40

Q.—What would be the width of the harbour at that point? A.—Not three-eights of a mile, about that particular part.

Q.—He was then heading for the Dartmouth shore? A.—Yes.

Q.—And must have seen your boat? A.—Yes.

Q.—And heard your blast? A.—Yes, he answered me immediately.

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Q.—Just at that time he was coming 6 or 7 knots, which you say is in excess of the speed limit? A.—Yes.

Q.—What is the speed limit? A.—The fastest speed in the harbour is five knots but at that particular part the ship must go very slow.

Q.—And that regulation is usually very carefully observed by all pilots operating in this harbour? A.—Usually.

Q.—You made a statement on Saturday that when you saw the ship, the *Imo*, manoeuvring as she did, you thought to yourself that was not the work of pilot Hayes; what do you mean by that? A.—I thought when we got the ships parallel, I didn't think Hayes would put the ship 10
astern; the engines astern.

Q.—You didn't think as a pilot he would make a move of that kind? A.—No.

Q.—What is your explanation; have you any explanation to give to the Court? A.—No.

Q.—Do you suggest anybody interfered with the navigation of that ship? A.—I can't say that anybody interfered because I didn't see; I don't know, it is only what I thought.

Q.—Do you suggest it was possibly an error of judgment on the part of the pilot Hayes; would it be too obvious an error of a pilot of his years 20
to make? A.—Rather.

Q.—In fact you would consider it a stupid blunder of any experienced pilot to make such a move? A.—I would not expect it.

Q.—And you cannot give any explanation to the Court as to why this ship was navigated in that way? A.—No.

Q.—You took the *Imo* out twice last summer and on each of these occasions the captain was on the bridge? A.—Yes.

Q.—Captain Fron? A.—I believe that is his name.

Q.—Had you come in contact with him before that? A.—No, ex-
cept these two. 30

Q.—From what you saw of the captain while working with him on those occasions did he strike you as being a competent man? A.—He seemed all right.

Q.—And quite capable of navigating the ship properly? A.—There was no trouble.

Q.—And not a man who would make such an apparent mistake as this? A.—Not in the mood that I found him.

Q.—When you took the *Imo* out last summer on the two occasions you did, who was on the bridge besides you and the captain? A.—I think there was the helmsman, of course, at the wheel, and I just forget whether 40
any other officer or not.

Q.—Usually how many men is on duty on the bridge? A.—The captain, officer to look after the telegraph, and on most ships—liners—
an officer to look after the telegraph, one to look after the helmsman
besides the captain and the pilot.

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Continued.

Q.—Five men? A.—In liners with a good crew, on tramp steamers generally one officer with the captain on the bridge.

Q.—You say you piloted both these boats? Bearing in mind the speed at which the Mont Blanc was going—how near were they apart when you saw the collision was imminent? Approximately? A.—When I saw the collision was imminent it was just about the time that—when he went astern on his engines.

Q.—Can you give us an idea of the distance between the ships at that moment? A.—First of all when he answered my one blast with two, I then saw and thought if I kept on my course he would force me ashore; when he gave his two blasts I gave 2; altered my course to port and giving him a parallel position to pass me.

Q.—Your ship being a loaded ship going at the speed you were at the time you decided the collision was imminent, how long would it take to swing your bow either starboard or port at the speed you were going? With the cargo you had? A.—It would not take long; she was a good steering ship.

Q.—How long? A.—She started to slew shortly after the helm was starboarded or while the helm was being starboarded she commenced to slew.

Q.—She would answer her helm at once? A.—Yes.

Q.—As soon as the wheel was turned she would turn? A.—Yes.

Q.—The Imo being a light ship the same thing would apply? A.—The Imo was a good steering ship and light.

Q.—And each ship responded readily to the helm? A.—Well, my ship did.

Q.—When you took the Imo out last summer? A.—I found her a good working ship.

Re-Examination by
Mr. Mellish

BY Mr. MELLISH:
Q.—You suggested in cross examination that you noticed a tug boat with one or more barges in tow up in the vicinity of pier No. 9, at the time you first sighted the Imo, or about that time? A.—I said pier 8.

Q.—Was she close to pier 8? A.—Right close in.

Q.—Do you know in what direction she was proceeding? A.—Heading up north keeping close into the wharf.

Q.—At that time the Imo would also be close to the western shore? A.—Probably about the middle.

Q.—Above the turn? A.—Further up in the narrows.

Q.—It was suggested that the signal of 2 blasts at that time might have been given by the Imo for this tug boat, which turned out to be the Stella Maris? A.—I didn't notice him blowing any whistle; as far as I knew he blew no whistle.

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No. 12.
Evidence of
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Continued.

Re-Cross-
Examined
by Mr.
Burchell.

Q.—I understood you to say there was some justification for the Imo blowing two blasts having regard to this boat? A.—The Stella Maris?

Q.—Yes? A.—Yes, if he had got one from the Stella Maris first.

Q.—The channel continues narrow above pier 8 for some distance?

A.—Yes.

Q.—What would the Stella Maris' side of the harbour be going up?

A.—He was on his wrong side, he should have been on the other side of the harbour.

Q.—Is the Stella Maris a boat of large draft? A.—I don't think; probably 10 feet, or 11, perhaps 12.

Q.—As I understand it, what you mean, finding the Stella Maris on the wrong side might explain his 2 blasts, I will go on the opposite side?

A.—If the Stella Maris had blown two blasts.

BY Mr. BURCHELL:

Q.—You say you warned Captain Murray? He was killed was he not? A.—Yes.

Q.—Who else did you warn? A.—I sung out to the whole crew.

Q.—You gave us two names? A.—I sung out to the captain of the Sugar Refinery boat.

Q.—Is he alive or dead? A.—I don't know.

Q.—Can you give us the names of any living man to whom you gave the warning? A.—Yes, French foreman of the cable company.

Q.—After you got ashore? A.—Yes.

Q.—That is the only man you can name? A.—I didn't look particularly who I was telling; I was telling everybody I saw.

Q.—You are not sure whether the captain of the Sugar Refinery boat is alive or dead? A.—I am not sure.

Q.—What did Captain Murray do? A.—He didn't seem to go away fast enough and I sang out again.

Q.—What boat was he in? A.—Ilford I think; it might have been the Maggie M.

Q.—Where was he at the time of the collision? A.—Just at the time of the collision I was not watching him then.

Q.—Above or below you? A.—The first I saw of him was when he was on the western side.

Q.—Up above or below you? Up or down channel? A.—To be definite when I first saw him to be sure was when the collision occurred he was on our port side.

Q.—Between you and the Halifax shore? A.—Between us and the dockyard. Below us, south.

Q.—You don't know what Captain Murray did afterwards? A.—No.

Q.—You told Mr. Mellish when you first saw the Imo the Stella Maris was off pier 8? A.—She seemed to me to be approaching pier 8.

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RECORD. Q.—You told me this morning that you were down by the High Flyer
 In the the Stella Maris was about pier 9? A.—I thought I said off pier 8,
 Eschequer going towards pier 9.

Court of
 Canada,
 Nova Scotia
 Admiralty
 District.

Q.—When you were at the High Flyer? A.—Approximately.

Q.—That is right? A.—I think so.

BY CAPTAIN DEMERS:

No. 12.
 Evidence of
 Pilot
 Francis
 Mackey,
 Cross-Ex-
 amination,
 December
 15th, 1917.
 Continued.

Q.—Have you had any sea experience at all? A.—Yes.

Q.—Before going into the pilot service? A.—Yes.

Q.—How many years? A.—I used to go fishing.

Q.—Have you studied navigation? A.—No, not thoroughly; parts 10
 of it.

Q.—Studied the chart also? A.—Yes.

Q.—And know ho to work a course out and put the position on the
 chart? A.—Ordinary chart; know how to take the course.

Q.—And I understand you said a while ago you were not sure about the
 blue prints; so you would have placed your position better on the chart?
 A.—I think so.

Q.—So these are not reliable at all? A.—It might be. Of course,
 it is not thoroughly reliable.

Q.—Do the pilots take ships from Halifax to St. John? A.—Not just 20
 now; but I have been 22 years.

Q.—When you saw the examining officer on the Mont Blanc you said
 you were present when he came on board? Were you present when he
 spoke to the captain? A.—No.

Q.—You didn't hear the captain tell the examining officer the nature
 of the cargo he was carrying? A.—It was a private conversation.

Q.—When did you find out the ship had high explosives on board?
 A.—I think I said something about it before we anchored; but not very
 much, but after we anchored they were telling me about it at night.

Q.—You proceeded at half speed from the anchorage? A.—Full 30
 speed.

Q.—And you reduced to half speed when you passed the ferry boat?
 And from half speed you slowed down? A.—Yes, I slowed down in the
 vicinity of Black Rock Point.

Q.—Is that the place where the regulations call for slow speed entering
 the Narrows? A.—Yes.

Q.—During that time she was going slow speed how fast were you going
 through the water? A.—I don't think she was going over three, I don't
 think.

Q.—Did you go any slower than that; dead slow? A.—There is no 40
 dead slow on the telegraph; I stopped the engines later.

Q.—A while before you saw the Imo? A.—Just about the time the
 Imo answered me with two blasts.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
15th, 1917.
Continued.

Q.—That is the time you stopped your engines? A.—I think that was about the time

Q.—What speed were you going then? A.—Pretty slow.

Q.—Full speed was seven knots? A.—Yes.

Q.—Half would be about what? A.—I don't think she would go over four; between 4 and 5.

Q.—And slow? A.—I don't think over three going slow; without there was some current

Q.—What was the state of the tide? A.—First of the flood.

Q.—What is the velocity of the water first of flood? A.—Not very much in the bigger part of the harbour; less than a $\frac{1}{4}$ knot at the that part of the Narrows; not much less. 10

Q.—What would be the velocity of the tide there if it was half flood? A.—I don't think it would be very much over $\frac{1}{4}$ knot.

Q.—Does not increase? A.—A little.

Q.—It gets narrower? A.—Might be $\frac{1}{2}$ a knot; the lower part. Probably about half; the time of high water that morning was 1.13.

Q.—And this happened at 9 o'clock? A.—The low water time table for that day gave 8 o'clock.

Q.—And you only had half an hour rise? A.—That is about all. 20

Q.—That is not top of high water? A.—No.

Q.—Then your current must have been much stronger then? A.—It was low ebb; low water.

Q.—It was rising? It was running water entering Bedford Basin? A.—Yes, but not much strength to it.

Q.—It grows gradually stronger? By 8.30 you had a body of water flowing in there? A.—Yes.

Q.—And the velocity was as great as it is ever? A.—It was not as great then as it would be nearer high water.

Q.—Would that have any effect on your ship? She was going slow before and you stopped and this tide coming along would that affect the steering ability of your ship? A.—It didn't affect her; she was steering. 30

Q.—I have in mind your answer, mind your port helm? A.—That was in case it should affect her. I expected it would affect her.

Q.—You were thinking of the current? A.—Yes; that is why I said, mind your port helm.

Q.—At that time you blew one blast? A.—Yes.

Q.—And you were how many feet - 200 and some odd feet from the shore? A.—Probably more than that.

Q.—420? A.—I am not sure as to the number of feet. 40

Q.—That is what you said; you had some space between that 420 feet and the shoal water? A.—A little space.

Q.—And you said when you gave the one blast to indicate you wanted the right of way the right of way belonged to you? A.—Yes.

RECORD.

*In the
Exchequer
Court of
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No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
15th, 1917.
Continued.

Q.—You recited an article which mentioned about judgment—repeat that? A.—When the Imo was coming down and continuing on after—

Q.—Recite that article which had reference to judgment? A.—To act as judgment says is proper, port or starboard back or stop her.

Q.—There are two articles in the rules of the road; one has reference to blowing one or two blasts and where alteration of the wheel has to be effected? Which article is that; where you have to blow either one or two blasts and move the wheel at the same time? A.—That is when you are meeting end on.

Q.—Nearly end on? A.—Yes.

Q.—In this instance were you blew one blast, the narrow channel article, is that what you blew one blast for because you were in the narrow channel? A.—Yes, and I wanted to keep my right hand side.

Q.—And this was answered by two blasts from the other ship? A.—Yes.

Q.—What came to your mind then? A.—I thought it was funny to answer with two blasts.

Q.—Did you know the Imo? A.—Yes.

Q.—You knew her at a distance? A.—When her four masts came open I knew her.

Q.—Do you know if the other pilot knew the Mont Blanc? A.—I don't think; I heard that he was told by a pilot that went up in another ship ahead of me—sometime ahead of me, and I heard that he told the Imo there was another ship coming up.

Q.—Pilot Hayes didn't know the nature of the cargo your ship carried? A.—No.

Q.—You knew? A.—I had an idea. I didn't think it was such a terrible one, or would do such terrible damage as it did; I didn't know the exact nature.

Q.—If you had no cargo of explosives? A.—There would be no danger.

Q.—Him blowing two blasts and you one? A.—I meant danger from explosion.

Q.—I meant from collision? A.—If he blew two blasts I would feel some way he was doing the wrong thing.

Q.—The moment you saw he was doing wrong— A.—I blew another blast to see if he meant it.

Q.—How long between these two 1 blasts? A.—Not very long.

Q.—Did the signals follow each other? A.—Yes.

Q.—You gave her two blasts? A.—When I got the 2 blasts answer from him I blew 2 blasts.

Q.—Was that proper after you blew twice 1? A.—Being in the position he was at the time and the position I was; I felt if he came on doing that he would drive me ashore or hit me on the port side.

Q.—Is there anything in the rule of the road authorizing you to take a wrong course? A.—To avoid collision.

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RECORD.

*In the
Exchequer
Court of
Canada,
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No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
17th, 1917.
Continued.

Q.—Knowing the nature of your cargo and the importance of it, was it not better for you to alter your course to port? A.—In doing that to port, the way he was coming I felt it would force me ashore.

Q.—For fear of going ashore, your ship was going very slow because you had stopped, would it not have been the better method to go full speed astern even if your ship canted ever to starboard? A.—I felt if I went astern I would have to go full speed to stop her up and I thought she would swing across his bow into the channel.

Q.—What is the effect of the rudder going full speed astern wheel hard aport? A.—With the flood tide it would catch her on the starboard 10 quarter.

Q.—Did you take that into consideration at all? A.—Yes.

Q.—Would it not be better to go full speed astern and sound there blasts? A.—I don't think so.

Q.—Do you think your idea of starboarding was the best? A.—I think so; I was giving him more room and no obstruction.

Q.—When the three blasts was sounded on the Imo had she begun to swing to starboard? A.—Just when he gave the three blasts.

Q.—She had swung before the engines turned her screw? A.—Per- 20
haps she did; it looked as if she did.

Q.—Because the ship's bow was towards starboard when the three blasts were given and the screw began to go astern then and you said going full speed astern her bow swung rapidly? A.—I don't think it swung very much; it might have swung a little.

Q.—In the position she was in by the tide, which you were taking into consideration, it was striking on the starboard side? A.—Striking the Imo on the starboard side?

Q.—Yes? A.—The tide at that time would probably be pretty well ahead.

Q.—Not if you placed these vessels parallel, and you were having the 30
tide on the port side and he on the starboard? A.—The tide would not affect me very much.

Q.—It did not affect you at all? A.—No.

Q.—There was no danger of your going full speed astern at the first one blast and the second? A.—No.

Q.—Then you didn't take the tide into consideration? A.—When I went astern on the engines.

Q.—That was after the collision or just at the collision; I am talking of the second one blast? A.—I felt then after I had put my engines astern, I thought probably the ship would slew to starboard and I would 40
have to keep her at full speed, I would throw the stern out and the tide catch her on the starboard quarter. I was the deeper ship.

Q.—Would a light ship be affected quicker? A.—I don't think so.

RECORD.

*In the
Exchequer
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Canada,
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No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination
December
17th, 1917.
Continued.

Q.—How many points of the compass did the Imo swing before the collision happened? A.—She swung around I should say about 70 degrees I should say, when she hit. Probably 60; between 60 and 70.

Q.—Almost turned a quarter circle? A.—Yes.

Q.—She was going fast at the time? A.—Yes.

Q.—And swinging that way? A.—Yes.

Q.—When she struck you she struck a heavy blow? A.—Good hard crack.

Q.—Have you seen her since? A.—Yes.

Q.—Notice her stem? A.—I didn't notice particularly.

Q.—Would you be surprised to hear the paint on the stem is not even scraped? A.—I don't know; I noticed when she hit us that morning when she got clear that these plates were black; on the port side; down at the water line, as if the paint had been scratched.

Q.—It was black? It is black paint there? A.—That is what I noticed.

Q.—And you say that ship went 9 feet inside your vessel? A.—About.

Q.—This vessel was loaded and the other light? What would be the result of a ship going 9 feet into the loaded ship to the combings of the hatch? A.—Smash a big hole.

Q.—The smash on the Imo is two holes by the anchor flukes, that is all; how do you account for that; if a ship goes even three feet the stem would be twisted? A.—Perhaps if she was a weak ship, yes.

Q.—Strong ship and empty? A.—Yes.

Q.—There was nothing in her; nothing to strengthen her? A.—No.

Q.—And the only damage is at the two anchor flukes; how do you account for it? A.—I don't know; he cut in pretty quickly when he struck the Mont Blanc.

Q.—When are you allowed to handle or turn the wheel contrary to the rules, at what time before a collision? A.—Any time I would if the master or somebody would be interfering with my proper orders.

Q.—That is not what I am aiming at; I am presuming there was no interference; as far as the rules are concerned what time is it permissible to alter the course of the ship, although there are certain rules as to her course? A.—To alter the course.

Q.—Yes, contrary to the rules. A.—When I think there is danger of a collision.

Q.—Do you keep your course and speed according to the position you are in—what time are you allowed to go against these rules? A.—If I found my orders were not being carried out and I thought I was doing right I would probably take the wheel.

Q.—It would be a time when you have no time to think? A.—Yes.

Q.—Was there an agony of collision when he sounded the two blasts before you got on parallel courses? A.—I was aiming to put her on parallel course.

RECORD.

*In the
Exchequer
Court of
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No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
17th, 1917.
Continued.

Q.—What was your idea to do that contrary to the rules of the road, giving you a right of way? A.—I felt in order to save my ship going ashore or letting him drive me ashore I was forced to do that.

Q.—Your ship was going slow passing Black Rock? A.—Yes.

Q.—And you said a little while ago when you sounded two blasts you simply starboarded your helm slightly? A.—I didn't want to give her too much.

Q.—Your ship was stopping and she had been going slowly? A.—Yes.

Q.—What variation of course— when you sounded the two blasts how many points did you go from the first course? A.—It didn't require 10 to go very far; probably a point or less.

Q.—Practically you were nearly end on to each other? A.—No, it didn't look that way; he was just getting on my line; but his stem was on my starboard stem.

Q.—How much? A.—Quite a bit; I suppose 40 or 50 feet.

Q.—I mean degrees? A.—About half a point.

Q.—At night time you would see bothside lights? A.—I might have.

Q.—What was it your duty to do at that time, on the angle he was on; I am speaking of the position of the two ships? A.—All that I could do in the space I had was to starboard my helm and let him pass on my 20 other side.

Q.—When the ships are end on you starboard your helm? A.—Not if I had room; if I had room I would port my helm.

Q.—If you had no room to work one way or the other? A.—I would go astern and that was an imprudent thing to do with the power I had on my ship.

Q.—When you were within 300 feet how was your ship heading? A.—Heading for Pier 9.

Q.—Open? A.—Yes.

Q.—Much on the port bow? A.—Not a great deal; close on the bow. 30

Q.—At that distance the collision was imminent but you could have avoided the collision at that distance? A.—I could with starboard helm, not with port helm.

Q.—Would your ship answer quicker with port helm with that current and the ship going slow? A.—Not then, because what little current there was on my port quarter.

Q.—According to the conditions you had right of way; tide with you, vessel facing tide, and you were on the right side of the channel; and you chose to go parallel with the other ships? A.—That was when he was coming down blowing two blasts. 40

Q.—There are wharves on each side? A.—Yes.

Q.—And sometimes ships go to these wharves? A.—Yes.

Q.—Was this not the rule for vessels to sound blasts where they are going, if going to the refinery wharf he would sound two blasts? A.—Yes, but I knew she was not going there.

RECORD.

*In the
Exchequer
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No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
17th, 1917.
Continued.

Q.—The other vessel didn't know whether you were going to pier 8 or 9; after you sounded one blast and then two he might have thought so?
A.—If he thought so, I could not go to pier 8, I would not be on that side if I was going there.

Q.—The collision happened a little above Pier 6? A.—Little above.

Q.—North? A.—About abreast of it.

Q.—And you steadied your ship, when you left you put her amidships?

A.—Yes.

Q.—What distance from the wharf did the collision happen? A.—Pier 6; little to the East side. 10

Q.—Had your ship any headway at all on? A.—Very little.

Q.—What time did you put her full speed astern? A.—When he gave us three blasts and started to swing.

Q.—What distance was she from you when she started to swing?

A.—Not very much, perhaps 100 feet; perhaps 150.

Q.—And at that very moment you went full speed astern? A.—When I saw him swinging.

Q.—Did she begin to gather any sternway; the Mont Blanc? A.—No

Q.—Still in the water? Absolutely? A.—No, just going ahead a little. 20

Q.—Do you know if the engines were stopped altogether before you left the ship? A.—I felt they were; we ran on the bridge, the captain and I, it was thought there might be a possible chance to do something from the bridge; he said, can we do anything with the ship, when we saw she was not sinking right away, and he motioned can we do anything to save the ship; I said full speed ahead, I thought we might force the water into the hold and the way she was heading there was nothing to do but go aground.

Q.—What was the necessity to go full speed ahead to force water into the hold; a penetration of nine feet was enough to fill her up in a few minutes? A.—She didn't seem to go down very much; I don't know just how far. 30

Q.—The stem of the Imo is straight up and down going nine feet to the combings of the fore hatch it must have cut below the water? A.—Perhaps it did.

Q.—The gash she made was sufficient to wamp her? A.—Yes.

Q.—Was she drawing more water forward when you left? A.—She seemed to be.

Q.—There was no necessity to go full speed ahead to flood her?

A.—I thought there was nothing at all to do; I thought she would go up in an instant; I said if she moves ahead a little some more water might go in and put out the fire. 40

Q.—You seemed to imply or lead us to believe both you and the master gave the orders at the same time? A.—Practically the same mind right through.

RECORD.

In the
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No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
17th, 1917.
Continued.

Q.—How could you be the same mind; it was his first time in the harbour; it is impossible to have the same mind as to the direction?
A.—As he saw the situation all through.

Q.—You were his adviser and he promptly repeated your orders?
A.—Yes.

Q.—That is what you meant? A.—Yes.

Q.—You didn't both give orders at the same time? A.—No.

Q.—The Imo you are positive didn't intend to go to the Brewery wharf?
A.—Oh, no.

Q.—What are the regulations here in the harbour in respect to the ferry boats; do they follow the International rules? A.—Generally.

Q.—If there is a regulation they observe it at all times? A.—They follow the rules of the road.

Q.—Have they not got to stop for the traffic? A.—Sometimes they do.

Q.—Then there are no regulations? A.—I understood one time from the manager at any time there was a big ship moving down the harbour they would always stop and let these ships pass.

Q.—Then there are no regulations. Is there any regulation in this harbour in respect to ferry boats meeting merchant ships? A.—No particular regulation; only the recognized rule of the road.

Q.—Then the ferry boats follow the International rules? A.—Yes.

Q.—Then these are the only regulations existing? A.—Yes.

Q.—Would that ferry boat you slowed down for—which side was she going to? A.—There were two ferry boats.

Q.—Which one did you meet and stop for? One to Dartmouth or one to Halifax? A.—I stopped for both of them; they were likely to meet in the middle of the harbour.

Q.—I am talking of your position in respect to the ferry boats?

A.—I was south of the ferry boats at the time.

Q.—The one coming from Halifax? A.—Both boats at the time were going in to their respective sides; the Halifax on her side and the Dartmouth on her side, and I being a bit south I thought I would get above their line before they got out; I was southward to both of them.

Q.—There was one nearer to you than the other? A.—The one nearer to me was the Halifax I suppose; the Halifax boat.

Q.—And if they follow the International rules the Halifax boat should keep clear of you? A.—Yes.

Q.—And you had to keep clear of the Dartmouth boat? A.—Yes.

Q.—Is that the one you cleared? A.—I didn't have any difficulty in clearing; they were both going into their docks when I came to southward.

Q.—You were not on either side; one-third channel; you didn't wait until they got in their docks before you forced speed? A.—I gave full speed to get past before they came out again.

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RECORD.

*In the
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No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
17th, 1917.
Continued.

Q.—You say that you make signs with your hands; especially on a French ship; did you look back to see if the wheel was put the way you wanted it? A.—I did two or three times.

Q.—That time when you saw the Imo? A.—I found the ship's head was swinging.

Q.—Your ship was going slowly a would answer the helm slowly; did you look to see if the helm was according to your order? A.—I didn't look exactly around at him; I was particularly watching the ship's head.

Q.—Is it proper to look around and see if your order was obeyed? 10
A.—I felt it was obeyed without watching.

Q.—You only starboarded a little when you got parallel course?

A.—Just half a point. Enough to bring her the way I wanted.

Q.—I didn't make such change? A.—It made change enough to pass me.

Q.—It could not possibly bring these ships in parallel line with 60 metres or a ship's length between? A.—It looked a parallel line to me; I could have still improved it if he had kept on, and gone faster; drawing it on paper is not the same as it looked there.

Q.—What you made there is not reliable at all? A.—Not thoroughly. 20

Q.—No importance at all? A.—I don't think it is important enough. (M. B. R. 17).

Q.—When several ships are meeting in a narrow passage; supposing the Imo had seen a vessel crossing or coming down before yourself, was she not supposed to give a signal which side she was to go and be answered by that one? A.—Yes.

Q.—We are talking of the Stella Maris now? A.—Yes.

Q.—Is it possible the Imo might have given two blasts to the Stella Maris? A.—It might have done so, but he immediately answered my one blast, or I presumed he answered me. 30

Q.—He answered your one blast with 2; that is no answer? A.—But the Stella Maris didn't blow.

Q.—The Imo was not going the proper way to get clear of the Stella Maris? A.—The Imo was going down on that side.

Q.—Which way was the Stella Maris going? A.—Close to the wharves.

Q.—There was no need of sounding a blast to the Stella Maris?

A.—No.

Q.—And you presumed the two blasts was in answer to your one?

A.—Yes. 40

Q.—I understood everybody left the bridge and got the boats ready and you came back on the bridge? A.—When we got the boats ready, yes.

Q.—Everybody disappeared? A.—I don't think he was there at the wheel then.

RECORD.

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Q.—And you came back with the intention of putting the helm amidships; and you did give the order—to whom? A.—The captain came back with me; the captain put the helm amidships; I think he did; she was slewing a little as she was drifting in; instead of going straight in parallel line with No. 6 she took the corner; inclined to turn her head down.

Q.—Then the helm must have been starboarded instead of amidships?

No. 12.
Evidence of
Pilot

A.—I think it was simply the tide after the impact.

Francis
Mackey,
Cross-Ex-
amination,
December
17th, 1917.
Continued.

Q.—Has the tide a tendency to strike one ship more than the other?

A.—Sometimes.

Q.—That tide? A.—Not in mid-channel.

Q.—How could your ship fetch No. 6 pier with the tide running her and helm amidships? A.—She got there; she might be a little further down than I imagined; instead of being right abreast sufficient to bring her on the south side.

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By Captain
Hose.

BY CAPTAIN HOSE:

Q.—I understand you passed Black Rock Point 400 feet above?

A.—Yes.

Q.—And I understood you to say when you passed Black Rock Point you headed for a hill there is up on the west side of Tuft's Cove?

A.—Yes.

Q.—Is that your usual line for coming up? A.—Yes.

Q.—Heading straight for that point? A.—Yes.

Q.—Did you satisfy yourself you were steering on that course?

A.—Yes, pretty well.

Q.—It is a question, not about, where you as pilot sure your ship was heading for that point or not? A.—I am sure she was heading for that point.

Q.—It was just after that you sounded one blast? A.—Yes.

Q.—When you sounded one blast at that time did you actually alter course to starboard in accordance with the signal you gave? A.—Just a little; very slight.

Q.—How much helm did you give her? A.—I suppose the helm went about quarter over; not half,

Q.—Quarter turn? A.—Quarter of the distance.

Q.—How much helm was given to her? A.—Quarter of the distance the helm goes over; quarter full distance.

Q.—How many turns of the wheel is hard over? A.—I don't know how many turns he gave; three or four I should say; three.

Q.—How many turns of the wheel is hard over in that ship? A.—I don't just know exactly.

Q.—Don't you ask on board a ship when you first take her over how many turns for full helm? A.—I generally look to see whether many turns or just a few.

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RECORD.

*In the
Exchequer
Court of
Canada,
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No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
17th, 1917.
Continued.

Q.—How many turns to go hard over on the Mont Blanc? A.—I don't know exactly; probably five or six turns.

Q.—How many turns of the wheel did he give when you altered course very slightly to starboard? A.—Rough estimation I thought he probably gave between two and three turns; or about two turns; I was watching the ship's head at the time.

Q.—You altered course slightly; what size alteration of course? A.—I don't think between one and two degrees I should say; just as soon as she moved I steadied her up again.

Q.—Then you went down on that course for a few moments and sounded one blast again? A.—Yes; this was the time after I sounded the second one blast.

Q.—I have been talking of when you sounded one blast first time; that was just after Black Rock Point? A.—I put the helm more over at that time to steady the course for Tuft's Cove.

Q.—When you sounded one blast the first time you headed for Tuft's Cove and after that you only altered course to starboard once? A.—Yes

Q.—And that alteration was perhaps one or two degrees? A.—Between one or two; not over.

Q.—You never headed as far over for instance as the cable company's 20 wharf; head for that? A.—No.

Q.—When the Imo's bow, you thought—the collision was imminent and her stem was on your starboard bow, it was then you altered course to port? A.—Yes.

Q.—At what angle do you consider—you were then heading one or two degrees off the hill at Tuft's Cove; at what angle approximately was the Imo cutting your course? A.—I would say one point; perhaps a little less; not more than one point.

Q.—You gave the order on that occasion, you came to the conclusion you had reached the time when the rule of the road had to be abandoned for the sake of judgment to avoid collision? A.—Yes.

Q.—You say you gave the order starboard just a little? A.—Yes.

Q.—How many turns of the wheel starboard helm did the helmsman give? A.—I don't know exactly how many turns; I was watching the ship's head to see she came at the required speed.

Q.—There was a question raised as to whether the captain did not at that particular time give the order to the helmsman hard starboard? Whether he didn't say hard astarboard, and you stated if any such order had been given you would have prevented it being carried out, but you were assured that the helmsman obeyed your order and gave a little helm? A.—Yes, because I made a motion with my hand to that effect.

Q.—Unless you had been watching the wheel you could not possibly tell whether he put the wheel hard over or slightly? A.—I don't think he put the wheel hard over because the ship would have slewed faster; I think that he said just a little; I thought the captain transmitted my order.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
15th, 1917.
Continued.

Q.—But you don't know whether he put the wheel hard over or not?
A.—I am positive the ship didn't act as if the helm was put hard over; I easily steadied her.

Q.—When you steadied her did you have to put much helm on in order to steady her on the course? A.—I didn't notice him do so; she was a good steering ship.

Q.—How far did you alter course; you were heading then just a degree to starboard of the hill at Tuft's Cove; how far did you alter course; through what angle? A.—I suppose I altered the course then nearly two points; $1\frac{3}{4}$ I should say; or $1\frac{1}{2}$; I know I altered the course so that she had No. 9 on the port bow; north corner of No. 9. 10

Q.—That would be on your port bow in any case; how far on the port bow? A.—I suppose one point, about.

Q.—Considering that it was time at which you said an emergency had arisen and collision was inevitable unless you altered course to port, why didn't you alter course to port as quickly as you possibly could?
A.—I didn't want to get her swinging too rapidly, I thought my stern might swing over too close to him.

Q.—Supposing you had put your helm hard astarboard she would have answered her helm quicker? A.—Yes. 20

Q.—Supposing you had put your helm hard astarboard, you wanted to alter course say two points, she would have immediately answered and you had immediately then put your helm again hard aport, would there have been time for her to get much swing on? A.—Yes, she would have got a pretty good swing and the other ship would have struck us amidships.

BY CAPTAIN DEMERS:

Q.—If you put your helm hard astarboard a glancing blow was better than right angles? A.—There was not room to make a glancing blow without putting a hole in her at that time. 30

Q.—Did you take a calculation? A.—I felt pretty sure if I had given more helm that ship would have swung more rapidly and struck her somewhere about No. 2 hatch where the T. N. T. was.

BY Mr. BURCHELL:

Q.—You said the regulation calls for slow speed at Black Point buoy for vessels going into the Narrows? Is there any such regulation in force in Halifax Harbour? A.—There is no regulation in force; it is a local understanding.

Q.—Between who? A.—We go slow in the Narrows and we consider that the South end of the Narrows. 40

Q.—Consider Black Point buoy—a mile south of Black Point?
A.—No. The buoy I mean is off Black Rock Point.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
17th, 1917.
Continued.

Q.—There is no regulation calling for a vessel to go at slow speed at Black Point? A.—No more than a local one among ourselves.

Q.—At slow speed; that does not call for putting the engines at slow?

A.—According to the ship.

Q.—Were you in a ship of faster speed? A.—No.

Q.—You didn't put your engines at slow at Black Point because it was a regulation? A.—Not particularly.

Q.—Did you put them at slow off Black Point buoy at all? A.—After we passed it.

Q.—You could not tell me this morning when you did put them at 10 slow? A.—After we passed Black Rock Point buoy; I didn't say we hadn't passed that; but just the definite time after passing that.

Q.—You told us on Saturday it was the buoy below the 24 feet patch? A.—I said it was after I passed the buoy off the 24 feet patch.

Q.—You said you forgot where you did put it? A.—Perhaps I have forgotten it.

Q.—You also said you didn't know where the Stella Maris was when the Imo blew her first two blasts? A.—Not the exact point.

Q.—You told me you noticed the Stella Maris when down at the Highflier and didn't notice her afterwards? A.—No more particularly 20 afterwards than approaching Pier 8.

Q.—Was she up by Pier 8 when you passed the Highflier? A.—Yes.

Q.—But you said it was not necessary for the Imo to sound for the Stella Maris—you are talking of something you don't know anything about? A.—It was not necessary for her to blow for the Stella Maris because she was in on the western side.

Q.—You don't know and you didn't see the position of the Stella Maris at the time the Imo blew her two blasts? A.—Not the definite position.

Q.—Did you see her at all? A.—Yes, I saw her before that.

Q.—At the moment the Imo blew her first two blasts whistle? 30
A.—I think I saw her then too; I am not positive.

Q.—Ever occur to you the Imo was blowing for the Stella Maris? A.—No, there was lots of room for him to go on his right side if he had gone.

Q.—You know the men on the Stella Maris were wondering whether or not the Imo was blowing for them or blowing for you? A.—I don't know; I have not heard that.

Q.—You don't know they were in doubt whether the blast was for them or you? A.—I felt it was given in answer to mine.

Q.—And you still persist in saying that you blew first and not the Imo? 40
A.—Yes, at that particular time.

Q.—The first blast you say came from you? A.—Yes.

Q.—And the Imo with two? A.—Yes.

Q.—You said a little while ago you didn't know there was T. N. T. aboard? A.—No.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 12.
Evidence of
Pilot
Francis
Mackey,
Cross-Ex-
amination,
December
17th, 1917.
Continued.

Q.—You didn't know the nature of the explosives aboard such as T. N. T.? A.—I could not say any more than I was told.

Q.—Did you know there was T. N. T. on board when you came through the gate and up the harbour, did you know it was on board? A.—I was told so.

Q.—Then you did know how dangerous a cargo you had? A.—I didn't know the exact strength; I knew it was dangerous.

Q.—It is a most dangerous cargo? A.—I believed so; I felt it was.

Q.—I thought you said you didn't know the nature of the cargo except it was explosives? A.—I didn't know the exact nature any more than 10 high explosives.

Q.—T. N. T.? A.—I knew from being told; I felt it was T. N. T.

BY MR. MELLISH:

Q.—The night before you came up were you in the cabin? A.—Yes.

Q.—Were you informed then about the use of matches? A.—Yes.

Q.—And smoking? A.—Yes.

Q.—Tell us what you were told? A.—I was told—I happened to light a cigar in the cabin and the captain says you can smoke in here but not outside.

Mr. Mellish put in Local Regulations for Steamers in the Harbour, for 20 the port of Halifax. (M. B. E./20).

AND FURTHER THIS DEPONENT SAITH NOT.

R. ECCLES,

Official Reporter.

COURT ADJOURNED UNTIL 10 A. M., DECEMBER 18, 1917.

RECORD.

FIFTH DAY'S SESSION.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

10 a. m., Tuesday, Dec. 18th, 1917.

COURT AND COUNSEL PRESENT AS AT FIRST STATED, WITH
EXCEPTION OF MR. F. H. BELL, K. C.

No. 13.
Evidence of
Captain
Daniel
McLaine,
Direct-Ex-
amined
by Mr.
Henry K.C.
December
18th, 1917.

J. T. ROWAN, Official Reporter.

MR. HENRY, K. C.:

I might take up some statements which were made by an officer and some men of the Highflyer—they all had to go to sea shortly after this accident, and before the ship sailed an officer and several of the men who were in a position to see the collision, and the subsequent happenings, 10 were detailed to take their positions in different parts of the ship, separate and apart from each other, and write out a statement of what each of them saw, and then these were afterwards sworn to and signed before two of the officers.

In the confusion which prevailed in the short time which was available it was not found possible for these to be made in the form of a regular affidavit, and have them sworn before an ordinary Commissioner for taking oaths; but I have these statements here, and I have also prepared a number of copies of them which are in a more convenient form.

HIS LORDSHIP:

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Where has the ship gone?

MR. HENRY, K. C.:

She has gone, to be away from Halifax for a material length of time—I do not presume that even if I did know, my Lord, that I would be permitted to say publicly just where she has gone.

I would submit these statements, My Lord, subject to the possibility of getting the men themselves if they should return here before the inquiry closes.

(The statements referred to by Mr. Henry, K. C., are filed and marked Exhibits M. B. R. 21, M. B. R. 22, M. B. R. 23 and M. B. R. 24).

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*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

DEPOSITIONS OF CAPTAIN DANIEL McLAINE.

On this eighteenth day of December in the year of Our Lord One Thousand and Nine Hundred and Seventeen, there personally came and appeared

No. 13.
Evidence of
Captain
Daniel
McLaine,
Direct-Ex-
amination,
December
18th, 1917.
Continued.

DANIEL McLAINE

MASTER OF THE S. S. DOUGLAS H. THOMAS, WHO, BEING DULY SWORN UPON THE HOLY EVANGELS, DOTH DEPOSE AND SAY AS FOLLOWS:—

EXAMINED BY MR. HENRY, K. C.:

Q.—You are the master of the Douglas H. Thomas? A.—Yes, sir.

Q.—And were acting in that capacity on the morning of the 6th of Dec- 10
ember last? A.—Yes sir.

Q.—What is that steamer—what kind of a ship is she? A.—Steel
tow boat, steam.

Q.—Pretty large boat? A.—Yes sir 212 gross tons, 98 net.

Q.—She was here that morning? A.—Moored along the Middleham
Castle at the Dry Dock.

Q.—Moored alongside a vessel at the Dry Dock? A.—Yes sir.

Q.—Lying outside the vessel was she? A.—Yes sir.

Q.—This was at the Dry Dock Wharf? A.—Yes sir.

Q.—Outside of the dock? A.—Yes sir. 20

Q.—And you, yourself, I understand were the outermost of the three
vessels there? A.—Three.

Q.—There were three vessels moored there at the dock, and the Douglas
H. Thomas was laying outside, farthest to the eastward? A.—Yes sir.

Q.—Just tell us what you saw with regard to the two vessels, the Mont
Blanc and the Imo that morning—what was the first thing you noticed?
A.—The first thing I noticed was the Mont Blanc coming up the harbour,
she passed east of the Highfyer, and the next thing attracted my atten-
tion was two short blasts up the harbour from some other ship.

Q.—Did you identify that ship? A.—Yes sir. 30

Q.—Who was the other ship? A.—The Imo.

Q.—Where was she then? A.—She was up there in the narrows,
coming out of the basin.

Q.—Which side of the narrows? A.—I could not tell very well—
she was heading towards the Dartmouth shore—I saw her whole star-
board side when I saw her first.

Q.—Did you make any estimate of her rate of speed? A.—Not at
the time.

RECORD

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 13.
Evidence of
Captain
Daniel
McLaine,
Direct-Ex-
amination,
December
18th, 1917.
Continued.

Q.—At any time during that morning? A.—Yes sir.

Q.—What conclusion did you come to as to the speed? A.—At the time of the collision I should say she was going, oh, between 1 and 2 knots, not more than that.

Q.—At the moment of the collision? A.—Yes sir.

Q.—Prior to the collision, at any time, can you give us an estimate of the speed? A.—I would not say in my estimation that she was going at any more than two knots at any time I saw her there.

Q.—From the time she blew the two blasts? A.—Yes sir, from the time I had my eye on her, and after she blew the three blasts it took the 10 headway off the ship.

Q.—What was the first signal you heard? A.—Two blasts.

Q.—You did not hear any signal from the Mont Blanc prior to the two blasts you heard from the Imo? A.—No sir.

Q.—What was the next signal you heard? A.—One blast from the Mont Blanc.

Q.—Where was she then? A.—Almost abreast of us, about opposite to the Dock Yard, a little below where we were.

Q.—What position with respect to the Dartmouth shore? A.—She was pretty well in the middle of the harbour as I should judge; but I 20 think a little on the Dartmouth side.

Q.—What was the next signal after the one blast from her? A.—Three blasts from the Imo.

Q.—And you know what a three blast signal means of course? A.—Yes sir.

Q.—Did she follow up her signal by doing anything the Imo? A.—She went aster—he took the headway off his ship and the bow of his ship canted to starboard.

Q.—How far were the vessels apart when she gave that three blast signal would you think? A.—Well, sir, I should judge between a half 30 and three quarters of a mile.

Q.—When she gave the three blast signal? A.—Yes sir.

Q.—What was their position relative to each other at the time she gave three blast signal—at an angle how with each other—or in what way? A.—She would have the Mont Blanc on her starboard bow then in my judgment when she gave the three blast signal.

Q.—That is to say would have then cross the Mont Blanc's bow? A.—She was heading towards Dartmouth when she gave that signal.

Q.—When she gave that signal? A.—Yes.

Q.—Well how was the Mont Blanc heading when she gave that signal? 40 A.—Pretty well straight up the harbour.

Q.—Then they were at a considerable angle? A.—Yes sir.

Q.—At the moment that signal was given? A.—Yes sir.

Q.—How much would the Imo, or did the Imo change her course after that, when her head came around to starboard on reversing? A.—Chang

RECORD. ed it considerable—I should think she would have changed it two points any way.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 13.
Evidence of
Captain
Daniel
McLaine,
Direct-Ex-
amination,
December
18th, 1917.
Continued.

Q.—And what was the angle of the collision when the two ships met.
A.—The Mont Blanc was heading more towards the Halifax side and the Imo was, well she was coming pretty well straight down; but her head a little towards Halifax side too.

Q.—Was it a right angle, or less than a right angle or more? A.—Less than a right angle.

Q.—Less than a right angle measured from the bow of the Mont Blanc?
A.—I should judge from where I was standing it was less than a right angle? 10

Q.—Could you tell whether the head of the Mont Blanc was effected by the collision, as to whether it was swung at all by the collision?

A.—Yes, it was swung.

Q.—That would be to port? A.—Yes sir.

Q.—By the collision? A.—Yes sir.

Q.—How much do you think? A.—I would think it would be swung three points anyhow.

Q.—When the collision was over, can you give us approximately where the Mont Blanc was heading for? A.—Well she was heading I would think somewhere in about No. 6 pier. 20

Q.—Then before that she must have been heading three points further north? A.—Yes.

Q.—Could you hear the noise of the collision? A.—Yes sir.

Q.—Was it quite distinct to you from where you were? A.—Yes sir.

Q.—How soon after the collision was it before you saw any flames?

A.—I would judge before I saw any flames it would be 4 or 5 minutes; but not so long before smoke came.

Q.—Smoke was first? A.—Yes sir.

Q.—Very heavy dense smoke? A.—Yes sir.

Q.—Then you saw flames? A.—Yes sir. 30

Q.—The starboard side would be nearest to you? A.—The port side.

Q.—You were below them? A.—Yes sir.

Q.—The flame would of course be on the starboard side? A.—Yes sir.

Q.—And I suppose you did not see it until it come up over the deck?

A.—No sir.

Q.—So there may have been flame for a good while before you saw it? A.—Yes sir.

Q.—You, I suppose, had no opportunity of seeing the wound in the side of the Mont Blanc? A.—No sir. 40

Q.—At any time? A.—No sir.

Q.—How long, in your opinion, elapsed between the time of the collision and the explosion? A.—I should say about 25 minutes, approximately,—between that and a half an hour approximately.

RECORD. BY Mr. MELLISH, K. C.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 13.
Evidence of
Captain
Daniel
McLaine,
Direct-Ex-
amination,
December
18th, 1918.
Continued.

Q.—You are the master of the Douglas H. Thomas? A.—Yes sir.

Q.—She is a large ocean going tug boat? A.—Yes sir.

Q.—Her tonnage? A.—98 net.

Q.—How long have you been master of her? A.—Five years.

Q.—You hold a master's certificate? A.—Yes sir.

Q.—You have been at sea how long? A.—About 25 years.

Q.—Have you a coasting certificate? A.—Yes sir.

Q.—And you have had a great deal of experience in these waters?

A.—Quite a little.

Q.—Including Halifax Harbour? A.—Yes sir.

Q.—When was it, please, captain again, that you first saw the Imo—
where was she? A.—Up in the Narrows, coming out of the basin.

Q.—How far from you would that be? A.—I should say may be be-
tween three-quarters and a mile from where we lay.

Q.—How was she coming down—directly down the Harbour, or on an
angle? A.—On an angle when I saw her first.

Q.—And her masts were open of course? A.—Yes sir.

Q.—And you could see her starboard side? A.—Yes sir.

Q.—As she came down did you notice whether she changed her course
or not? A.—Yes sir, she changed her course.

Q.—In which direction? A.—To starboard.

Q.—That was necessary for her to do to follow the harbour down—it
would be necessary to do that? She could not carry on the course she was
when you first saw her? A.—Yes sir.

Q.—She would have to turn to avoid the Dartmouth shore? A.—Yes,
that is correct.

Q.—Was that the time you heard her blow first? A.—What attracted
my attention to the ship at all first, was when she blew two blasts of the
whistle.

Q.—That was when she was near the Halifax side? A.—She was
heading towards the Dartmouth shore? Coming out of the basin.

Q.—How often did you hear the Imo blow the two blasts? A.—Only
once.

Q.—Then you heard from the Mont Blanc? A.—Yes sir.

Q.—What did she blow? A.—One whistle.

Q.—One shore blast? A.—Yes sir.

Q.—And the next whistle you heard after that? A.—Three short
blasts from the Imo.

Q.—Did you hear two short blasts at any time from the Mont Blanc?
A.—Yes sir.

Q.—From the Mont Blanc? A.—Yes, I heard two short blasts from
the Mont Blanc.

Q.—You did not mention that before? A.—No sir, it was not asked
of me.

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RECORD.

*In the
Eschequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 13.
Evidence of
Captain
Daniel
McLaine,
Direct-Ex-
amination,
December
18th, 1917.
Continued.

Q.—Explain when you heard the two short blasts from the Mont Blanc?

A.—Just prior to the collision the Imo blew three short blasts and the Mont Blanc answered with one.

Q.—And from that? A.—The Mont Blanc one again and the Imo answered with one.

Q.—Yes. A.—And the Mont Blanc blew two.

Q.—And then? A.—That is when I heard the two whistles from the Mont Blanc, the two blast whistle.

Q.—That is somewhat more complicated, I think, than we have had it yet. Please go over all the blasts again from the first, give us the different 10 blasts. It is very difficult to understand all of them, we have so many versions? A.—The first blast I heard was two blasts from the Imo.

Q.—Two short blasts from the Imo? A.—Yes sir.

Q.—That is what called your attention to the Imo? A.—Yes sir.

Q.—What position was she in with respect to the fairway—pretty well across the harbour? A.—She was on an angle I should judge.

Q.—Which shore would she be nearest to? A.—The Dartmouth shore.

Q.—The Imo? A.—Yes sir.

Q.—When she first gave the two short blasts? A.—Yes sir, she was 20 heading towards the Dartmouth shore.

Q.—At the moment she blew these two blasts would she be nearer the Dartmouth or Halifax side? A.—I could not say—I was too far away—I would judge she was a little closer to the Dartmouth shore.

Q.—You judge then, she would be about three-quarters of a mile away from you? A.—Yes sir.

Q.—Would the Mont Blanc be about opposite you then? A.—A little below is, a little to the southward of us.

Q.—She would be fully a mile from the Mont Blanc then? A.—I 30 should judge pretty nearly a mile, in my estimation.

Q.—You heard one blast from the Mont Blanc? A.—After the Imo's whistle.

Q.—Then the next blast that you heard Captain? A.—Three blasts from the Imo.

Q.—And then the next? A.—One from the Mont Blanc.

Q.—And the next? A.—One from the Mont Blanc—she got no answer from the Imo in that interval.

Q.—Three from the Imo, then one from the Mont Blanc and one again from the Mont Blanc? A.—Three from the Imo.

Q.—After that? A.—One from the Mont Blanc. 40

Q.—Yes? A.—No answer—no answer from the Imo.

Q.—And the next? A.—One from Mont Blanc.

Q.—Another from the Mont Blanc? A.—Yes.

Q.—And then? A.—One from Imo.

Q.—And then? A.—Two from Mont Blanc.

RECORD. HIS LORDSHIP:

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—One from the Imo after her three? A.—Yes sir.

BY Mr. MELLISH, K. C.

No. 13.
Evidence of
Captain
Daniel
McLaine,
Direct-Ex-
amination,
December
18th, 1917.
Continued.

Q.—Two from the Imo, one from the Mont Blanc, three from the Imo, one from the Mont Blanc in answer, one without answer—this is the order as I have it? Two from the Imo, one from the Mont Blanc, three from the Imo, one from the Mont Blanc not answered, one from the Mont Blanc, one from the Imo.

HIS LORDSHIP:

Q.—One from the Imo after the three? A.—Yes sir. 10

Q.—After her three, after the reverse signal she gave another shore blast? A.—Yes sir.

BY Mr. MELLISH, K. C.

Q.—That was the next blast after she gave the three? A.—Yes.

Q.—Then the last two?—what was after that? A.—Two from the Mont Blanc.

Q.—Did you hear any after that? A.—Yes sir.

Q.—What were they? A.—Three whistles.

Q.—From whom? A.—I thought, and was positive at the time it was from the Mont Blanc; but I would not say for a certainty. 20

Q.—You heard three blasts? A.—Yes sir.

Q.—Three short blasts? A.—Yes sir.

Q.—Either from the Mont Blanc or the Imo? A.—Yes sir.

Q.—You would not be positive which? A.—No sir.

Q.—You heard two blasts from the Imo—was that answered at once by the Mont Blanc? A.—I should say within 30 seconds.

Q.—And then how long before the three blasts from the Imo—a long time or soon? A.—About a minute I would judge.

Q.—Could you captain I know you were not expecting a collision then? A.—No sir. 30

Q.—And I suppose you did not make any note of times then or anything of that sort? A.—No sir.

Q.—And you are depending on your best judgment and recollection for these things? A.—Yes sir.

Q.—I wonder if you can tell us captain, according to your best judgment—I don't expect you to give it definitely or bind yourself at all—according to your best judgment, what was the position of the Imo when she blew these three short blasts—at that time—how far down would she be—did you see her at the time? A.—Yes sir.

RECORD.— Q.—That she blew the blasts? A.—Yes sir, I could hardly say, somewhere pretty nearly down to No. 9 Pier somewhere abreast of there.

*In the
Each other
Court of
Canada,
Nova Scotia
Admiralty
District.*
Q.—And the Mont Blanc—the other vessel? A.—She was almost directly abeam of us.

Q.—At the dry dock—almost abeam of you there? A.—Yes sir.

Q.—And you know pier 6? A.—Yes sir.

Q.—The Dry Dock is marked on the plan here dock? A.—Yes sir.

Q.—The Mont Blanc was about abeam of you then? A.—Yes sir.

Q.—And you were laying I suppose, practically up and down the harbour? A.—Yes, head to the northward. 10

Q.—How far is it from the Dry Dock to pier 9—perhaps would you take these dividers and tell me pretty near how far it is from pier No. 9 to the Dry Dock where you were laying—on this chart. You are familiar with this chart? A.—Yes sir.

Q.—How far is it? A.—About half a mile.

Q.—From the centre of the Dry Dock to the centre of the shed of pier No. 9? A.—Yes sir.

BY HIS LORDSHIP:

Q.—Where was the Imo? A.—I should say she was somewheres nearly abreast of pier No. 9. 20

BY Mr. MELLISH, K. C.

Q.—And the Mont Blanc he says was about abreast of him, and the distance between the two docks on the Halifax side is five cables, or half a sea mile? A.—When was it you formed your estimate of the speed of the Imo.

A.—After she gave her three blasts of the whistle, I did not pay much attention to her speed until after that three blasts of her whistle.

Q.—And after she gave three blasts according to your judgment, what would she be going? A.—I don't believe the ship would be moving over two miles an hour after she gave her three blasts. I did not notice 30 her speed at all.

Q.—What was the interval did you say between the first three blasts and the second three blasts—the interval of time—I suppose this second three blasts, whoever blew it, it was a three blasts at the end, the last signal you heard? A.—Yes sir.

Q.—How long before the collision would that be, very soon? A.—No sir, I should judge 4 or 5 minutes.

Q.—The last of the three blasts? A.—The last of the three blasts and the first three blasts—the interval between?

COUNSEL: Between the last three blasts and the collision—how long 40 would it be? A.—I should say about 30 seconds—probably not that.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 13.
Evidence of
Captain
Daniel
McLaine,
Direct-Ex-
amination,
December
18th, 1917.
Continued.

Q.—Between the last three blasts and the collision—and the collision was a very short interval? A.—About 30 seconds—a very short time.

Q.—And you put between the first three blasts and the last three blasts, about 4 or 5 minutes? A.—About 4 or 5 minutes—about that time I should judge.

Q.—Did you at any time, captain, heard from the Imo, two short blasts, and then followed almost immediately, in a very short time, by one short blast from the Imo? A.—No sir.

Q.—Were you watching these ships all the time? A.—Yes sir—
from the time they started to blow their whistles. 10

Q.—You were watching them? A.—Yes sir.

Q.—Well you did hear a one short blast from the Imo at some time? A.—Yes sir.

Q.—That was after the Mont Blanc blew a short blast—at two different occasions? A.—Yes sir.

Q.—The Mont Blanc blew a short blast and some time after blew another short blast—then that was answered by the Imo, by one? A.—Yes sir.

Q.—Did you notice, captain, after the Imo blew this one short blast; she only gave one short blast once according to your judgment and recollection? A.—Yes sir. 20

Q.—What about her course at that time—one short blast means a course I am going to starboard? A.—Yes sir, I think he altered his course to starboard too—his head was, if anything, towards the Halifax shore—I could see his port side on a very small angle.

Q.—After the one short blast? A.—Yes sir.

Q.—Could you give me any reason for the two short blasts of the Imo being blown when you heard them? A.—No sir, I could give no reason—it drew attention to it at first—a ship coming out of the harbour like that.

Q.—In fact to come out of the harbour from the basin where he was, 30 assuming he was over towards Rockingham—is it not? A.—Yes.

Q.—If he were coming out of the harbour, coming down the narrows it would be necessary to turn the ships head to starboard? A.—Yes sir, to come through the narrows.

Q.—It is a necessity of navigation—you cannot come down in a straight line? A.—No sir.

Q.—The only whistle that would be imperative there would be one blast, and coming out of the Basin that is required, unless for some special reason? A.—Yes sir, that was what drew my attention to it at the time, because it was two short blasts. 40

Q.—The ships were gradually approaching each other all the time you were looking at them? A.—Yes sir.

Q.—At what stage, if at all, did you come to the conclusion there would be a collision, or that there was likely to be a collision? A.—When the

RECORD. Mont Blanc blew her two whistles I passed the remark to the man standing alongside of me that there was going to be a collision.

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Q.—And your reason for so thinking? A.—That that was a cross signal, one blew one whistle and the other ship repeated or replied with two.

Q.—Which would take them to the same side of the harbour?

A.—Yes sir.

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Q.—And for that reason you kept watching them? A.—Yes sir.

Q.—Where did the ships collide—where did they come together according to your best recollection and judgment? A.—Pretty well in the middle of the narrows—they might have been a little closer to the Halifax side—in my estimation they were about there when they came together.

Q.—And about what point on the Halifax shore would they be opposite at the time of the collision? A.—Now, I should say they were pretty nearly or somewheres near No. 8 Pier—somewhere in that vicinity.

Q.—That is the pier immediately north of Pier 6? A.—Yes sir.

Q.—Pier 6 is the one practically at right angles to the shore?

A.—Yes sir.

Q.—Did you do anything after the collision—did you go near the scene of the accident after that? A.—I was there watching the burning ship until she went in, until I could not see her very well from the deck of my boat, and I walked up the ladder and I was standing on the rail of the Middleham Castle at the time of the explosion—I went up there to have a better view of the ship that was burning.

Q.—Some of your crew were injured? A.—There was one man missing altogether, and the second engineer is badly broken up—he is not expected to live in the hospital.

Q.—You were outside all the time? A.—Yes sir.

Q.—From the time of hearing this blast until the explosion?

A.—Yes sir.

Q.—Outside all the time? A.—Yes sir.

Q.—In some instances that was the safer place to be, I believe?

A.—Yes sir.

Q.—Is there anything else you know about this captain—have you anything more to say—have you given a full and fair account of it to the best of your recollection—of everything that has to do with this accident? Is there anything else that you know about it that you can tell—if there is I would ask you to tell it? A.—Yes sir, I think I have told all—after the collision we were not watching.

Q.—I don't want you to keep back anything because it will hurt the Mont Blanc or the other ship—tell everything you know that will have any bearing on this collision? A.—Nothing more sir, than that I have remarked to the man that was standing alongside me at the time that the ship that was coming up the harbour had a lot of headway on her at the time.

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RECORD. Q.—That is the Mont Blanc? A.—Yes sir, for a ship in narrow waters, entering narrow waters, like she was doing.

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Q.—That was at the time you heard the two blast signal? A.—Yes sir, from the Imo, and at the time I heard the one blast signal first from the Mont Blanc—I thought, and remarked at the time, that she had a lot of headway on her.

Q.—Was she a low lying vessel in the water? A.—The Mont Blanc.

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COUNSEL: Yes.

A.—Fairly low.

Q.—She had a forecastle and a poop, and a low lying amidships? 10

A.—She had a bridge deck.

Q.—She did strike you as high forward? A.—Yes sir, well deck forward and I think a well deck aft—I should think.

Q.—And her smoke stack about amidships? A.—Yes sir.

Q.—Did you form any estimate of her speed? A.—Nothing more than just we remarked that she was going very fast—I should judge that the ship was going between 6 and 7 miles an hour when I heard her blow first.

Q.—You were in a position of course where you could see the way she was passing the land pretty well there? A.—Yes sir. 20

Q.—Did she seem to be nearer the Dartmouth shore? A.—Yes, I should judge she was a little nearer the Dartmouth shore than to the Halifax side.

Q.—That would give you a better opportunity to tell her speed probably? A.—Yes sir.

Q.—She was not as far away from you as the Imo? A.—No sir.

Q.—Not from you? A.—No sir.

Q.—The Imo was more or less coming towards you when you saw her? A.—No sir.

Q.—And you would not have as good an opportunity of telling her 30 speed? A.—No sir, I could not judge her speed.

Q.—About how far would you judge the Mont Blanc to be from you when you speak of the speed as being between 6 and 7 miles? A.—I should say she would be about half a mile approximately—not quite a half a mile.

Q.—A little south of you? A.—Yes sir.

Q.—And at that time the Imo would be about a mile north of her? A.—About nearly a mile I should say.

Q.—Well then when you saw her first that would be practically how far south of the place of the collision—from the time you first saw the Mont Blanc? A.—Somewhere about here, near the point. 40

Q.—When you saw her first? A.—Yes sir.

Q.—The first thing that drew your attention was the two blasts? A.—Yes sir.

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Q.—You did not see anything before that? A.—Yes, I saw the Mont Blanc passing to the east of the High Flyer.

Q.—Is that the time you noticed her speed? A.—I did not notice her speed until I heard the two blasts from the other ship.

Q.—Give me the distance from that point to the point of the collision—according to your judgment? A.—I should judge about there. (Indicating on chart).

Q.—How much would that be measuring it out accurately? A.—A little more than four cables.

Q.—A little over four cables? A.—Yes sir. 10

Q.—That would be something less than half a mile. Something over two fifths of a mile—she must have decreased her speed very materially before the collision—the Mont Blanc? A.—Yes sir, she decreased her speed before the collision.

Q.—She must have decreased a great deal, because the collision did not take place until at least five minutes after you saw her there—is that right? A.—About 4 or 5 minutes after—4 minutes I think.

Q.—Is there anything else now that you think has any bearing? A.—No sir, I don't think so.

Q.—Perhaps you can tell me whether the harbour was clear that day—whether you could see clear? A.—It was fairly clear—it was hazy up towards the Narrows—towards the basin. 20

Q.—From the Basin would there be any difficulty seeing seaward, outward? A.—No, it was clear down there, towards the southward it was clearer than it was up towards the basin that morning.

Q.—It was clearer in the harbour—more than in the Basin? A.—Yes sir.

Q.—How was it like in the Basin? A.—Haze and smoke up towards the Narrows—it was clear that morning.

Q.—Any such haze or thickness as would interfere with navigation? A.—No sir, you could see a couple of miles any how, anywhere in the harbour. 30

Q.—Can you tell about the tide at the time—or did you take notice of the tide—did you look at the tables? A.—No sir.

Q.—You are not able to say anything about the tide are you? A.—No sir.

Q.—Didd you notice these ships after the collision, whether either of them was injured? A.—No sir, I could see the Imo's port bow.

Q.—Was it injured? A.—Yes, I could see it was injured forward; but I did not take any glasses to look at it in particularly; but I could see it was injured. 40

Q.—There was some evidence that there was a hole in her starboard bow? A.—I would not say—her port bow was towards me after the collision.

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Q.—Captain McLaine would you described this haze as a low lying haze on the water? A.—A low lying haze on the water, up towards the Basin—towards the Narrows, across towards the Dartmouth from us—it was not altogether clear; but it was a good deal clearer than it was in the Narrows, towards the Basin.

Q.—Was there such a haze that it was possible to see the masts of a ship up in the Narrows above the haze and not be able to see a ship at all? A.—No sir.

Q.—It was not as bad as that? A.—No sir, I don't think so—I saw 10 the whole of the ship as soon as she blew the two blasts.

Q.—When you first heard this two blast signal from the Imo you could see her starboard side? A.—Yes sir.

Q.—Might she then be on the starboard helm to get down the Narrows? A.—Well she might have been, I could not say what helm she was on.

Q.—She was quite a piece up the Narrows, coming around the bend when you first saw her? A.—Yes sir.

Q.—And a little bit towards the Dartmouth shore? A.—And heading 20 towards the Dartmouth side.

Q.—Do you know the tug Stella Maris? A.—I did know her to see her.

Q.—Did you see her pass up that morning some time before the collision, going up the harbour? A.—I saw her when she left the Dock Yard with two small barges alongside of her—I took notice of her when she passed us.

Q.—She left the Dock Yard? A.—She was moored there at the time, she came from the Dock Yard.

Q.—And you were anchored at the Dock Yard? A.—No, I was moored alongside the Middleham Castle—I saw the Stella Maris coming around there with the two scows and she was going towards the Basin—she 30 passed us about 8.30 or 8.40. I did not take any more notice of her until I saw her racing back after the collision.

Q.—Do you know if she was up at the Narrows out of your sight when the Imo blew the two blast whistle? A.—She was up in that vicinity some place; but I did not notice her at all—when I heard the two blast whistle all I noticed was the Imo—she might be there though.

Q.—If the Stella Maris had gone around No. 9 pier, the pier or part of land shown on this chart, and close to the Halifax side, she would be out of your vision? A.—If she was close on the Halifax shore here yes sir.

Q.—Assuming the Stella Maris was going up the Narrows on the Halifax 40 side, the two blast signal from the Imo might have been intended for her? A.—It might have been.

Q.—It would be the proper signal to give if the Stella Maris was on the Halifax side? A.—Yes sir.

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Q.—You say there were three vessels moored at the Dry Dock?

A.—Where we lay yes sir.

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Q.—Give us the names? A.—J. A. McKee, moored next the wharf, the Middleham Castle and then we were outside.

Q.—Outside of the Middleham Castle was the Douglas H. Thomas?

A.—Yes sir.

Q.—Do you know the width of the McKee approximately? A.—Maybe 40 or 45 beam.

Q.—How much beam was the other one—the Middleham Castle?

A.—I should judge the other ship would be about 50 feet—the Middleham Castle. 10

Q.—How wide is the Thomas? A.—23 feet.

Q.—Did you notice the French ship—the Mont Blanc, before you heard the Imo's whistle—had you noticed the French ship before that?

A.—Yes sir, I noticed her when she passed to the eastward of the High Flyer. I saw the ship coming down or up—the next thing attracted my attention was the two whistles in the upper harbour.

Q.—Did I understand there was somebody on the deck talking to you at the time? A.—Yes sir.

Q.—Who was that? A.—The Chief Engineer of my boat. 20

Q.—What is his name? A.—Rourke.

Q.—I understand you made some remarks to Mr. Rourke about the speed of the French ship? A.—Yes sir.

Q.—Was that before the Imo blew her two blast whistle? A.—After the Imo blew her two blast signal, and after the Mont Blanc blew her one blast.

Q.—Remarked it on two occasions? A.—Yes sir.

Q.—You mean the first whistle from the Mont Blanc there was no deduction of speed when she blew that first whistle? A.—Not that I could notice. 30

Q.—When did you notice any diminution of speed of the Mont Blanc?

A.—I could notice it afterwards—after the Imo blew three blasts. I thought they had stopped their engines—I think she had eased them down—I think they eased down now—that is the remark I made to the man near me.

Q.—That is the Mont Blanc? A.—Yes sir.

Q.—You were watching this very closely I would gather? A.—Yes, because we are in that business ourselves, and we were naturally interested in it. We are in the tow boat business in the Sydney Harbour.

Q.—Is your tug a wrecking tug? A.—Yes sir. 40

Q.—She is subsidized as a wrecking tug? A.—She used to be.

Q.—She was subsidized by the Dominion Government? A.—Yes, at one time.

Q.—Did you have any information that this French Ship was carrying munitions? A.—No sir, none whatever.

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Q.—Was she carrying a flag, a red flag? A.—No sir, not to my knowledge—I did not see any.

Q.—Do you know that munition ships carry red flags—do you know if they ever carry any? A.—I know they fly a red flag to an anchor. A red flag in the day time and at night a red light, in the harbour; but I don't know about when a ship is under weigh.

Q.—In what harbour have you seen that? A.—I have seen that in Sydney Harbour all summer.

Q.—Do I understand that when the Imo blew her three blasts you could see her bow change to starboard? A.—Yes, after she blew the three 10 blasts.

Q.—As if she were swinging on the reversing engines? A.—As if she were going full speed astern—naturally if she is a right handed propeller it will cant her head to starboard and stern to port.

Q.—From that time on did you see the Imo keep on the Halifax side, until the collision? A.—Her head was canted, if anything, on the Halifax side.

Q.—From what time on to the time of the collision? A.—Yes sir.

Q.—Then when the Mont Blanc blew this two blast whistle what direction did she point, after she blew the two blasts? A.—He starboarded 20 his helm and come across towards the Halifax side.

Q.—At a sharp angle? A.—No, he might have put the helm hard over; but the ship was losing her headway then, she did not swing very fast; but you could see her swing.

Q.—She did get well across the harbour? A.—Quite an angle; but not at right angles at all. Quite an angle with her head towards the Halifax side.

Q.—I understand that when you heard the Mont Blanc blow this two blast signal and saw her bow swing to port, you then remarked there was going to be a collision? A.—Yes sir. 30

Q.—Was that remark made to Mr. Rourke? A.—Yes, he was standing alongside of me at the time there.

BY CAPTAIN DEMERS:

Q.—You said that you thought the Imo was going to a speed of $1\frac{1}{2}$ or 2 knots an hour when you saw her? A.—To the best of my judgment—I could not tell very well as the ship was pretty well head on to me.

Q.—And is that the time she blew the two blasts that you noticed that? A.—Between the time she blew the two blasts.

Q.—The first two blasts? A.—Yes sir, between that time and the time she blew the three blasts. 40

Q.—And when she blew two blasts you don't know what speed she was going? A.—No sir, I could not say what speed she was going.

Q.—When she blew the three blasts you then imagined her speed was $1\frac{1}{2}$ to 2 knots? A.—Yes sir.

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Q.—When did you see her going full speed astern, what distance was she from the Mont Blanc? A.—I should judge she would be about over half mile—between that and three-quarters.

Q.—Do you suppose that the ship could be stopped brought to a standstill from that speed by full astern in that distance, in half a mile—in going astern do you think she could come to a standstill in the water? A.—Not if she had some speed on.

Q.—In half a mile do you think you can stop a ship going about two knots through the water; bring her to a standstill in the water? A.—Yes sir.

Q.—What speed would she have on at the time the collision took place? A.—I should judge the ship had over two miles—I don't believe she had that. 10

Q.—Then she had not decreased her speed from the time of the two blast signal to the three blast signal? A.—When she blew the two blast signal I thought she was pretty well fetched to a standstill—after the three blast signal; but after that three blast signal he blew the one blast to give his ship headway to come on the port helm.

Q.—Did you notice her screw at all? A.—No sir.

Q.—Did not notice the water astern? A.—No sir.

Q.—You heard the crash? A.—Yes. 20

Q.—That would happen only when a ship had a speed on striking an object? A.—Yes sir.

Q.—If she was still in the water there would be no crash at all? A.—No sir.

Q.—Have you see the bow of the Imo since? A.—No sir.

Q.—When the Mont Blanc blew her two blasts how far was she from the Imo? A.—At the time she blew her two blasts I should say she would be about 150 yards, probably 200 yards away.

Q.—Was that 150 yards towards the Dartmouth side? A.—Pretty well in the centre of the channel. 30

Q.—With her two blast signal you saw her head swing around to port? A.—Yes sir.

Q.—Did she have some weigh on then? A.—Yes sir.

Q.—Then the collision happened more towards the Halifax side than in mid channel? A.—Yes sir, more towards the Halifax shore than mid channel.

Q.—You don't know whether the first signal was given by the Mont Blanc; but the first signal you heard from a ship was a two blast signal from the Imo—is that it? A.—Yes sir.

Q.—You were on deck at the time? A.—Yes sir. 40

Q.—Had you seen the Mont Blanc? A.—Yes sir.

Q.—Before you heard the two blast signal? A.—Yes sir.

Q.—Therefore you cannot make any mistake about the ship which sounded first? A.—No, sir, the first signal I heard was two blasts from the Imo.

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Q.—Then you are sure the Mont Blanc did not sound the first signal?

A.—I am not sure of that — if she did I did not hear it.

Q.—You are accustomed to the ways and manners in this harbour, and the passages—you have been here a long time—you know the rules?

A.—Yes sir.

Q.—Supposing the first vessel, like the Imo chooses to take her port side of the channel instead of the starboard side, she can do so, can she?

A.—Yes sir.

Q.—The first vessel can demand the right of way, is that right - irres- 10
pective of her position in the channel? A.—I don't know about that.

Q.—What about that rule in the rule of the road—of course all vessels are supposed to keep on the starboard side when it is safe and practicable for them to do so; but supposing the Imo wanted to go to the Refinery Wharf would she be entitled to blow two blasts? A.—Yes sir.

Q.—Supposing the Mont Blanc wanted to go to No. 8 pier, would she be entitled to blow two blasts? A.—Yes sir.

Q.—How would you act if you were on the Imo, if you heard a one blast signal from the Mont Blanc not knowing where she was bound to?

A.—If I was on the Imo and blew the two blast signal first, I would keep 20
on the left of the channel.

Q.—Hearing a signal of that kind, contrary to the ordinary rules, would you stop your ship and wait—what should you do? A.—I would stop my ship.

Q.—And wait for developments? A.—Yes sir.

Q.—And find out correctly the direction in which the ship that blew that cross signal was going? A.—Yes sir.

Q.—When the Mont Blanc heard the two blast signal from the Imo was she towards the Dartmouth side? A.—Yes sir.

Q.—Her route lay on that side of the channel? A.—Yes sir.

Q.—And she would have to blow one whistle? A.—Yes sir. 30

Q.—When the two whistles of the Imo were sounded was she supposed to blow one or two whistles? A.—He could have blown the two blasts and come up on the port side.

Q.—And pass port to port? A.—Yes sir, come up on the Halifax side. When the Imo blew two blasts, the Mont Blanc, if they were going a cross direction, should have blown two blasts.

Q.—Then she would have taken the wrong side of the channel?

A.—Yes; but the ships would have passed clear.

Q.—No cross signals are allowed? A.—Yes sir.

Q.—You are pretty well sure the Imo was the ship that gave the first 40
blasts, the first two blasts? The first blasts of any kind? A.—The first two I heard were from the Imo — the two blasts from the Imo were what attracted my attention, and I thought it queer at the time for a ship coming out of the harbour.

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Q.—A ship going down, going out, would naturally blow one blast instead of two. Did the Imo blow the wrong blast—the two blasts? Was that a wrong signal for the position in which she was in? A.—There might be something else that he blew that for—I cannot say what he blew for—whether it was for the Mont Blanc or not.

Q.—There was the Stella Maris going up towards the Narrows?

A.—Yes sir.

Q.—What distance was she from you when she passed you?

A.—About 600 yards.

Q.—She was one-third in the channel? A.—About that.

10

Q.—Outside of you? A.—Yes sir.

Q.—And you were outside of the two ships? A.—Yes sir.

Q.—You were some space from the wharf—the width of those ships?

A.—Yes sir.

Q.—From shore to shore she would be about one-third in the channel?

A.—Yes sir.

Q.—Therefore it would necessitate a ship coming from Bedford Basin to give this signal to that vessel? A.—If she was close going up the Halifax side it would be necessary for the Imo to give a two blast signal.

Q.—Would you put on a piece of paper, the way this collision took place — the impact? 20

(WITNESS DOES AS DIRECTED, AND DRAWING IS MARKED AND FILED AS EXHIBIT M. B. N. 25):

Q.—When you saw them that way did the Mont Blanc have any head-way on? A.—Yes sir.

Q.—Did you notice the Imo being turned towards the Halifax shore?

A.—No sir, her head was not towards the Halifax shore.

Q.—At the time of the collision? A.—After.

Q.—Were they together then? A.—No sir.

Q.—They were apart? A.—Yes sir.

30

Q.—Would the speed of the Mont Blanc have a tendency to bring the Imo towards the Halifax shore? A.—Yes sir.

Q.—Before the Mont Blanc blew her two blast signal was there any danger of collision between the two ships? A.—I don't think there was any danger of collision then.

Q.—Do you think, from what you saw, that the Imo going down, would have cleared the Mont Blanc if the Mont Blanc had remained on her first course before she blew her two blasts? A.—The Imo could not come down on the course I saw her on first.

Q.—There have been a series of signals sounded up to the two blasts of the Mont Blanc—during that time she had advanced in the Narrows, heading outside? A.—Yes. 40

RECORD. Q.—Just at the time the Mont Blanc sounded the two blast signal was there a danger of collision with the Imo? A.—When the Mont Blanc sounded the two blasts there was danger of collision.

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Q.—Before she sounded the two blasts was there danger of collision if they followed each others course? A.—If the Mont Blanc had followed out his intention and kept to starboard, and the Imo the same—he gave a one blast signal just before that—I don't think there would have been any collision.

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BY CAPTAIN HOSE:

Q.—When the Imo sounded her three blasts could you see her starboard side then, or were her masts in line, heading straight to or could you see her port side? A.—I could see her starboard side.

Q.—Just at the moment you heard the three blasts you could see the starboard side of the Imo? A.—Yes sir.

Q.—Was she, at that moment, do you think, heading parallel with the Dartmouth shore or more towards the Dartmouth shore? A.—She was heading in quite parallel with the shore, heading a little towards the Dartmouth shore then.

Q.—After she sounded her three blasts did you actually notice her slewing and bring her masts in line with you? A.—Yes sir. 20

Q.—She slew far enough for you to see her port bow? A.—Yes, on a very slight angle, almost ahead on; but I could see along the port side of the ship.

Q.—Then when she sounded her one blast could you tell me what her position then was, as regards the Cable Company's wharf—do you think she was down as far as the Cable wharf? A.—No sir, she was not down as far as that.

Q.—Do you know the Brewery Wharf? A.—Yes, she was not down as far as the Brewery Wharf.

BY Mr. MELLISH, K. C. 30

Q.—That was when you say the Imo sounded her one blast she was not down as far as the Brewery Wharf? A.—When she sounded her three blasts.

BY CAPTAIN HOSE:

Q.—But the one blast—she sounded three blasts and then you heard the one blast from the Mont Blanc? A.—Yes sir.

Q.—Then again one blast from the Mont Blanc? A.—Yes sir.

Q.—Then one blast from the Imo? A.—Yes sir.

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Q.—Was she as far as the Brewery Wharf at the time she sounded one blast? A.—Yes sir, pretty well down to the wharf—I would not say she was right down as far as the Brewery Wharf; but she was pretty well down to the Brewery Wharf at the time she sounded that.

BY Mr. MELLISH, K. C.

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Continued.

Q.—Could you tell how she was heading then when she blew her one blast? A.—She was heading down the harbour; but a little towards the Halifax side, pretty nearly in line with out boat—we were lying in at the Dry Dock.

Q.—Before she sounded the one blast? A.—Just before she sounded 10 the one blast—she was just about on the same angle, heading towards the Halifax shore a little—I thought the ship had come astern and threw her bow that way, and come ahead on a port helm with a little more speed—that was my estimation of the manoeuvring of the ship at the time.

BY CAPTAIN HOSE:

Q.—Your vessel was laying at the Dry Dock Wharf was that towards the southern end of the Dry Dock Wharf or middle of the Dry Dock or well up towards the Sugar Refinery Wharf? A.—About pretty near the middle of the Dry Dock Wharf—out stem was about 20 feet from the S. S. Picton, and she was laying at the Sugar Refinery Wharf. 20

BY Mr. MELLISH, K. C.

Q.—Could you tell her heading by compass—about? A.—No sir.

BY CAPTAIN HOSE:

Q.—It would be on the line of the wharf? A.—Yes, pretty near.

BY Mr. BURCHELL, K. C.

Q.—You had no duties that morning; you were there for repairs? A.—Yes sir.

Q.—You had nothing to engage your attention on board your own ship? A.—No sir.

AND FURTHER DEPONENT SAITH NOT.

J. T. ROWAN,
Official Reporter. 30

RECORD. JOHN JOSEPH ROURKE, CHIEF ENGINEER OF THE S. S. "DOUGLAS H. THOMAS", BEING CALLED AS A WITNESS AND DULY SWORN, DOTH DEPOSE AND SAY AS FOLLOWS:—

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

EXAMINED BY Mr. HENRY, K. C.

No. 14.
Evidence of
John Joseph
Rourke,
Direct-Ex-
amination,
by Mr.
Henry K. C.

Q.—You are the chief engineer of the Douglas H. Thomas? A.—Yes

Q.—And have you been going to sea a good many years? A.—Yes
sir, a number of years.

Q.—Have you been on that ship a long time? A.—About 7 years.

Q.—Where were you the morning of the explosion—on your ship? 10
A.—I was standing on the after deck on the starboard side of the Douglas
Thomas.

Q.—What was the first thing you saw or heard, of these ships the Imo
and the Mont Blanc? A.—Well, sir, I saw the Mont Blanc coming up
the harbour.

Q.—That was the first thing you saw? A.—And the time away up
the basin—there was a little haze on up at the Basin at the time; but none
down here where the Mont Blanc was.

Q.—Whereabouts was the Mont Blanc when you first saw her?
A.—She was somewhere about where that man of war, the High Flyer 20
was laying.

Q.—You saw her passing the High Flyer? A.—Yes sir.

Q.—Which side of the High Flyer did she pass on? A.—On the
Dartmouth side of her.

Q.—Which did you first see, the Imo or the Mont Blanc? A.—The
Imo up towards the Basin.

Q.—Did you hear any signals from these ships? A.—Yes sir.

Q.—What was the first signal you heard? A.—The Imo blowing.

Q.—What? A.—Two signals, sir—two whistles.

Q.—Tell me, before we go any further—had you been long on deck 30
before you saw these vessels? A.—I think I was on deck, as far as I
could judge about half an hour—I had just got through breakfast and I
was just getting ready to look after the men—we were having some work
done.

Q.—You were just walking around? A.—Yes sir, and conversed with
some of the men on the deck.

Q.—Were you with the captain or separated at the time you first saw
the Imo? A.—I walked towards the captain, sir, when I first saw the
Imo—to converse with him.

Q.—About these ships? A.—I walked to the captain and conversed 40
with him about the speed of the Mont Blanc coming up the harbour—I
made a remark to the captain that they seemed to drive very fast in
Halifax harbour.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 14.
Evidence of
John Joseph
Rourke,
Direct-Ex-
amination.
Continued.

Q.—What did you estimate the speed of the Mont Blanc was as she was coming up the harbour? A.—Between 6 and 8 miles an hour—she was carrying quite a foam at her bow—a tone.

Q.—Was that when she was passing the High Flyer? A.—Just as she was passing her.

Q.—Which of these two boats did you see first? A.—The one up towards the Basin.

Q.—What attracted your attention to her? A.—She blew two whistles, sir.

Q.—That is what called your attention to her? A.—Yes sir. 10

Q.—You looked up? A.—Yes sir.

Q.—And saw this ship coming down? A.—Yes sir.

Q.—What about this ship coming down—could you tell anything about her speed? A.—Well she had no weigh on her to speak of at all—she was coming on very slow, three or four miles an hour or something like that.

Q.—Which way was she heading? A.—Towards the Dartmouth shore when I saw her first. I could see the whole of her starboard side.

Q.—After she blew this two blast signal was there any immediate reply from any other boat? A.—Nothing in particular that I took notice of. 20

Q.—How long after the two blast signal was it before you heard any signal from the Mont Blanc? A.—Probably a minute might have elapsed or two minutes, sir.

Q.—Did you make them out to be a signal from the Imo to the Mont Blanc and then from the Mont Blanc back? A.—I could not say what they were, the vessels were well apart at the time.

Q.—How far would you estimate they were apart when the two blast signal was given from the Imo? A.—In the vicinity of a mile.

Q.—Somewhere around that? A.—Yes sir.

Q.—Was the haze sufficient do you think at that time, to prevent the 30 Mont Blanc or the Imo from seeing each other? A.—No sir.

Q.—Then the first signal you heard from the Mont Blanc was what? A.—One whistle.

Q.—One blast? A.—Yes sir.

Q.—What was the next signal you heard? A.—I heard a three whistle sir.

Q.—From which ship? A.—From the Imo.

Q.—Where was she then? A.—Coming on down towards us, getting closer to where we were at the time—at the Dry Dock.

Q.—Had she changed her course at the time? A.—Slightly. 40

Q.—Which way? A.—To the Halifax side.

Q.—Then she gave a three blast signal? A.—Yes sir.

Q.—Did she follow that up by reversing her engines? A.—Yes sir, I am pretty sure I saw the water at her stern.

RECOR D. Q.—Did she at that time, swing at all with her engines reversed?

In the A.—Her bow swung to the Halifax shore.

Exchequer Q.—To the starboard? A.—Yes sir.

Court of Q.—How long did she keep under reversed engines? A.—I could
Canada, not say.

Nova Scotia Q.—A long time? A.—Only a matter of something like that.

Admiralty Q.—What was her next move after that? A.—She looked to me to
District. be coming ahead—he blew one whistle.

No. 14. Q.—And came ahead in which direction? A.—To starboard.

Evidence of Q.—At that time how was the head of the Imo pointing with respect 10
John Joseph to you? A.—She was heading somewhere, if she kept on her course,
Rourke, down by our ship.
Direct-Ex-
amination.
Continued.

Q.—How far was she from the Mont Blanc then? A.—Half a mile or more.

Q.—After the three blast signal from the Imo was there any signal made by the Mont Blanc? A.—One whistle.

Q.—Was that before or after the one blast from the Imo? A.—That was after.

Q.—So that at that time, at the time the Mont Blanc gave the one blast signal each of them had given a one blast signal within a very short time 20 of each other? A.—Yes sir.

Q.—Is that right? A.—Yes sir.

Q.—And the Imo was headed across to Halifax? A.—Yes sir.

Q.—Did the Mont Blanc change her course at that moment? A.—Not at that moment.

Q.—What was next? A.—Then sir, the Mont Blanc blew two whistles and altered his course.

Q.—Which way? A.—To come to the Halifax shore.

Q.—To port? A.—Yes sir.

Q.—How far were they apart then? A.—They were getting within 30 a few, 300 or 400 yards I would say sir.

Q.—Prior to that had they been on parallel courses? A.—They had been coming along fairly on parallel courses, as far as I could say.

Q.—If the Imo was headed towards the Halifax shore the Mont Blanc was keeping for the Dartmouth shore—the courses were hardly parallel? A.—They would not be quite parallel but the both boats would pass one another.

Q.—Your idea was both boats were going to pass without any trouble? A.—Yes sir.

Q.—Then what was the next after the two blast signal from the Mont 40 Blanc—any other signals? A.—I won't say sir, there was a little too much excitement in my mind at the time—the captain said “the Frenchman has given a cross signal and there is going to be a collision.”

Q.—Was there not a cross signal at the first start two blasts from the Imo and one blast from the Mont Blanc? A.—There was another boat up around there.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 14.
Evidence of
John Joseph
Rourke,
Direct-Ex-
amination.
Continued.

Q.—What boat? A.—The Stella Maris.

Q.—Where was she? A.—She was going up there I think—she was up handy around the Imo.

Q.—Which side of the harbour was she on? A.—Very near the centre of the harbour; but on the Halifax side.

Q.—If the other boat was coming across to Dartmouth there was not very much danger of them coming into collision? A.—I don't suppose.

Q.—Did you hear the Stella Maris blow any whistle? A.—I did not remark any whistle from the Stella Maris.

Q.—If she had blow any you would have noticed? A.—I dare say. 10

Q.—How close did the Stella Maris pass you? A.—She came out from the end of the Dry Dock and went out to the centre of the harbour, 200 or 300 yards from us. She came off on an angle like this to go to the centre or from the centre of the harbour rather.

Q.—Your idea was when she straightened up on her course she was going up about the centre of the channel? A.—Yes sir, the Stella Maris.

Q.—And going up straight, not heading to either shore, as far as you noticed? A.—No sir.

Q.—You say that when the Imo gave that two blast signal, which may have been for any boat, she was heading across the narrows? A.—Yes 20
sir.

Q.—She followed that up by pursuing the course she indicated?
A.—Yes sir, she was coming out of the basin.

Q.—And was going to port—she was heading to the port side of the channel? A.—Yes sir.

Q.—Did that not strike you as peculiar, a vessel coming out and taking the port side of the channel? A.—There is a kind of a bend up around there and she would be coming out of that basin heading that way at that time.

Q.—Did he straighten his course after that? A.—Yes, by going as- 30
tern.

Q.—He was not in any danger of collision at that time? A.—No sir.

Q.—Why do you think he went astern? A.—Probably to straighten up his course to come down the harbour.

Q.—Your idea of his going astern was for that purpose? A.—Yes sir.

Q.—Had he passed the Stella Maris when he went astern? A.—No
sir.

Q.—But they would pass the Stella Maris before the collision?
A.—Yes sir.

Q.—The Stella Maris was above them when the collision took place? 40

A.—Yes sir.

Q.—You say there is a great deal of confusion or excitement in your mind as to the last moment or two? A.—Yes sir, I would not like to say anything definite sir.

Q.—You saw the collision? A.—Yes sir.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 14.
Evidence of
John Joseph
Rourke,
Direct-Ex-
amination.
Continued.

Q.—Did you hear a crash? A.—A slight crash.

Q.—Was the head of the Mont Blanc— the direction of her head, followed by the blow of the collision? A.—Might be some sire.

Q.—How much did you think? A.—I have no idea.

Q.—When the collision was over which way was the Mont Blanc heading, or pointing? A.—Fair into the dock.

Q.—Into which dock? A.—No. 6 where she grounded.

Q.—And did the Imo back away from her after striking her?

A.—The Imo's bow was quite handy to her stern—I thought the Imo was standing by her.

Q.—Which way was the Imo's bow headed after the collision?

A.—To the Halifax shore after the collision.

Q.—Both were heading towards Halifax after the collision? A.—Yes sir.

Q.—The Imo was headed further down stream? A.—She was at the stern of the Mont Blanc. I thought she was standing by for any assistance, that was the opinion I formed.

Q.—Did she perform any evolutions after the collision, go ahead and back up? A.—She was going astern on her engines.

Q.—At the moment of the collision was she going ahead or astern? 20
A.—I could not say.

Q.—That is as far as her engines are concerned? A.—Yes sir.

Q.—Did you see her going astern except up in the narrows, any time before the collision? A.—No sir.

Q.—At the time of the impact you would think she was going ahead on her engines? A.—No sir, she might have been moving through the water—I would not say her engines were moving.

Q.—But you did not hear any other three blast signal but the one from the Imo? A.—It is faint in my memory; but I would not like to swear to it.

Q.—That comes in the confusion period? A.—Yes sir, what one blew the three blast signal I am not sure—I am sure there was a three blast signal blown; but what ship it was I cannot say.

Q.—That was just before the collision? A.—Yes sir.

BY MR. MELLISH, K. C.:

Q.—You heard a three blast signal just before the collision?

A.—Yes sir.

Q.—So you heard the three blast signal twice? A.—Yes sir.

Q.—The first three blast signal was certainly from the Imo? A.—Yes sir.

Q.—The second you cannot say? A.—No sir.

Q.—The ships were close then? A.—Yes sir.

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RECORD. Q.—You did not notice the steam from which ship it was did you?

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

A.—No sir.

Q.—It was not cold enough that morning to make much steam was it?

A.—You could see the steam anyhow.

Q.—You did not notice? A.—No sir.

Q.—Would you please, Mr. Rourke, give us the order in which you heard these signals to your recollection? the first signal was what? A.—Two blasts signal from the Imo.

Q.—The next one? A.—Three blasts from the Imo.

Q.—Give me them in order—did you hear any between the two and the three? A.—A three blast whistle from the Imo.

Q.—Immediately after the two blasts—give them from each boat? A.—The Mont Blanc was coming along.

Q.—First you heard the two blasts from the Imo? A.—Yes sir.

Q.—Then next? A.—One blast from the Mont Blanc sir.

Q.—And then? A.—Three blasts from the Imo.

Q.—Yes? A.—I got mixed there, two blasts from the Imo, one from the Mont Blanc, three from the Imo, one from the Mont Blanc.

Q.—Yes? A.—One from the Imo.

Q.—Yes? A.—Two from the Mont Blanc sir—the other one I cannot say who blew it sir. 20

Q.—The other three blasts? A.—Yes sir.

Q.—Two blasts from Imo? A.—Yes sir.

Q.—One blast from the Mont Blanc? A.—Yes sir.

Q.—Three blasts from Imo? A.—Yes sir.

Q.—One from Mont Blanc? A.—Yes sir.

Q.—One from Imo? A.—Yes sir.

Q.—Two from the Mont Blanc? A.—Yes sir.

Q.—Then three blasts from somewhere? A.—Yes sir, somewhere—some boat blew three blasts. 30

Q.—After you heard the two blasts from the Imo in your estimation, you judge it about a minute until you heard the one from the Mont Blanc?

A.—Probably about that.

Q.—How long before the three blasts from the Imo? A.—I suppose a matter of a minute after the other one whistle from the Mont Blanc sir.

Q.—Then after the three blasts from the Imo? A.—One whistle.

Q.—One from the Mont Blanc? A.—Yes sir.

Q.—How long was that after the three blasts? A.—I suppose somewhere around a minute—it is pretty hard to judge.

Q.—Was that followed quickly then by the Imo? A.—She blew the one whistle. 40

Q.—How long after the Mont Blanc blew her other whistle? A.—A matter of about a minute or so—I would not say exactly.

Q.—That would be a pretty long time? A.—Her whistle.

Q.—Yes? A.—I don't know what the rules are.

No. 14.
Evidence of
John Joseph
Rourke,
Direct-Ex-
amination.
Continued.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 14.
Evidence of
John Joseph
Rourke,
Direct-Ex-
amination.
Continued.

Q.—When the Imo blew first three blasts you heard the ships were in your estimation how far apart? A.—Somewhere within the vicinity—you mean the three blasts—about three-quarters of a mile, somewhere around that.

Q.—Apart? A.—Yes sir.

Q.—And when she blew the three blasts could you see her side?

A.—I could see her starboard side.

Q.—Could you see all of her starboard side? A.—Yes sir.

Q.—Did you notice then what changes if any the ship made—the head of the Imo? A.—Yes sir, she altered her course to starboard. 10

Q.—She came to starboard? A.—Yes.

Q.—How did she head then towards you? A.—Heading down the harbour.

Q.—Still see her starboard? A.—Yes sir, could see her swinging.

Q.—You could see her starboard all the time? A.—Yes sir, you could see her starboard side sir.

Q.—What then did she do—if she was reversing away up there going astern and swinging to starboard, in due time she would stop, or what did she do? A.—They came ahead on her again, and it seemed as if she was kept on the course she was on then after getting straightened up she would have passed somewhere in the vicinity of the Dry Dock where we were. 20

Q.—She apparently steadied her course? A.—Yes sir.

Q.—And started ahead? A.—Yes sir.

Q.—Which way did she turn after that? A.—She — seemed to hold her course on down, heading towards the Halifax side.

Q.—Heading more towards you? A.—Yes sir, to the starboard side.

Q.—For how long? A.—Until the collision.

Q.—Where did the collision take place? A.—Up off the pier there.

Q.—In respect to the centre of the harbour? A.—About the centre 30 of the harbour—a little to the Halifax side.

Q.—She seemed to you then, after blowing the three blasts, to steady her course? A.—Yes sir.

Q.—And maintain the same course up to the moment of the collision? A.—She steadied her course to come down the harbour, to pass the Mont Blanc.

Q.—And she maintained the same course that you saw her on up to the time of the collision? A.—She did, yes.

Q.—Which would have brought her, if she had carried on, where? A.—Somewhere around in the vicinity of the Dry Dock. 40

Q.—Can you give me any indication as to where she was in relation to the Dartmouth shore—is there anything on the land by which you could denote about where she was when she changed her course to starboard? A.—No, I don't know the land there very well—it seems to be a bend in the land there sir, to my idea of it, coming out of the basin.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 14.
Evidence of
John Joseph
Rourke,
Direct-Ex-
amination.
Continued.

Q.—Did you remark two wharves up there—do you know the French Cable wharf? A.—Yes sir, I have seen that.

Q.—And you noticed the wharf north of that? A.—Yes sir.

Q.—The Brewery wharf? A.—Yes sir.

Q.—Those are two very distinct marks? A.—Yes sir, I know them.

Q.—At the time she changed her course to starboard which I suppose would be when she blew the three blasts? A.—Yes sir.

Q.—Could you tell where she was in relation to these wharves, north of them? A.—North of them.

Q.—North of both of them? A.—Yes sir.

Q.—A considerable distance? A.—She was in the centre of the harbour sir.

Q.—A considerable distance north? A.—A little, I cannot say how far she was north of those docks.

Q.—The next blast was from the Imo—was it one blast after the three blasts? A.—Yes sir.

Q.—Did you notice any change of course then? A.—No sir.

Q.—Any change of course in the one blast? A.—No sir.

Q.—So you only noticed one change of course in the Imo? A.—Yes sir.

Q.—That was the change when she blew the three blasts? A.—Yes sir.

Q.—Before that, about what did you judge her course to be, before she blew the three blasts—you could not tell very well? A.—She seemed to be headed for the Dartmouth shore—going across to Dartmouth—she showed her full starboard side.

Q.—That would be across the course of the Mont Blanc? A.—Yes sir, away up there.

Q.—When you heard the two blasts first did you see the ship, the Imo? A.—Yes sir.

Q.—Was there anything between your line of vision and the Imo at that time? A.—No sir, nothing.

Q.—From your point of view she would have at that time, crossed the course of the Stella Maris? A.—Yes sir.

Q.—That is right? A.—She would be to the Dartmouth side of the Stella Maris.

Q.—You understand me thoroughly? A.—Yes sir.

Q.—And you did not form any judgment I suppose as to what the two blasts were for? A.—I did not consider anything about the two blasts sir.

Q.—Did you know the vessel the Imo? A.—I have seen her before; but I did not know she was the Imo coming out that morning—I knew she was the Belgian Relief ship that came in the other day.

Q.—You saw her before? A.—Yes sir.

Q.—You formed the opinion she was going to sea? A.—Yes, I had the idea she was going out.

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RECORD. Q.—Is it a matter of inference or did you notice it after she blew her three blasts, that her speed was increased? A.—No, I would not say they increased her speed after blowing the three blasts.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—You did not see that? A.—No sir, I would not say it.

Q.—How did she arrive at the point of the collision? A.—When they went astern—if they went astern on their engines on those three blasts it would take some of the weight off her; but it would have a tendency to swing her in position.

No. 14.
Evidence of
John Joseph
Rourke,
Direct-Ex-
amination.
Continued.

Q.—To swing her head to starboard? A.—Yes, or her stern to port.

Q.—If she were then, as you judge, at that place, how far was she from the Mont Blanc? A.—At the three blasts, somewhere in the vicinity of three-quarters of a mile.

Q.—It did not occur to you that after she got in position she would put on some speed? A.—No sir, she was coming on as I considered slow—very easy.

Q.—With engines reversed or stopped? A.—I suppose that her engines would be turning slow ahead.

Q.—Your impression was she reversed simply to get in position?

A.—Yes sir.

Q.—And then was coming ahead? A.—Yes sir, coming ahead slow or half.

Q.—Was that your idea that you formed at the time? A.—Yes sir.

Q.—When you heard the one blast for the first time from the Mont Blanc, about where was she? A.—She was somewhere about coming from the bow of the High Flyer—I have been told it is the High Flyer.

Q.—The High Flyer was laying north and south? A.—She was heading up the harbour.

Q.—Where was the High Flyer in regard to the centre of the harbour? A.—She was anchored off the Dock Yard somewhere about the centre of the harbour, inclined, I think a little to the Halifax side.

Q.—The Mont Blanc passed up east of the High Flyer? A.—To the Dartmouth side.

Q.—That is the eastern side? A.—Yes sir.

Q.—The Mont Blanc passed up on the east of the High Flyer? A.—Yes sir.

Q.—Was she north of the High Flyer when you heard her first blast? A.—Yes sir.

Q.—Just north? A.—Yes sir.

Q.—When you heard her give a one blast signal again you say that was after the three blasts of the Imo. Where was she then? A.—She was somewhere between the Douglas H. Thomas and the High Flyer sir.

Q.—Which side of the channel was she on then? A.—On the Dartmouth side.

Q.—Was that signal answered by the Imo? A.—Answered by one blast.

RECORD.

In the
Exchequer
Court of
Canada.
Nova Scotia
Admiralty
District.

No. 14.
Evidence of
John Joseph
Rourke,
Direct-Ex-
amination.
Continued.

Q.—The last witness, Captain McLaine stated that that signal was not answered by the Imo; but was repeated by the Mont Blanc—what do you say to that? Captain McLaine's statement is that the Mont Blanc, after the three signals from the Imo, blew a signal of one blast which was unanswered, and then blew another signal of one blast which was answered—what is your recollection about that—Your recollection is just as good as his—I am not suggesting you are not of course giving it according to your judgment? A.—I think Captain McLaine is right. I think there was a couple of signals given there together on the Mont Blanc.

Q.—Can you suggest any necessity on the part of the Mont Blanc giving these two one blast signals? Any reason for her giving these two one blast signals there? A.—I cannot give any idea. 10

Q.—You have a good deal of experience in navigating? A.—No, I don't want it to be thought that I am a navigator—I am an engineer sir.

Q.—You say at the time these one blast signals were given in succession by the Mont Blanc, which would be one or two minutes just after—at that time, according to you, what was the position of the Imo—how was she heading, towards your wharf? A.—Yes sir, coming down the harbour.

Q.—Can you suggest any reason for the Mont Blanc persisting in giving these one blast signals under those conditions with the Imo heading as you say, towards the Halifax side of the harbour? A.—Unless the people on the Mont Blanc were getting a little bit nervous—the both ships were getting handy to one another. 20

Q.—On diverging courses? A.—Yes sir.

Q.—The Imo, you say, was about mid channel? A.—Yes sir.

Q.—Somewhere inclined to the Halifax shore? A.—Yes sir.

Q.—The Mont Blanc was on the Dartmouth shore? A.—Yes sir, and she was gradually working to the centre of the harbour.

Q.—Can you suggest any necessity or any reason for the Mont Blanc to give his one blast signal under those conditions? A.—I cannot, unless he wanted to get more room sir. 30

Q.—The Imo would be passed his course? A.—Yes sir.

Q.—She would be on his port bow, according to your statement?

A.—Yes sir.

Q.—After she gave the three blasts? A.—Yes sir.

Q.—And everything would be safe? A.—Yes sir.

Q.—Of course I suppose you will concede too that it is a little more difficult for you, from your position to get the relative positions of the ship than if you were aboard either one of them? A.—Yes sir.

Q.—That is correct? A.—Yes sir. 40

BY Mr. BURCHELL, K. C.

Q.—When the Imo blew this first signal—this two blast signal, did you notice where the Stélla Maris was? A.—She was well up the harbour, up towards the Basin sir.

RECOR

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 14.

Evidence of
John Joseph
Rourke,
Direct-Ex-
amination.
Continued.

Q.— Could you see her from where you were? A.— I could see the Stella Maris.

Q.— Would the two blast whistle from the Imo be a proper signal for the Stella Maris? A.— I think it would.

Q.— The Stella Maris was going up, closer to the Halifax side than the Dartmouth side? A.— Yes sir.

Q.— And if the Imo blew the two blasts to indicate to the Stella Maris starboard side that would be the signal to give, the two blast signal?

A.— I suppose sir, that would be it.

Q.— Suppose the first two blast signal from the Imo might have been intended for the Stella Maris and not for the present ship at all, the Mont Blanc—that is possible? A.— It might have been for the Stella Maris.

Q.— When did you notice first the speed of the Mont Blanc?

A.— When she came in sight, passing the High Flyer.

Q.— Did you notice her speed coming right along from that until the collision? A.— Yes, she carried her speed right along.

Q.— Did not seem to check her speed? A.— No, not much at all.

Q.— When she blew that two blast signal and came across the channel was she travelling at a pretty good speed? A.— Yes, she had fairly good weigh on her sir.

Q.— Would you give an estimate of that? A.— I would not say when she gave that two blast signal, probably 4 or 5 miles an hour.

Q.— She came right across the channel then, towards the Halifax side? A.— Yes sir.

Q.— Right across the bows of the Imo? A.— Yes sir.

Q.— And right after the collision happened? A.— Yes sir.

Q.— And it was just when she blew this two blast signal and starboarded the helm—it was then Captain McLaine remarked to you that there was going to be a collision? A.— Yes sir, “cannot be averted” he says “The Frenchman has given a cross signal.”

Q.— If the Mont Blanc had not blown that two blast signal and kept on the course he was on, according to you, would there have been a collision? A.— I don't think so.

Q.— Was there any steam escaping at any time that you could tell if the Frenchman had a head of steam on? A.— As soon as the French Steamer got to the wharf, the Mont Blanc, his safety valve released and I remarked to somebody at the time that he had a good head of steam on.

Q.— That is the French ship? A.— Yes sir.

Q.— That is after the collision? Yes sir

Q.— How long will you say elapsed between those two successive one blast signals from the Mont Blanc, with no intervening signal from the Imo? A.— They were right on top of one another—one was a long whistle.

Q.— And the other that came right after? A.— Yes sir, it was short.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 14.
Evidence of
John Joseph
Rourke,
Direct-Ex-
amination.
Continued.

Q.—And you and Captain McLaine were both very much interested spectators of this whole thing? A.—Yes sir.

Q.—You watched it carefully all throughout? A.—Yes sir.

Q.—You were making remarks to one another as each thing happened? A.—Yes sir.

Q.—Anything said between you at the time these two successive signals came from the Mont Blanc, the one blasts? A.—I don't remember making any remark—yes, I do, I says “they are getting kind of nervous aboard the French ship”—that was when that blast was followed shortly on top of the other. I said to the captain they appear to be getting nervous aboard that ship—they appear to be getting excited. 10

BY MR. MELLISH, K. C.:

Q.—What was the reason for saying that? A.—When the whistles were going on so close together.

Q.—Did you find it hard to remember that circumstance at all, that the Mont Blanc blew a one blast signal? A.—When this gentleman asked me if I made any remarks to the captain I rememberd.

Q.—I am asking you if you did not find it very hard when I asked you to remember that circumstance, that the Mont Blanc blew two one blasts close together? A.—When you spoke to me I was not thinking that I would say one thing or the other; but the thing is coming to my mind now. 20

Q.—Do you remember that she blew two blasts one following the other? A.—She blew a long blast whistle.

Q.—A long one? A.—Probably 10 or 15 seconds.

Q.—It is a wonder you did not think of that before you came to your re-examination by Mr. Burchell? A.—Re refreshed my memory.

Q.—But after what you say now Mr. Rourke it seems to me that it was a circumstance that was so impressed upon you at the time that there was a remark passed between you and the captain, that you should have told us that at first here this morning? A.—I did not remember it at the time. 30

Q.—That after she blew a long blast of ten seconds, that is such an extraordinary thing that you should have told use when Mr. Henry was examining you? A.—I am as fair as I can be.

Q.—You have it now that the Mont Blanc blew a long blast of about ten seconds duration? A.—Might have been 8 seconds.

Q.—These blasts are very important you know, and that was followed out quickly? A.—Right on top of it.

Q.—By a one short blast? A.—Yes sir.

Q.—You did not interpret that as two short blasts? A.—No sir. 40

Q.—Did not interpret it in that way? A.—No sir.

Q.—You interpreted it as two separate short blast signals? A.—Yes sir.

RECORD. Q.—Although they followed each other immediately? A.—Yes sir, one was a long blast and the other was a short blast.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—The three blasts of the Imo you say were followed by these two blasts from the Mont Blanc—these two remarkable blasts from the Mont Blanc? A.—They were distinct blasts.

Q.—That followed the three blasts? A.—Yes sir.

Q.—Are you sure of that? A.—Yes sir.

Q.—Are you sure they did not come before? A.—I am pretty sure.

Q.—Did the three blasts not come after these two blasts? A.—No

sir.

Q.—Are you positive of that? A.—I am pretty sure.

Q.—Did you hear at any time very shortly before the collision, two blasts from the Imo immediately followed by one blast? A.—No sir.

Q.—Two blasts from the Imo followed very closely by one blast?
A.—No sir.

Q.—Did not hear that at any time? A.—No sir.

Q.—One of the officers, the third officer of the Imo, says there was a signal of that kind from his ship? A.—I did not hear it.

Q.—At any time? A.—No sir, I heard the Imo the first time with her tow blasts.

Q.—Followed at an interval of a minute or so? A.—With her three blasts.

Q.—One of the officers, the third officer of the Imo says there was a signal of that kind from his ship? A.—I did not hear it.

Q.—At any time? A.—No sir, I heard the Imo the first time with her two blasts.

Q.—Following at an interval or so? A.—With three blasts from her.

Q.—The two blasts from the Imo were followed by what? A.—By one blast that I heard from the French ship.

Q.—I am asking you if you heard at any time, two blasts from the Imo, followed very closely by one blast from the Imo? A.—No sir.

Q.—At any time? A.—No sir.

BY CAPTAIN DEMERS:

Q.—You said a minute between the signals? A.—Somewhere in the vicinity of a minute sir.

Q.—You have been an engineer of a tug for quite a number of years?
A.—Yes sir.

Q.—When you hear a signal from another ship you wait a minute before you answer it do you? A.—I don't know, answer as soon as the other man answers.

Q.—The moment that answer is made do you think one minute will elapse between each of two signals? A.—No sir, just according to whatever the other man answers.

No. 14.
Evidence of
John Joseph
Rourke,
Direct-Ex-
amination.
Continued.

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20

40

- RECORD. Q.—Do you start counting at one and go on to 60 That would be the interval? A.—Yes sir.
- Esquer* Q.—Was there a minute between signals? A.—No sir, it would not
Gen. of be a minute—it was a short duration of time.
Gen. Scotia
- Especially* Q.—There were two ships coming, one slow and one very fast, according
Journal. to your theory? A.—Yes sir.
- Q.—The Mont Blanc coming 6 or 7 knots? A.—Yes sir.
14. Q.—And the other the Imo, 3 or 4 knots? A.—Yes sir.
- Gen. of* Q.—And during that time there were a series of whistles sounded—in
Gen. Joseph that interval of less than three-quarters of a mile—so there could not be 10
Gen. Ex- one between the whistles? A.—No sir, a short time between them.
Gen. Ex-
Gen. Ex- Q.—The most rapid interval was between the two signals from the Mont
Gen. Ex- Blanc? A.—Yes sir.
- Q.—How long would it take to sound these two whistles? A.—It would seem as though they would let go of the string and give her another pull.
- Q.—Did you notice much speed on the Mont Blanc before the collision? A.—Not a great deal.
- Q.—How much was there? A.—She was going then about 3 or 5 miles an hour or so. 20
- Q.—When the collision happened? A.—Yes sir.
- Q.—And your vessel was going at what rate? A.—She was coming down slow—when this French ship crossed over I could not see much of the other ship you know sir.
- Q.—You are an engineer, and accustomed to repairs, and seeing what havoc is done, counting rivets and plates, frames, etc.? A.—Yes sir.
- Q.—What would be the effect on a ship with the impact of one vessel going 4 or 5 knots an hour and the other two knots—what would happen to the stem of the vessel striking? A.—If they would meet stem on sir, they would be certainly cut right into. 30
- Q.—What would happen if one vessel came right angles into another going fast? A.—If she struck a glancing blow she may swing along with it.
- Q.—What kind of a blow was there in this case? A.—More of a glancing blow.
- Q.—Suppose there was an anchor hanging to the side where the glancing blow took place, what would happen to the anchor and to the plates? A.—If the anchor were hanging to the bow it would go in to the ship—might brake in the plates.
- Q.—The flukes would go in and the crown would also go in? A.—Yes 40
sir.
- Q.—The impact at the speed you say, would force the anchor into the side of the ship? A.—Yes sir.

RECORD. Q.—In your experience as an engineer? A.—Yes sir, the anchor
 would be forced into the ship sir.
 In the Exchequer Court of Canada, Nova Scotia Admiralty District.

Q.—Right in? A.—Yes sir.
 AND FURTHER DEPONENT SAITH NOT.

J. T. ROWAN, E.

Official Reporter.

No. 14.
 Evidence of
 John Joseph
 Rourke,
 Direct-Ex-
 amination.
 Continued.

No. 15.

No. 15.
 Evidence of
 Andrew Johansen,
 Direct-Ex-
 amination,
 by Mr.
 Henry K. C.

ANDREW JOHANSEN, STEWARD OF THE S. S. "IMO" BEING
 CALLED AS A WITNESS AND DULY SWORN DOTH DEPOSE
 AND SAY AS FOLLOWS:—

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EXAMINED BY Mr. HENRY, K. C.

Q.—You speak English? A.—Yes sir.

Q.—You were on board the Norwegian Steamer Imo? A.—Yes sir.

Q.—On December 6th last? A.—Yes sir.

Q.—You were the first steward? A.—Yes sir.

Q.—How long had you been on board the Imo? A.—18 months.

Q.—You came in to Halifax on the Monday I think? A.—Yes sir.

Q.—For examination? A.—Yes sir.

Q.—And the collision happened on Thursday? A.—Yes sir.

Q.—Do you remember when you left your anchorage in the Basin—what
 time in the morning? A.—I could not say sir—I know we were waiting
 for the pilot about 5 to 8.

Q.—You got away shortly after 8? A.—I believe so.

Q.—I suppose your duties were mainly below? A.—Yes, I was in the
 cabin.

Q.—Did you hear any whistles that morning? A.—I only heard three
 whistles from the Imo.

Q.—Did you go out on deck then? A.—Yes sir.

Q.—You heard no whistles previous to the three whistles? A.—No
 sir, I did not take notice of any.

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Q.—And then you went out on deck? A.—Yes sir.

Q.—And what did you see? A.—I saw the French vessel on the port
 side.

Q.—On your port side? A.—Yes sir, I looked over the port rail.

Q.—How far away was she? A.—I could not tell you.

Q.—Was she a mile away? A.—No sir.

RECORD. Q.—Was it a matter of a few hundred yards? A.—A couple of hundred yards.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.
No. 15.
Evidence of
Andrew
Johansen,
Direct-Ex-
amination.
Continued.

Q.—Pretty close? A.—Yes sir.

Q.—And how was she lying with respect to the Dartmouth shore?
A.—I just saw the whole starboard side of the ship.

Q.—Of the French ship? A.—Yes sir.

Q.—Was she between you and the Dartmouth shore? A.—Yes sir,
she was on our port side.

Q.—That is the left side of your ship as you stood looking forward?
A.—Yes sir.

Q.—Then you were nearer the middle of the channel than she was?
A.—I did not notice that.

Q.—Did you pay any attention to the boat at all? A.—No sir.

Q.—How was your ship heading at that time? A.—I could not tell
you sir, because I did not look at the shore.

Q.—How long after you came on deck did the collision happen?

A.—I cannot say exactly; but I believe 3 or 4 minutes after.

Q.—Had the respective positions of the two vessels changed after you
came on deck? A.—I cannot tell.

Q.—You have never been a sailor? A.—I was about 20 years ago. 20

Q.—You felt there was some shock of collision? A.—I heard a little
scratch but I could not feel it; I heard a scratch.

Q.—Where were you—what part of your ship were you on when the colli-
sion happened? A.—On the foredeck just outside the cabin door.

Q.—On the port side? A.—Yes sir.

Q.—Did you go anywhere from there? A.—I went back in the cabin
again.

Q.—Did you go up on the forecastle first? A.—No sir, I went out
after.

Q.—You went to your cabin after the collision and then you came out 30
again? A.—Yes sir, on the forecastle.

Q.—I suppose by that time the French ship was burning? A.—Yes
sir, I saw the smoke coming out and some small flames.

Q.—In what part of the ship were the small flames? A.—In the
place where we struck her.

Q.—Could you see a hole in the French ship's side? A.—Yes sir.

Q.—Did it go right down to the water's edge? A.—I did not notice
that.

Q.—But you saw it up near the deck I suppose? A.—I did not pay
much attention because I just looked over our own bow—I saw a little hole 40
on the port bow of our ship.

Q.—High up or low down? A.—I should think about 2 or 3 feet above
the water line.

Q.—On the port side? A.—Yes sir.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 15.
Evidence of
Andrew
Johansen,
Direct-Ex-
amination.
Continued.

Q.—Did you see your own anchor near that hole? A.—The anchor was there; but I did not see if it was in the hole or not.

Q.—The anchor was hanging over your bow on the port side? A.—Yes sir.

Q.—How close was the Frenchman to you after the collision—after you came up on the forecandle? A.—I should think between 40 and 50 yards.

Q.—Was your vessel moving in any direction through the water? A.—I think she was moving astern?

Q.—Going away from the Frenchman? A.—Yes sir.

Q.—Was the Frenchman moving? A.—I don't think so, or rather 10 I don't know.

Q.—Was he going past your bow as you moved astern? A.—I did not pay attention I went back again—I did not stay there any time.

Q.—How long were you on the forecandle head? A.—Only a few seconds.

Q.—Were you up again before the explosion? A.—I was on the after deck.

Q.—You came up out of the cabin again and went on the after deck? A.—I went on the after deck.

Q.—You were never on deck again? A.—On the after deck. 20

Q.—Where was the French ship then? A.—Sitting there alongside the pier.

Q.—Did you see her moving along through the water? A.—Yes sir, she was drifting.

Q.—Slowly through the water? A.—Yes sir.

Q.—Where was your ship then? A.—Just near that pier there.

Q.—What position in the channel do you think? A.—I could not tell.

Q.—Nearer Halifax or Dartmouth? A.—Nearer Halifax; but I cannot say.

Q.—Did you see them getting their boats out from the other ship? 30 A.—Yes sir, before we go to this pier.

Q.—That would be when you were up on the forecandle head? A.—When I left there.

Q.—Did you see the men in the boats? A.—I saw one boat pass alongside of us.

Q.—Did they call out anything to you? A.—I did not hear anything.

Q.—Did you see any signs of great excitement on board? A.—No sir.

Q.—Everything was quite in order, quiet and orderly on board as far as you know? A.—Yes sir.

Q.—On the French ship? A.—I did not see any excitement. 40

Q.—When the explosion took place where were you? A.—In the cabin, in the captain's room.

Q.—You were in? A.—Yes.

RECORD. BY MR. BURCHELL, K. C.:

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

*No. 15.
Evidence of
Andrew
Johansen,
Direct-Ex-
amination.
Continued.*

Q.—Was there any confusion aboard your own ship? A.—No sir.

Q.—What did you do after the collision in regard to your work?

A.—I went to the captain's door and looked out.

Q.—What did you do? A.—Made up his bed.

Q.—Anything else? A.—Carrying water and cleaning up the wash bowls.

Q.—What did you do on the after deck? A.—Getting water.

Q.—For what? A.—The captain's room.

Q.—This was while the other ship was going to the wharf, or after she had gone in? A.—She was pretty near to the wharf then when I come out.

Q.—You were not expecting an explosion of any kind? A.—No sir.

Q.—You had no warning on your ship of any explosion? A.—No sir.

Q.—You don't know what your ship was doing after the collision then?

A.—I heard the telegraph was ringing fore and aft—I don't know what she was doing.

Q.—When you went down to get the water did you notice how the French ship went—the other ship? A.—They were pretty high that time.

Q.—You were in the captain's room attending to your duties when the collision occurred? A.—Yes sir.

Q.—Making his bed and getting water for him? A.—Yes sir.

Q.—You were not hurt at all? A.—Just a little.

Q.—Did the cabin fall in? A.—All the woodwork fell down.

Q.—On top of you? A.—Yes sir.

Q.—Where is the captain's cabin? A.—On the starboard side of the ship—underneath the bridge deck.

Q.—When you were up on the fore-castle head were there any other members of the crew there? A.—Yes sir, there were some there; but I don't remember who they were.

Q.—When the boats were lowered how far away was the other ship from you? A.—I could not tell you—I think about 40 or 50 yards.

Q.—Close enough to call out to you if they wanted to? A.—I guess so.

Q.—You never heard anybody call out anything—any warning?

A.—I did not hear anything.

BY MR. MELLISH, K. C.:

Q.—Did it occur to you Mr. Johansen why they were leaving the vessel?

A.—I thought they were afraid she was going to sink.

Q.—Where were you when you heard the three short blasts on your own ship? A.—In the cabin.

Q.—Does that open on the deck? A.—Yes sir, goes from the cabin out in the little alleyway and then forward.

RECORD. Q.—And you knew what the three short blasts meant A.—Yes sir.
 In the Q.—That was full speed astern? A.—Yes sir.
 Exchequer Q.—And that is the reason you came out? A.—I wanted to see
 Court of what was going on.
 Canada, Q.—Did you go out immediately you heard the three blasts? A.—Yes
 Nova Scotia Admiralty District. sir.

No. 15. Q.—Perhaps you could show what you saw on the diagram—this is your
 Evidence of vessel? A.—I can show you the way it looked to me; but I won't say
 Andrew it was so.
 Johansen, Direct-Ex-
 amination.
 Continued.

(WITNESS DOES AS DIRECTED AND DRAWING IS MARKED 10
 AND FILED AS EXHIBIT M. B. R. 26).

Q.—You saw the Mont Blanc how? A.—Over the side of the mid-
 ships of my ship.

Q.—On the port side amidships? A.—Yes sir.

Q.—I suppose you have some experience in going to sea? A.—Yes, I
 have been to sea 23 years.

Q.—And I suppose you have attended sometimes in other capacities be-
 sides steward? A.—Not the last 18 years.

Q.—Before that? A.—I was going on deck.

Q.—An able seaman? A.—Yes sir.

Q.—On sailing ships? A.—And steamers, on sailing ships and steamers.

Q.—Practically all your life at sea? A.—Yes sir.

Q.—And you had the usual Norwegian Certificates? A.—No sir.

Q.—You never qualified for an officer's position? A.—No sir.

Q.—You understand both languages fairly well? A.—I understand
 English, not very well.

Q.—You have been able to follow these proceedings here? A.—Yes sir.

Q.—You were able to tell the Norwegian Version in English to your
 Counsel? A.—Yes sir.

Q.—I just want to make it clear that you were here and heard what 30
 was going on.

BY MR. BURCHELL, K. C.:

Q.—Have you been in Court here, hearing the evidence the last day
 or two? A.—Yesterday I was not here at all.

Q.—Today were you in the Court at all before you just come in?
 A.—Yes sir.

BY MR. MELLISH, K. C.:

Q.—Do you know who was on the bridge Mr. Johansen at that time
 when you came out of the cabin? A.—I don't know who was on the
 bridge, when I left the fore-castle head I saw the pilot on the port side. 40

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 15.
Evidence of
Andrew
Johansen,
Direct-Ex-
amination.
Continued.

Q.—That is after the collision? A.—Yes sir.

Q.—But before the collision? A.—I did not notice it.

Q.—Where you came out on the port side you would be below the bridge? A.—Yes sir.

Q.—On the main deck? A.—Yes sir.

Q.—Did you hear any orders at all given? A.—No sir.

Q.—And you paid no attention to the navigation of the ship in any way? A.—No sir.

Q.—Either before or after the collision? A.—No sir.

Q.—It was not part of your duty? A.—No sir.

Q.—At the time of the collision the captain was not in his room?

A.—No sir.

Q.—And you noticed after the collision that both he and the pilot were on the bridge? A.—I did not see the captain on the bridge; but I saw he went forward after the collision on the forecastle head. I saw the pilot on the brigde.

Q.—When did the captain leave the bridge? A.—He told me the pilot was coming, and to tell him when he came.

Q.—The pilot came on board that morning? A.—Yes sir, I did not see the two boat coming out.

Q.—The pilot had gone out the night before? A.—The pilot came out the night before; but I don't know if he came out then—I don't know if it was the same man.

Q.—You are allowed to carry some liquor on your ship? A.—Yes sir.

Q.—And you do carry some I suppose? A.—The only thing we had now was a little gin.

Q.—The captain was on duty that morning? A.—Yes sir.

Q.—He left his room before the ship weighed anchor? A.—Yes sir, he did because I heard him tell the mate to have everything ready for the pilot's arrival.

Q.—Was he in good humor that morning? A.—Yes sir, the same as he used to be.

Q.—Nothing remarkable? A.—No sir.

Q.—At all events you have no doubt, I suppose that he would be on the bridge? A.—Yes sir.

Q.—That is the usual place in leaving port, for him to be? A.—Yes sir.

Q.—And possibly another officer with him? A.—The mate used to be up there all the time.

Q.—The captain has made it common practice to be on the bridge when you were leaving port with a pilot on board? A.—He always used to be.

Q.—That is your answer? A.—Yes sir.

Q.—You were on deck at the moment of the collision? A.—I went back in the alleyway, just inside the door as the collision happened.

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RECORD. Q.—That is to avoid any danger? A.—I happened to go in there—I don't know.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.* Q.—You went forward to see the collision? A.—I just went outside the door and I saw the ship, and I went back in the alleyway, and the collision happened.

Q.—Did you hear any orders from anybody? A.—No sir.

Q.—You did not notice when the ships came together? A.—No sir, I just heard the scratch.

Q.—Which side did you strike the other vessel? A.—On the starboard side.

Q.—That was just a second or two after you came out? A.—Some seconds after I came out on deck the first time.

Q.—The collision? A.—Yes sir, a couple of minutes after I heard the whistles.

Q.—The ships were very close—you saw them very close? A.—They were not far off.

Q.—How far off would you estimate when you saw them? A.—About 40 or 50 yards or something like that—I could not say for sure because I did not take notice to them much.

Q.—And you noticed there was some injury to the other vessel after the collision? A.—Yes sir.

Q.—Could you tell the kind of injury—how did it look to you? A.—Looked to me as if there was a cut up in the rail and from below down to the water line—not quite down to the water line—it seems to me the biggest part was up towards the deck.

Q.—Is your stem straight up and down, or does it hang forward? A.—Overhangs a little.

Q.—Your ship would be much higher than the other vessel? A.—I suppose because she was pretty well by the stern.

Q.—Your vessel was? A.—She always is when she is light.

Q.—That is higher forward? A.—Yes sir.

Q.—And a much large vessel of course than the Mont Blanc? A.—I don't know.

Q.—And the cut seemed to be widest at the top? A.—Yes sir, it seemed to me it was widest at the top.

Q.—Widening at the top and going down narrower at the bottom? A.—Yes sir, that is the way it seemed to me.

Q.—You had only a casual look at it? A.—Yes sir.

Q.—Did the smoke come out immediately—did you notice when you saw it? A.—When I got up there there was smoke and small flames.

BY Mr. BURCHELL, K. C.

Q.—You said you never heard any orders—were you in a position to hear any orders? A.—No sir.

RECORD.

Q.—You did—you would not hear any if there were any given?

A.—They might have been given but I could not hear on the bridge from the place where I was standing.

Q.—That diagram that you drew is that intended to show clearly the relation of the ships to the shore? Or do I understand you don't know how they were in relation to the shore? A.—That is the way they looked to me over the port side.

Q.—And do you intend to show their relation to the shore? A.—No sir.

Q.—The captain of the ship spoke English fluently? A.—Yes sir. 10

Q.—Did you notice where your anchor was that morning? A.—No sir.

Q.—Whether it was hanging over the bow or not? A.—I saw it was hanging there; but I did not notice whether it was hanging deep down or high up.

Q.—You said you looked over the side to see the injury to your ship? A.—Yes sir.

Q.—Did you notice where it was? A.—Close to the stem.

Q.—Was there a hole near it? A.—Near the stem there was a little hole. 20

Q.—About where the anchor was hanging? A.—I cannot tell that—I did not notice where her anchor was hanging.

Q.—Notice any injury to your own stem? A.—No I could not say—there might have been some there but I don't know, because I did not look very much.

Q.—How many men did you have on board the ship? A.—39 all told.

Q.—How many were killed? A.—Six.

Q.—Who were killed? A.—The pilot, the captain, I don't know if they have found him yet, the first mate, boatswain, carpenter, coal trimmer, donkeyman. 30

Q.—And the chief engineer was severely injured? A.—Yes, he has a bad hole in his head.

Q.—He is in the hospital? A.—He is at the Calgarian, when we were there—I don't know where he is now.

Q.—He was blown below at the time of the explosion? A.—I heard he was—I did not see him there.

Q.—And your helmsman was injured was he? A.—Yes sir.

Q.—That is Johnson? A.—Yes sir.

Q.—Any other men severely injured? A.—A fireman lost his arm—they took it off on the High Flyer I think, and another fellow broke some 40 ribs or something inside.

Q.—He is in the hospital at New Glasgow? A.—Yes sir.

Q.—In the hospital down there? A.—Yes sir.

Q.—Do you know about the other men that are injured? A.—I saw them all on the High Flyer.

In the
Fichequer
Court of
Canada,
New Scotia
Admiralty
District.
—
No. 15.
Evidence of
Andrew
Johansen,
Direct-Ex-
amination.
Continued.

RECORD. Q.—The boats of the High Flyer came and took you off did they?

A.—Yes sir.

In the Exchequer Court of Canada, Nova Scotia Admiralty District.
Q.—Your crew were all Norwegians? A.—There were Norwegians, Swedes, Danes, a Dutchman and a French Canadian.

Q.—What officers did you carry on your ship? A.—Captain, three mates, three engineers and engineers assistants, the fourth engineer they call him assistant.

No. 15.
Evidence of Andrew Johansen, Direct-Examination. Continued.
Q.—Boatswain and carpenter? A.—Yes sir.

Q.—The first mate was killed? A.—Yes sir.

Q.—How many sailors did you have? A.—7 or 8 I am not sure. 10

Q.—How many firemen? A.—9 I guess.

Q.—Was there any hole in your starboard side? A.—I don't know because I did not look on her starboard side.

BY MR. ROBERTSON, K. C.:

Q.—Where were you—were you near the pilot that morning? A.—No sir.

Q.—You saw him did you? A.—I saw him when I walked on the fore-castle head—He was on the bridge after the collision.

Q.—So far as you could tell there was nothing to indicate that he was drinking? A.—No sir. 20

Q.—As far as you know there was no drinking taking place, no intoxicating liquor being taken that day? A.—No sir.

Q.—Did you see any boats leaving the Mont Blanc? A.—I saw one boat leaving.

Q.—Did you see any person on board the boat giving you any warning? A.—No sir, I did not notice any.

Q.—Were you noticing? A.—I did not see any.

Q.—How long a time were you looking? A.—Not very long—I just gave a look over.

Q.—Just gave one look and then you went inside? A.—Yes sir. 30

BY CAPTAIN DEMERS:

Q.—You said in answer to Mr. Burchell or Mr. Mellish that you saw the wheelman after the explosion? A.—No sir, not before he came ashore.

Q.—When did you see him? A.—On the High Flyer.

Q.—After the explosion took place you were within the cabin, or it tumbled all over—what did you do then? A.—I had to get out of it.

Q.—What next did you do? A.—I went on deck—in the alleyway 40 that was there I could not get through there and there was a wooden door in the after part of the alleyway I had to get out that way.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 15.
Evidence of
Andrew
Johansen,
Direct-Ex-
amination.
Continued.

Q.—As a chief steward your natural tendency would be to look for your captain? A.—Yes sir.

Q.—Did you look for him? A.—No sir, because I could not get on the after deck.

Q.—Did you go on top of the bridge? A.—I went on the bridge but I could not get into the bridge because there was too much wreckage.

Q.—You don't know what lay on the bridge after the explosion?

A.—No sir.

Q.—That is the first time you saw the wheelsman, on the High Flyer?

A.—Yes sir.

Q.—Was he much injured? A.—He had his whole head bandaged up, and his face was all cut with glasses.

Q.—The captain always used to be in good humour and on the bridge with a pilot—did you infer that morning was an exception—that he would not be on deck? A.—No, because he told me to tell him when the pilot was coming and I went and told him and he got his coat and started and I did not see him after the explosion.

Q.—Was that liquor on board for the crew or for visitors? A.—For visitors.

Q.—Did you treat the pilot that morning? A.—No sir, not at all— 20
He was not in the cabin.

Q.—Did the captain treat him? A.—No sir.

Q.—You served that yourself? A.—Yes sir.

Q.—You know what was used with your stores? A.—Yes sir.

Q.—When the collision happened was there a shock? A.—No sir; but I heard a scratching.

Q.—Did you notice if your ship was going fast through the water? A.—No sir.

BY MR. BURCHELL, K. C.:

Q.—I understand the bridge was pretty badly wrecked? A.—Yes sir 30

AND FURTHER DEPONENT SAITH NOT.

J. T. ROWAN, E.,

Official Reporter.

AND IT BEING 1 P. M., COURT ADJOURNED UNTIL 2.30 P. M.

December 18, 1917.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

PURSUANT TO ADJOURNMENT THE COURT RESUMED AT
2.30 P. M.

No. 16.
Evidence of
Joseph
Leveque,
Direct-Ex-
amined by
Mr. Henry,
December
18th, 1918.

WILLIAM MILLER, WAS SWORN TO INTERPRET IN THE
FRENCH AND ENGLISH LANGUAGES THE QUESTIONS AND
ANSWERS, JOSEPH LEVEQUE, UPON BEING CALLED AND DULY
SWORN DOTH DEPOSE AS FOLLOWS:—

EXAMINED BY MR. HENRY:

- Q.—Do you speak English? A.—No. 10
- Q.—What position did you hold on board the Mont Blanc? A.—Sec-
ond Lieutenant.
- Q.—Does that correspond with the 3rd officer on board British ships?
A.—It does.
- Q.—When did you come on duty on the morning of the 6th December?
A.—7 o'clock.
- Q.—At what time did you weigh anchor and start to come up Halifax
Harbour? A.—About 7.30.
- Q.—Do you remember at what speed you started from the anchorage?
A.—Half speed when we started. 20
- Q.—After that? A.—Slowly part of the time.
- Q.—Full speed part of the time? A.—Never at full speed.
- Q.—Do you remember when you passed the cruiser High Flyer?
A.—That didn't attract my attention.
- Q.—Do you remember seeing a warship at anchor in the middle of
Halifax harbour? A.—Yes.
- Q.—At what side did you pass that ship? A.—At the right.
- Q.—At what speed were you going when you passed this cruiser?
A.—Half speed.
- Q.—Were you on the bridge during all this time? A.—I was at the 30
telegraph.
- Q.—Do you remember what the first order you got was after passing
this cruiser? A.—Slowly.
- Q.—How long would that be after you passed the cruiser? A.—I
don't know; I didn't take much notice.
- Q.—Did you notice how close you were to the Eastern shore when you
got the order to go slow? A.—I can't say; I was busy at the telegraph
and didn't take notice.
- Q.—Did you hear any order given for any change of helm about the same
time you got the order to put the telegraph at slow? A.—I didn't hear 40
the captain say anything; I was not taking notice.

- RECORD. Q.—Were you at some distance to the side? A.—The telegraph is on the right side of the ship.
- In the Exchequer Court of Canada, Nova Scotia Admiralty District.*
No. 16.
Evidence of Joseph Leveque, Direct-Examination, December 18th, 1917.
Continued.
- Q.—Where were the captain and pilot? A.—Just at the door of the pilot house.
- Q.—And that would be in the middle of the ship I suppose A.—Yes.
- Q.—Did you see the Imo? A.—Yes.
- Q.—Where was the Imo when you first saw her? A.—He was at the left.
- Q.—Left side of the channel? A.—Left of my ship.
- Q.—Can you tell us how many points? A.—One point to the left. 10
- Q.—Is that what you mean, 11 degrees to the left of your bow? A.—15 to 20 degrees.
- Q.—How far away? A.—I can't say the distance.
- Q.—Was it a mile? A.—About a mile or $1\frac{1}{2}$ miles.
- Q.—Which way was she heading with regard to the channel? A.—Pointing to cut our course.
- Q.—Which side of the Imo could you see? A.—Starboard.
- Q.—After the order slow did you get any other order? A.—A moment after they gave me stop.
- Q.—How long did you remain stopped—with engines stopped? 20
- A.—We remained stopped until the collision came.
- Q.—At any time before the collision were the engines put astern? A.—No.
- Q.—You never have a signal to the engine room to reverse the engines before the collision? A.—No.
- Q.—Do you know whether the course of your vessel was changed from the time you saw the Imo before the collision? A.—Yes, to starboard.
- Q.—Was there only one change? A.—Twice.
- Q.—When was first, starboard? A.—Go to the right first, with one blast. 30
- Q.—And after? A.—The second was another short blast and the other replied with two blasts.
- Q.—Did you at any time sound two blasts from the Mont Blanc? A.—Yes; the Mont Blanc gave two blasts to the Imo the last thing.
- Q.—Did you change your course at the same time you blew the two blasts? A.—Yes.
- Q.—Which way? A.—Came to the left.
- Q.—What was the first signal you heard from either of these two ships? A.—Two blasts.
- Q.—From which ship? A.—The Imo; twice. 40
- Q.—What was the first signal given on board the Mont Blanc? A.—One short blast.
- Q.—Which was first the one short blast from the Mont Blanc or two short blasts from the Imo? A.—The Mont Blanc.

RECORD. At this point His Lordship directed the First mate Glotin to leave the court room.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 16.
Evidence of
Joseph
Leveque,
Direct-Ex-
amination,
December
18th, 1917.
Continued.

Q.—I want you to give us the sequence of the signals giving the first signal that was given and the ship; and the next signal and name of ship from the beginning to the end? A.—The Mont Blanc gave one short blast; the Imo gave 2; the Mont Blanc blew another blast.

Q.—Make sure what that blast was? A.—One blast.

Q.—Following that? A.—Just before the collision the Mont Blanc gave two blasts.

Q.—Up to that time of the Mont Blanc giving two blasts was there only one signal received from the Imo? A.—Two signals. 10

Q.—What were they? A.—The first signal two blasts, the second signal two blasts.

Q.—Where did that two blasts signal come in relation to the signals of the Mont Blanc? A.—On the second blast of the Mont Blanc the Imo replied by two blasts.

Q.—The Mont Blanc gave one blast? A.—Yes.

Q.—Then the Imo gave two blasts? A.—Two; the Mont Blanc gave one blast; the Imo 2; the Mont Blanc gave 2; and the collision came then.

Q.—At any time did you hear a three blast signal from the Imo? 20
A.—Yes.

Q.—At what moment? A.—At about the same time as the collision; at the moment of the collision.

Q.—Was that the only three blast signal that you heard from the Imo that morning? A.—Yes.

Q.—At what distance were the two ships apart when the Mont Blanc gave the two blast signal? A.—20 to 30 yards.

Q.—At the time that two blast signal was given from the Mont Blanc which way was the Imo bearing from her? Where could you see the Imo from your ship? A.—The Imo had come on our starboard, right side. 30

Q.—Was she ahead of the Mont Blanc? A.—Yes, she had passed the bow of the Mont Blanc.

Q.—The whole of her had passed the bow of the Mont Blanc?
A.—Not all the ship.

Q.—If the two vessels had continued as they were going without the change of course to port made by the Mont Blanc what would have happened? A.—There would have been no collision.

Q.—If the vessels had continued the courses upon which they were before the Mont Blanc gave her two blasts signal what would have happened?
A.—They would have been in collision on the port side. 40

Q.—Which ship would have run into the other? A.—The Imo.

Q.—The Imo would have run into the Mont Blanc on the port side of the Mont Blanc? A.—Yes, on the port side.

Q.—Where did the Imo strike the Mont Blanc? A.—Forward of No. 1 hold.

RECORD. Q.—Did she strike No. 1 hold and penetrate it? A.—More forward; forward of No. 1 hold.

Q.—Did the Imo strike No. 1 hold at all or did she clear No. 1 hold and hit forward of the No. 1 hold altogether? A.—I could not see it.

Q.—Did you see the hole that was made in the Mont Blanc's side by the collision? A.—No; I left to go to the lifeboat.

Q.—Which side of the bridge were you on, starboard or port?

A.—Right.

Q.—And that was the side from which the collision occurred? A.—Yes.

Q.—How long did you remain on the bridge after the collision? 10

A.—I left immediately and went to the lifeboat.

BY Mr. MELLISH:

Q.—Were you watching the Imo from the time you saw her first until the collision? A.—I was busy at the telegraph and didn't take much notice of what was going on.

Q.—Was there a clear view; you were on the bridge? A.—Yes.

Q.—What are your qualifications as a seaman? A.—I am on watch under the responsibility of the captain.

Q.—You have no certificate? A.—No.

Q.—How long have you been at sea? A.—19 years. 20

Q.—Give an account of everything you know from what you saw and heard? A.—The Mont Blanc blew one blast, and gave a second one; a little later, before the collision we gave two blasts.

Q.—What did you hear from the Imo? A.—The first time the Imo blew two blasts; little later two blasts and a little later—little moment before the collision she gave three blasts.

Q.—Can you give us any idea of the movements or positions of the ships during this time; by the models or otherwise? A.—I don't know the chart.

Q.—Apart from the charts, can you take the models and give us an idea 30 of the positions? A.—Yes.

Q.—Give us the positions of the ships at the different times; explain the collision if you can; how it happened? A.—The Mont Blanc blew one blast and the Imo blew 2 blasts (position 1 on M. B. E. /27) the Mont Blanc followed in this direction on the starboard side; the Imo blew 2 blasts and came as shown in position marked 2; the Mont Blanc followed her course and signalled two blasts and came in that direction (marked 3) the Imo followed and signalled three blasts (marked 3) the Imo went astern and while she was reversing she came to starboard.

Q.—Give the last position? A.—Marked 4 on M. B. E. /27. 40

Q.—What became of the Mont Blanc while the Imo was turning around? A.—When the Imo ran into the Mont Blanc, the Mont Blanc went astern.

RECORD.
In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 16.
Evidence of
Joseph
Leveque,
Direct-Ex-
amination.
Decembe-
18th, 1917.
Continued.

Q.—While the Mont Blanc was turning as in 3 and you changed the Imo to 4, what became of the Mont Blanc while she was turning? A.—The last movement of the Mont Blanc she was stopped and when the collision happened she went astern.

Q.—On her engines? A.—Yes.

Q.—That is the Mont Blanc? A.—Yes.

Q.—You were attending to the telegraph? A.—Yes.

Q.—This is the best account you can give from what you saw?
A.—Yes.

Q.—How long have you been on the Mont Blanc? A.—6½ years. 10

Q.—Have you been attending to the telegraph during that time?

A.—2½ years officer on the Mont Blanc.

Q.—What other duties had you on the ship besides attending to the telegraph under the master's orders? A.—Second Lieutenant.

Q.—What did you do? A.—At sea I make my watch, chief of the watch, under the responsibility of the captain.

Q.—Do you oversee the other men? A.—Yes.

Q.—And do an officer's work? A.—Yes.

Q.—Without certificate? A.—Yes.

Q.—Where do you belong? A.—St. Malo. 20

Q.—What is your age? A.—23.

Cross-Ex-
amination,
by Mr.
Burchell.

CROSS EXAMINED BY Mr. BURCHELL:

Q.—Do you remember going through the gate in the boom across the channel near George's Island? A.—Yes.

Q.—You had to stop to get through there? A.—No, the gate was open.

Q.—How far down the harbour were you anchored? The previous night? A.—In the little bay at the entrance.

Q.—It is below the lighthouse? A.—The little ship near the entrance.

Q.—Do you know George's Island? A.—Further down. 30

Q.—Several miles down; four or five miles? A.—I don't know.

Q.—Was it four or five miles from the anchorage to this boom you had to go through? A.—Alongside that boat which is anchored outside.

Q.—How many miles? A.—I didn't take notice of it.

Q.—From the time you weighed anchor until you came to this gate in the boom, I understand you to say you were at half speed? Or full speed?
A.—Half speed.

Q.—You are sure about that? A.—Sure.

Q.—No question at all about it? A.—Sure.

Q.—What is your half speed? A.—Three or four knots. 40

Q.—Did you see a tug boat alongside of you trying to keep up with you and could not do it? A.—I didn't see it.

Q.—What is your full speed? A.—Seven knots.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 16.
Evidence of
Joseph
Leveque,
Cross-Ex-
amination,
December
18th, 1917.
Continued.

- Q.—You have been how long in this boat? A.—6½ years.
- Q.—When you came through the gate how was your speed? A.—Half speed.
- Q.—Were you ever at full speed after going through the gate?
- A.—No.
- Q.—Never at any time? A.—No.
- Q.—You never were at full speed ahead that morning at any time?
- A.—No.
- Q.—You are absolutely dead sure of that? A.—Sure.
- Q.—And that speed never exceeded three to four miles an hour according to you? A.—No.
- Q.—I am instructed your half speed is about seven miles an hour?
- A.—It does not go more than seven at full speed.
- Q.—How long is the bridge? A.—13 metres.
- Q.—And the pilot house, or wheelhouse, is in the centre of the bridge?
- A.—Yes, on the bridge; in the centre.
- Q.—And the telegraph was on the port or starboard side? A.—On the right side; starboard.
- Q.—How far from the end of the bridge? A.—About three or four metres from the centre of the ship.
- Q.—You cannot understand any English at all? A.—None.
- Q.—And you could not understand any English words that were spoken to you by the pilot that morning? A.—No.
- Q.—Did the pilot give you an order *Demi tasse*—if he did what would you do? A.—That is French.
- Q.—What would you understand if you got an order *demi tasse*?
- A.—I would give him a cup of coffee.
- Q.—Did you get an order from the pilot, *demi tasse*, that morning?
- A.—No.
- Q.—Did the pilot give you any orders that morning at all? A.—Not to me; to the captain.
- Q.—All the orders you got were from the captain? A.—Yes, I didn't get any orders from the pilot at all.
- Q.—And you could not understand what orders the pilot gave the captain? A.—I didn't understand what the pilot said to the captain, but the captain used to transmit it to me.
- Q.—Do you know your captain cannot speak English? A.—A little.
- Q.—Do you know how much? A.—He does not speak good.
- Q.—Can you tell whether he speaks good or bad? A.—I don't know; I don't understand anything myself so I can't tell.
- Q.—Who gave the orders to the helmsman that morning after you passed the *High Flyer*? A.—The captain; the pilot was there.
- Q.—The captain gave all the orders to the helmsman himself? A.—I didn't take any notice of it.

20

30

40

RECORD. Q.—Who was blowing the whistle, the pilot or the captain? A.—The last blast was given by the captain.

In the Exchequer Court of Canada, Nova Scotia Admiralty District.
Q.—The last two blasts signal? A.—Yes.

Q.—Did you see the captain jump suddenly to the whistle cord and blow the whistle? A.—He didn't went too fast.

Q.—Were you paying any particular attention to the whistles that were being blown or were there possibly some whistles you didn't hear?

No. 16.
Evidence of Joseph Leveque, Cross-Examination, December 18th, 1917.
Continued. A.—I remarked the blast of the Imo.

Q.—Paid very close attention? A.—Not the first time, but the second, yes; the second time, I saw the Imo was giving two blasts and I thought it very queer.

Q.—Is it not a part of your duties to listen to signals from other whistles?

A.—When the commander is there, no.

Q.—You didn't pay much attention until you heard the second two blasts signal from the Imo? A.—At the second blow of the Imo.

Q.—Is that after the Mont Blanc had blown two blasts? A.—No, before.

Q.—How long before? A.—It may be ten minutes; I don't know; about that.

Q.—The pilot has stated in evidence that the second two blasts signal was given when the ships were 300 feet apart—do you think that is correct? Or 400 or 500; were the ships more than 400 or 500 feet apart when the second two blast signal was given by the Imo? A.—I don't know.

Q.—Do you know how far apart they were? A.—No.

Q.—Were they very close together? A.—A little short ways yet.

Q.—If it was ten minutes before the collision, were they not nearly half a mile apart? A.—About ten minutes.

Q.—Can you give us any idea of the distance they were apart at all; would it be a quarter of a mile? A.—I don't know; I can't say.

Q.—There is no difference between 100 and 400 yards? A.—Yes, but it didn't call my attention; I was not paying attention.

Q.—Are you able to judge any distance at all between the two ships? A.—Not too much.

Q.—Would you know the difference between a quarter of a mile and 500 feet; you would be able to tell whether a quarter of a mile or 500 feet; or would they look the same to you? A.—I don't know anything about that.

Q.—Would you know whether the ships were 100 metres apart or 300? A.—Yes.

Q.—Were the ships near 100 metres when the Imo blew the second two blasts or nearer 200? A.—About 100 metres to 150 metres.

Q.—When the Imo blew her second two blasts? A.—Yes.

Q.—And that was the time your attention was first attracted to the signals? A.—Yes, about that time.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 16.
Evidence of
Joseph
Leveque,
Cross-Ex-
amination,
December,
18th, 1917.
Continued.

Q.—And you didn't pay much attention to the ships when they were further apart? A.—No, I didn't.

Q.—There might be a number of other whistles blown to which you didn't pay attention? A.—Not with my ship.

Q.—But there possibly have been other whistles from the Imo?

A.—The Imo only blew three times.

Q.—Did I understand you to say you were not paying much attention to the whistles until you heard the second two blast whistle from the Imo?

Mr. MELLISH: The court will understand what the witness did say about that; he was asked if he was paying attention to the whistles; if they attracted his attention; he said, not specially until the second two blast, because he thought it was strange to get that whistle at that time; I want to make sure the witness understood; I understood he was listening to the whistles all along but he didn't pay particular attention until the second two blast signal from the Imo. 10

HIS LORDSHIP: Put the question again.

BY Mr. BURCHELL:

Q.—When did you first commence to pay attention to the whistles; was it when the Imo blew her second two blast whistles? A.—I heard the first and second time. 20

Q.—Were you paying particular attention until you heard the second 2 blast signal from the Imo? A.—I heard the first blast.

Q.—How far away was the Imo when she blew her first two blast signal? A.—I didn't look.

Q.—By as much as a mile? A.—I didn't look; I don't know.

Q.—Was she away off in the distance or very close? A.—It was far.

Q.—I think you said might be $1\frac{1}{2}$ miles? A.—About, but I can't say exactly; at the first two blast signal.

Q.—Was the only other signal you heard from the Imo the two blast signal when the Imo was 100 to 150 metres away? Is that what you want to say? A.—About 300 or 400 yards on the second; I can't say exactly. 30

Q.—And that was the only two signals you heard from the Imo except the three blast signal just before the collision? A.—Yes.

Q.—And the three blast signal of the Imo was given before the collision? A.—A little before the collision.

Q.—Did you hear the order given to the helmsman when the Mont Blanc gave her two blast signal? A.—No, I didn't hear it.

Q.—Did you notice the bow of your ship swing around to the left after that two blast signal? A.—Yes. 40

Q.—And she was moving? A.—She was stopped; she had no speed.

Q.—She was not moving through the water at all? A.—She used to go a little with the wind.

RECORD.

*In the
Exch. quer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 16.
Evidence of
Joseph
Leveque,
Cross-Ex-
amination,
December
18th, 1917.
Continued.

Q.— I suppose she obeyed her helm perfectly when she came around to port? A.— She had no speed.

Q.— Therefore she could not obey her helm? A.— She didn't obey but I think the wind blew her to port.

Q.— Blowing a gale that morning? A.— No.

Q.— Was it not a dead calm? A.— Little breeze; not much.

Q.— Was it not a dead calm? A.— Little breeze.

Q.— From which direction? A.— I don't remember.

Q.— Which way did the wind drive your ship? A.— I don't know.

Q.— You say the wind turned the ship one way or the other, which way did it turn it? A.— To the left.

Q.— Therefore the wind must have been blowing from the N. E.?

A.— There was scarcely any wind

Q.— But enough to turn the bow of your ship to the left? A.— About, just.

Q.— So that from the time the Mont Blanc gave her two blast signal until the collision the Mont Blanc didn't move at all?

Q.— The Mont Blanc was in the position of No. 3 when she blew her two blasts? (M. B. E. /27). A.— Yes.

Q.— And when the Mont Blanc was in position 3 the Imo was in position 3 on the diagram? A.— Yes; not much ahead.

Q.— While the Imo was turning around to the position shown in No. 4 M. B. E. /27 the Mont Blanc was stationery all the time? A.— The Mont Blanc had no speed, she was stopped.

Q.— Her headway was stopped? A.— No speed; no headway.

Q.— At the time the Mont Blanc gave these two blasts was she close to the Eastern shore? A.— Yes, she was a little more on the Dartmouth side.

Q.— How close to the Dartmouth shore was she? A.— I don't know.

Q.— Do you know where your ship went after the collision? A.— She came on the Halifax side.

Q.— How did she get over to the Halifax side? A.— The other ship pushed her.

Q.— Do you know how far it is from the Dartmouth shore to the Halifax shore at this place? A.— No.

Q.— Give all the signals on the telegraph that you made from the time you came through the gate of the boom until the collision? A.— Half speed; slowly; and stop.

Q.— There was no reverse order given at all? A.— Yes, once; after the collision to free each other.

Q.— Did you notice an anchor hanging over the port bow of the Imo? A.— No.

Q.— How far did the stem of the Imo penetrate into your ship? A.— I can't say if she went right up to the hatch or not, I didn't stop to look.

Q.— Was it a considerable distance; 7, 8, 9, 10 feet? A.— I could not say, the smoke came immediately.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 16.
Evidence of
Joseph
Leveque,
Cross-Ex-
amination,
December
18th, 1917.
Continued.

Q.—And you were watching it very closely? A.—I seen the bow of the Imo go into it.

Q.—Could you not tell how far in she went? A.—I can't say; near to the side of the hatchcombing.

Q.—You saw the stem of the Imo right into the side of the ship to the hatchway? A.—I can't say exactly she went to the combing, but she didn't go far from it.

Q.—And the Imo came at the Mont Blanc head on? At nearly right angles? A.—Yes, right angles.

Q.—At right angles? A.—90 degrees.

Q.—From where? A.—From the bow course.

Q.—Did she come in the position shown on this plan M. B. E. /27? A.—That does not show it correct; position 4 is not correct.

Q.—Mark it down here for No. 5? A.—Witness marks 5 on M. B. E. /27.

Q.—I suppose you noticed the stem of the Imo was all broken in? A.—I didn't see it.

Q.—You would expect it was all stove in? A.—Yes.

Q.—Did you see that morning any steamers or moving vessels in the water on either shore between you and the Imo after the Mont Blanc had passed the High Flyer? A.—I didn't pay much attention.

Q.—Was there any excitement on the bridge any time before the collision, or was everything quiet and orderly? A.—There was no confusion.

Q.—At any time up to the time of the collision? A.—No, none whatever.

Q.—No one got excited? A.—Nobody.

Q.—And the pilot was on the bridge all the time? A.—Yes.

Q.—And the captain was on the bridge all the time? A.—Yes, and the mate.

Q.—What was the mate doing? A.—He was on the bridge with the captain.

Q.—Was the mate on the bridge at the time of the collision? A.—Yes.

Q.—And for some time before the collision? A.—Yes.

Q.—What is the mate's name? A.—Glotin.

Q.—Was the mate standing alongside you at the time of the collision? A.—He was in the centre of the bridge.

Q.—Were the mate and pilot talking together just before the collision? A.—No.

Q.—Does the mate understand English? A.—Yes, a little I think.

Q.—Was the mate Jean Glotin on the bridge at the time the two blast signal was given by the Mont Blanc? A.—Yes.

Q.—I suppose the pilot was giving orders in English to the mate and the mate was transmitting them in French to the captain? A.—No.

Q.—Was the pilot and captain carrying on a long conversation together? A.—For manoeuvring, yes.

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RECORD. Q.—Have long conversations together about manoeuvring? A.—He used to give orders.

In the Exchequer Court of Canada, Nova Scotia Admiralty District. Q.—Talking in French or English? A.—I don't know; but English probably.

Q.—Used to have long talks together? A.—I didn't take any notice of the conversation that went on.

Q.—Did the mate give you any orders at the time of the collision? A.—No.

Q.—How many people were on the bridge for ten minutes before the collision? A.—Four and the helmsman.

Q.—Who were they; their names? A.—Glotin, the captain, the pilot and me, and the helmsman.

Q.—The helmsman was inside the wheelhouse? A.—Yes; there is a big glass open

Q.—Do you know what the mate was doing on the bridge? A.—He was looking.

Q.—Do you remember distinctly when the two blast signal was given by the Mont Blanc that the mate was on the bridge? A.—Yes.

Q.—And you remember distinctly the mate was on the bridge at the time of the collision? A.—Yes.

Q.—Do you remember how long before the collision the signal slow was given on the telegraph? A.—About a quarter of an hour before the signal slowly before the collision.

Q.—Do you know whereabouts in the harbour you were? A.—Near the French cable place; abreast of the Dry Dock.

Q.—That was about 15 minutes before the collision? A.—Yes, about.

Q.—How long after you gave the signal slow speed on the telegraph did you get the order stop? Did you give the order stop? A.—I had no watch with me.

Q.—You told us a little while ago it was almost at the same time; was it very soon after or did some minutes elapse? A.—About 7 or 8 minutes after slowly I got stop.

Q.—There was no other signal then until the collision? A.—No, only astern to free the Imo after the collision.

Q.—Was the Mont Blanc seven or eight minutes with her engines at stop before the collision? A.—Not so much as that; may be five minutes.

Q.—That is the time you think it was five minutes? A.—About.

Q.—And her headway was all stopped before the collision? A.—She had no speed.

Q.—Was she completely stopped? A.—She didn't move.

Q.—Not moving ahead at all? A.—No.

Q.—When the ships were on this converging course, the Mont Blanc and the Imo on intersecting courses, was that when you first saw the Imo? A.—I seen it a little further coming, before she cut our bow.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 16.

Evidence of
Joseph
Levoque,
Cross-Ex-
amination,
December
18th, 1917.
Continued.

Q.—Did you see the masts of the Imo before you saw the hull?

A.—When I saw the masts I saw the hull; both together.

Q.—Was it clear that morning or was there any haze? A.—Yes.

Q.—Clear as far as you could see up Bedford Basin, as far as the Imo there was no haze? A.—Very clear.

Q.—After you saw the Imo for the first time, did she always keep to the left or did she at any time turn to the right? A.—The Imo came to the left always.

Q.—From the first time you saw her until the time of the collision?

A.—Always to the left.

Q.—And you never at any time could see her port side? Q.—Yes, at the moment of the collision.

Q.—That was the first time you saw her port side? A.—It was the first time.

Q.—You always could see the starboard side? A.—I always seen the starboard.

Q.—What do you mean? Do you know what is meant by starboard helm, does that mean the ship goes to the right or the left? What do you understand by starboard helm; if you get an order starboard your helm does that mean the ship goes to the right or the left? A.—That means to the right.

Q.—Are the words Port and Starboard used on French ships now? A.—Yes.

Q.—And if you get an order starboard what do you do? A.—Go to the right.

Q.—And if you get an order hard astarboard and it was obeyed; which way would the head of the steamer go, right or left? A.—He would go all to the right.

Q.—Do you know it is on English ships? A.—I have never been on board English ships.

Q.—You don't know the order hard astarboard on English ships would mean to go to the left? Put the bow to the left? A.—I don't know.

Q.—You say from the time you first saw the Imo, until shortly before the collision, she would always be under what you call the port helm? With bow swinging to the left? A.—No, she was coming to port slowly.

Q.—Do you know where Bedford Basin is? A.—I don't know anything here; I was never here before.

Q.—And you don't know whether the Imo was in Bedford Basin when you first saw her, or in the Narrows? A.—I don't know anything here.

Q.—Was there any confusion or excitement on board the ship when the first two blast signal from the Imo was given? A.—No.

Q.—How was it answered by the Mont Blanc? A.—One blast.

Q.—Right away? A.—Immediately.

Q.—What was the next signal you heard after that? A.—Two blasts from the Imo.

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RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 16.
Evidence of
Joseph
Leveque,
Cross-Ex-
amination,
December
18th, 1917.
Continued.

Q.—And no excitement aboard the ship then? On the Mont Blanc?

A.—Yes, they were surprised why she gave two blasts—the captain.

Q.—Who did he say it to? A.—The captain expressed himself, well, he is going to port that boat; what is he doing.

Q.—Was that after the first two blast signal or the second? A.—After the second.

Q.—They were then pretty close together? A.—No, not very far.

Q.—How far do you say this time they were? A.—I don't know exactly; my attention was not called to it.

Q.—And you can't give us any idea at all? A.—No, I don't know. 10

Q.—By a quarter of a mile? A.—I don't know; I didn't pay any attention.

Q.—And you cannot give us any idea of the distance at all when the Imo gave her two blast signal? A.—I don't know; I was looking at the boat and not the distance.

Q.—And you could not possibly give an estimate at all? A.—No.

Q.—Do you know you gave us twice before this afternoon that distance? A.—Yes, I know I have given it already.

Q.—Do you think you made a mistake? A.—I don't know exactly.

Q.—Don't you think the captain expressed some surprise at the first two blast signal? A.—At the first I can't say; but at the second sure. 20

Q.—You are very sure there were no other signals from the Imo except what you have given? A.—Yes, I am certain.

Q.—And if anybody else says there were more they must be wrong? A.—I would say no.

Q.—Although you have already told us you were not paying particular attention until you heard the second two blast signal A.—I listened to the signals.

Q.—Then you were paying particular attention to signals that morning? A.—I heard the whistle but I didn't pay any attention to it. 30

Q.—And you didn't blow any three blasts signal yourselves until after the collision? A.—No; we didn't blow three blasts at all.

Q.—The Mont Blanc never blew any three blast signals? A.—No.

Q.—You are sure the Imo blew a three blast signal? A.—Yes.

Q.—How long before the collision? A.—He was not very far, two or three minutes; I don't know.

Q.—You saw the engines of the Imo working astern? A.—I see the churn of the propeller.

Q.—Two or three minutes before the collision? A.—Yes; it might be more or less. 40

Q.—The Mont Blanc engines didn't go astern at all before the collision? A.—No.

Q.—You would know if they did? You would be the man to give the signal? A.—Yes, I was at the telegraph.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 16.
Evidence of
Joseph
Leveque,
Cross-Ex-
amination,
December
18th, 1917.
Continued.

Q.—You were the only man that moved the télégraph up to the time of the collision; no other person touched it except yourself? A.—The orders could only be transmitted to the engine room by me.

Q.—And it was not until after the collision you gave an order on the télégraph to reverse engines? A.—Yes, to get free from the Imo after the collision.

Q.—But there was no such orders before the collision? A.—No.

Q.—When the Mont Blanc gave that two blast signal the Imo's bow was past the bow of the Mont Blanc? A.—Yes, she was nearly past.

Q.—The two ships were then starboard to starboard? A.—The two 10 ships were by starboard.

Q.—How was the Mont Blanc heading, across channel or up and down? A.—Pointing a little more to the City side, towards Halifax.

Q.—How did she get in that position? A.—He was going to go through the Narrows.

Q.—How long had she been in that position before the collision? A.—When we gave the two blasts she came to port.

Q.—The wind took her around in that position? A.—She came towards the Halifax side when the Imo pushed her.

Q.—How long was the Mont Blanc before the collision with her head 20 pointed towards the Halifax side? A.—I don't know; may be five or six minutes.

Q.—How long before the two blast signal was given did the Mont Blanc have her head pointed towards the Halifax side?

Mr. MELLISH: I do not think that is a fair question; he cannot answer it yes or no or by time.

Q.—How long before the two blast signal was the head of the Mont Blanc headed towards the Halifax side?

Mr. Mellish objects.

A.—Five or six minutes.

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BY THE COURT:

Q.—What time was her head turned to Halifax in relation to the time she gave the two blast signal? A.—At the time he gave the two blasts she came to port.

BY Mr. BURCHELL:

Q.—Did she answer her helm perfectly at that time? A.—Very little.

Q.—Did the Imo strike you on the port side or the starboard side? A.—Starboard.

- RECORD. Q.—You saw the damage that was done to the Imo? A.—No.
- In the* Q.—You got off the bridge very quickly? A.—Immediately after the
Exchequer collision.
Court of
Canada, Q.—You got off right away? A.—Yes.
Nova Scotia Q.—And you don't know what signals were given on the telegraph after
Admiralty the collision? A.—At the collision I was at the telegraph and the captain
District. gave orders to go astern and immediately after told me to stop and gave
me orders to go to the life boat.
- No. 16. Q.—He never gave the order to go ahead on the telegraph? A.—No.
Evidence of Joseph
Leveque,
Cross-Ex-
amination
December,
18th, 1917.
Continued.
- Q.—Did you stay on the bridge until the captain and pilot had gone? 10
Did you go down after them? A.—I was to my place of duty, as soon
as the collision I went to the lifeboat.
- Q.—And left the captain and pilot on the bridge? A.—The captain
and mate and pilot, I left them on the bridge.
- Q.—How soon would that be after the collision? A.—As soon as the
boat was clear of the Imo; two or three minutes.

BY Mr. HENRY:

- Q.—I understood you to say that the second captain was on the bridge
at one time? A.—Yes.
- Q.—You said he was looking; what was he looking after? A.—He 20
was there to look.
- Q.—Was he supervising the work of the men on deck from there?
A.—No; not for the moment; he was not on duty; he was waiting when
she would come to anchor to do.

AND FURTHER THIS DEPONENT SAITH NOT FOR THE
PRESENT.

R. ECCLES,

Official Reporter.

IT BEING THEN 4.30 p. m. THE COURT ADJOURNED UNTIL
10.00 a. m. DECEMBER 19th, 1917.

RECORD.

10 a. m. Wednesday, December 19th, 1917.

SIXTH DAY'S SESSION.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Acquittal
District.*

(COURT AND COUNSEL PRESENT AS ON FIRST PAGE HEREOF, WITH THE EXCEPTION OF Mr. F. H. BELL, K. C.)

No. 16.
Evidence of
Joseph
Leveque,
Cross-Ex-
amination,
December
19th, 1917.
Continued.

J. T. Rowan, Official Reporter.

HIS LORDSHIP:

The members of the Court have decided that it is desirable to look over the remains of the Imo, or any of the ships that are visible – we understand the Imo is visible on the Dartmouth side, and we purpose adjourning for lunch and assembling here at two o'clock and going to the Dry Dock. 10

Captain Hose has kindly arranged a lunch that will take us over to the other side, and all interested parties that are likely to go are entitled to.

I will bring my car here sharp at two and she will hold 7, and we will go to the Dock and while we have a fair day we will do it in daylight, and we therefore will devote the afternoon to a view of the remains.

Mr. HENRY, K. C.

I will ascertain in the meantime, my Lord, which of the Counsel interested would like to go.

Mr. BURCHELL, K. C.

I have had two experts looking at the ship and they are preparing a 20 report in regard to certain matters in connection with it. If I may be permitted to I would like to bring my experts with me. I have also photographs taken—I have had my men working the last two or three days in this and if the experts were there they might be able to point out anything that is important there.

Mr. MELLISH, K. C.

I don't think anybody should be there to go over the ship and tell the Court or anybody what caused this or what caused that, or anything at all. The Court should have its own experts if it is going to examine the ship—if they need experts. I don't think they need them; but if they 30 desire experts they should not be of either party.

RECORD. HIS LORDSHIP:

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

I will treat it very much as a common law view, then a shower can come along to take us to the place where we can see things. There will be somebody, I hope, to lead us to the right places to see things.

JOSEPH LEVEQUE, SECOND LIEUTENANT OF THE S. S. "MONT BLANC", A WITNESS PREVIOUSLY SWORN, UPON BEING RECALLED, DOETH DEPOSE AND SAY FURTHER AS FOLLOWS:—

No. 16.
Evidence of
Joseph
Leveque,
Cross-Ex-
amination,
December
18th, 1917.
Continued.

(THROUGH MEDIUM OF INTERPRETER).

By Captain
Demers.

BY CAPTAIN DEMERS:

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Q.—Ask the witness before he joined the Mont Blanc, the 6½ years he was aboard of her—what was he doing before that? A.—He was boat-swain of a sailing ship.

Q.—He knows how to read and write? A.—Yes sir.

Q.—Has he any responsibility when he is on the bridge and the master is there, as the third officer or second lieutenant of the ship, or any ship? A.—No, he has no responsibility—he is under the guard of the captain.

Q.—While he was standing at the telegraph was there any other duty for him to perform, or which he was supposed to perform? A.—No sir, it was the only duty he had to perform.

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Q.—Is that the custom on board of French vessels? A.—Yes sir, there is always a second lieutenant at the telegraph.

Q.—Was the first lieutenant, or the second captain, on the bridge all that time he was there? A.—The most of the time he was on the bridge—he might have left.

Q.—I understood him to say yesterday the second captain was on the bridge all the time? A.—On the bridge, there is a kind of a roof there and he did not always have his eye on him.

Q.—He seemed to be positive yesterday of seeing the second captain on the bridge all the time? A.—He might have left for one minute or two—he had not always his eye on him.

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Q.—Whilst he stood at the telegraph was he watching that telegraph all the time, or had he his eyes somewhere else? A.—He said he used to look ashore, look around.

Q.—Did he keep that telegraph ringing all the time, keep his eye on the telegraph all the time? A.—He always had his hand on the telegraph.

Q.—But his sight? A.—Yes sir, used to keep looking at it.

Q.—How often did he ring that telegraph? A.—Five times.

Q.—When he used to keep watch on the Mont Blanc as third officer, was the captain always with him on the bridge? A.—Always in convoy—to go in harbour.

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- RD. Q.—When were the boats got ready, were they swung out in the davits before the accident? A.—They were ready to be launched.
- In the
Board
Court
Canada
Nova Scotia
Admiralty
District
- Q.—When were they prepared or made ready? A.—As soon as she left New York.
- Q.—Did this readiness consist of having the canvas covers away from the boats only? A.—No.
- Q.—Ask him what work had to be done in order to lower those two boats, port and starboard? A.—There are ropes which cross the boat and there is tackle on each side which is lowered down.
- Q.—The work was done quickly—how long did it take to lower the boats? A.—They cut the cross ropes and let it down with the tackle rapidly.
- Q.—How long did it take to get in the boats and lower them down? A.—Two minutes about.
- Q.—When he left the bridge he went right straight to the boat? A.—Yes sir, to the boat.
- Q.—Anybody else followed him on the bridge to go to the boats? A.—One sailor.
- Q.—The officers remained on the bridge? A.—Yes sir, until the last moment.
- Q.—What time does he think it took from the time of the collision until they got into the boats? A.—About five minutes maybe.
- Q.—Were their log books or ships papers saved, any of them? A.—He does not know; but he does not believe so.
- Q.—Any effects? A.—No sir.
- Q.—So they made a rush right from the deck as soon as the collision happened, and jumped in the boats? A.—Yes sir.
- Q.—Everybody was excited? A.—No.
- Q.—Why did you forget all about your clothes and things if you were not excited? A.—We had known the fire had taken everywhere forward.
- Q.—Were the boats forward or aft? A.—On the bridge.
- Q.—Aft? A.—By the middle of the engine room.
- Q.—No fire there or smoke? A.—None there—forward there was.
- Q.—Yesterday he said the two ships cut each others course when they were $1\frac{1}{2}$ miles off? A.—He said he came on the starboard first.
- Q.—Whilst the other was going to port?—one to starboard and one to port when he said that it was $1\frac{1}{2}$ miles off? A.—They always kept directions and they had changed directions a little to starboard, and the Imo was always following her course.
- Q.—That is when they were $1\frac{1}{2}$ miles off? A.—Yes sir.
- Q.—When they blew their two blasts and altered their course to port, how far distant from each other were they? A.—Not very far.
- Q.—I want to know the distance about? A.—He don't know.
- Q.—Do you know what the whistle sounds mean? A.—Yes sir.
- Q.—He knows the rule of the road? A.—Yes sir.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 16.
Evidence of
Joseph
Leveque-
Cross-Ex,
amination
Decembe
19th, 1917.
Continued.

Q.—And if he knows the value of the signals how is it he did not hear the Imo's signal before? A.—He heard the two times they blew.

Q.—Then the Imo only whistled twice? A.—Three times.

Q.—He heard all those whistles? A.—Yes sir.

Q.—When the Imo blew the two blast signals did he hear any conversation between the master and the pilot or the mate? A.—No.

Q.—Everybody was quiet and just standing there at their station?

A.—They had remarked that they found it strange she was coming to port.

Q.—He said yesterday he thought he was nearer to the Dartmouth side—how does he know—he did not pay any attention to anything but his telegraph? A.—Nearer the Dartmouth coast.

Q.—How does he know? A.—He knows, he saw he was more on that side.

Q.—He was not looking at his telegraph all that time? A.—He was busy at his telegraph.

Q.—Does he know how many degrees to a point? A.—Not very well.

Q.—Was he ever on the bridge keeping a watch alone? A.—When there were no ships, yes, and he has orders to call the captain.

Q.—He said yesterday the Mont Blanc went astern in order to get clear of the Imo—tell him to explain that? A.—When the Imo took into her.

Q.—How far did the Imo go into the Mont Blanc? A.—He does not know; but he thinks she went to the combings of the hatch.

Q.—How then could the Imo get away from the Mont Blanc when she was 9 feet into her? A.—Because he was on the bias.

Q.—Is the bias tending towards the stern or forward? A.—The stern of the Imo was pointing a little on the bow of the Mont Blanc.

Q.—That is the reason they went astern? A.—Yes sir.

Q.—And the other vessel went also astern? A.—Yes sir.

Q.—If the other vessel was astern also there was no necessity for the Mont Blanc to go astern? A.—He said that took them apart.

Q.—How did it permit the vessels to get apart then by putting them both astern? A.—He said they were there together.

Q.—The ships will go this way (indicating to witness) you are going astern, you will bring the bow of the other ship with you—you cannot get the other ship away from you like that? A.—He said the other one got out.

Q.—How do you explain that the Imo came out? A.—He thinks by the Imo reversing, going astern it took her out also.

Q.—There was no necessity for the Mont Blanc to go astern? A.—It might be to keep away that order was given.

Q.—Was the full speed astern given before the collision or after? A.—The same time as the collision.

Q.—Did the Mont Blanc go fast astern, quickly? A.—Yes, full speed.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

*No. 16.
Evidence of
Joseph
Leveque,
Cross-Ex-
amination,
December
19th, 1917.
Continued.*

Q.—When he left the bridge was she going full speed astern? A.—She was stopped.

Q.—He had put the telegraph at stop? A.—Yes.

Q.—And he said he went away from the bridge as soon as the collision happened? A.—That has been done suddenly.

Q.—Were the full speed astern and the stop orders given at the same time? A.—Maybe one minute.

Q.—Would he say one minute he remained on the bridge after the collision happened? A.—Yes sir, about.

Q.—Then he did not leave the bridge right away? A.—No, the two 10 boats were apart when he left immediately after the collision?

A.—He said the boats did not stay long together. They parted immediately.

Q.—The shock was not very great then, if they parted immediately?

A.—No sir.

BY CAPTAIN HOSE;

Q.—Just before the two blast signal was made by the Mont Blanc did this officer notice any particular object on shore, or point of land which was right ahead of his ship? A.—No.

Q.—When the one blast signal was given by the Mont Blanc did the ships 20 alter course to starboard at all? A.—He came very little to starboard.

Q.—And when the two blast signal was given by the Mont Blanc did she alter course to port very much? A.—He came to port a little.

Q.—Was the wheel put hard over or was the wheel put only a little bit over? A.—That he cannot say.

BY CAPTAIN DEMERS:

Q.—He said there was some astonishment expressed or felt at the one or two blast whistle—which one was it—the first or second? A.—The first and second.

Q.—The moment they were astonished at the first two blasts of the 30 whistle was there anything done with the wheel? A.—The second time he heard the Imo blow two blasts they still came to starboard.

Q.—How does he know they came to starboard still, he does not know how the wheel was? A.—He could see it by the boat.

Q.—He was not noticing the points of land before that? A.—He could see the bow of the boat come to the side.

RECORD. BY Mr. BURCHELL, K. C.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—Were there any men left on board the ship after the boats came away? A.—Nobody.

Q.—He was present when they had this roll call on the shore? A.—The roll call had been made just at the time of the explosion.

No. 16.
Evidence of
Joseph
Leveque,
Cross-Ex-
amination,
December
19th, 1917.
Continued.

AND FURTHER DEPONENT SAITH NOT.

J. T. ROWAN, E.

Official Reporter.

No. 17.
Evidence of
Bjarne
Birkland,
Direct-Ex-
amination,
by Mr.
Henry K. C.

No. 17.

BJARNE BIRKLAND, THIRD MATE OF THE S. S. "IMO" UPON 10
BEING CALLED AND DULY SWORN, DOTH DEPOSE AND SAY
AS FOLLOWS:—

(THROUGH THE MEDIUM OF AN INTERPRETER).

BY Mr. HENRY, K. C.

Q.—Ask him what his position was on board the Imo? A.—Third mate.

Q.—Ask him if he was on duty when the Imo was coming away from Bedford Basin? A.—The watch was not set yet.

Q.—Was he on duty on the deck, taking part in the navigation?

A.—He was on deck until breakfast time.

Q.—What time was that? A.—According to their time it was 8 o'clock.

Q.—Ask him if the vessel had started away from Bedford Basin when he went to breakfast? A.—They had just got the anchor up when he went to breakfast.

Q.—Ask him when it was he came on deck after going down to breakfast—where his ship was when he came up on deck? A.—He was in the mess room, and sitting down having his breakfast when the collision occurred.

Q.—Where is the mess room? A.—Amidships on the starboard side. 30

Q.—Ask him if he felt the collision? A.—Yes, but very faintly.

Q.—Lightly? A.—Yes sir.

Q.—Ask him if he heard any noise at the time of the collision?

A.—Not as he felt.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 17.
Evidence of
Bjarne
Birkland,
Direct-Ex-
amination.
Continued.

Q.—Did he hear any whistles before the collision? A.—He heard the whistles but did not take any notice of it.

Q.—He cannot tell us any one whistle he heard? A.—No, he cannot—he did not take any notice.

Q.—What did he do when the collision happened? A.—He jumped out of the mess room and out on the forward deck.

Q.—What did he do after that? A.—He then went up on the fore-castle head to see which boat he had the collision with.

Q.—How far were the boats apart then? A.—25 or 30 fathoms.

Q.—Could he see any injury in the side of the Mont Blanc—the other 10 ship? A.—On the other side of the fore-castle head on the Mont Blanc, he saw the hole which their boat made.

Q.—How wide was the hole? A.—Three or four feet.

Q.—Measuring from where it was, to the top. A.—From the water.

Q.—Was there any break up near the ship's deck? A.—He did not pay any attention to that before he cannot say.

Q.—Ask him how wide the hole was? A.—He says he cannot say.

Q.—Just saw a hole? A.—Yes sir.

Q.—Is that it? A.—Yes sir. 20

Q.—Was there anything coming out of the hole when he saw it? A.—He saw smoke and flames.

Q.—Was there smoke coming out of the deck, up near the deck?

A.—He dare not say that, he says.

Q.—What direction from his ship was the Mont Blanc when he went up on the fore-castle head? A.—He says he cannot right tell in what direction but he could show it on a piece of paper.

Q.—Tell him to mark the position here when he came on the fore-castle head? A.—He thinks about that—according to his meaning that will be about it. 30

Q.—When he was on the fore-castle head? A.—Yes sir, after the collision.

(WITNESS DIAGRAM IS FILED AND MARKED AS EXHIBIT R. 28).

Q.—How long did he remain on the fore-castle deck? A.—He stood there from the time he came out of the mess room until the explosion occurred, and between times he was down in the forward peak to see if there was any damage done.

Q.—Was he sent down there to see if there was any water coming in? A.—The first mate sent him down there to look after the water. 40

Q.—What did he see? A.—The forward peak was about a quarter full of water.

RECORD. Q.—Did he see any holes in the bow of his ship—the Imo? A.—There was a hole on the port side of the stem.

*In the
Exchequer
Court of
Canada,*

Q.—What part? A.—About the water line.

*Nova Scotia
Admiralty
District.*

Q.—Was there any anchor or other thing hanging over the bow of the Imo that could have made that hole? A.—He says, according to his estimating there could have been those holes made by it; but he does not say it made them.

*No. 17.
Evidence of
Bjarne
Birkland,
Direct-Ex-
amination.
Continued.*

Q.—Was there an anchor hanging over the port bow of the Imo at the time of the collision? A.—On the port side of the Imo it was hanging.

Q.—Was he also sent down to the forehold? A.—Yes sir, he was also sent down to No. 1 hold but he found everything correct there, and dry—quite dry.

Q.—Was there any confusion or excitement on board? A.—According to what he saw he said the whole crew was quiet and holding their places.

Q.—Did he see the captain after the collision? A.—He says he saw the captain and the pilot and the first mate and the helmsman after the collision on the bridge.

Q.—Did they remain there until the explosion? A.—He says he saw them there a couple or three minutes before the explosion occurred.

Q.—Did he see the captain or pilot after the explosion? A.—No.

Q.—Or the first mate? A.—No.

Q.—Did he see the helmsman after the explosion? A.—He came forward on the forecastle head to them and asked them if he had lost his eye.

Q.—Did he seem to be badly injured? A.—He says the blood was running all over his face.

Q.—Was he lame? A.—He had quite a difficulty in walking.

Q.—Who was it that sent him down to examine the fore peak, and the fore hold? A.—The first mate.

Q.—Where was the first mate when he gave him those orders? A.—He was on the forward deck, because they were sitting together in the mess room.

Q.—The mate then was not on the bridge at the time of the collision? A.—No, he was in the mess room with him.

Q.—Does he know who was on the bridge at the time of the collision? A.—No, he says he cannot say that; because he was in the mess room.

Q.—What was done in the way of movements of his steamer after the collision and before the explosion? A.—According to what he could see they tried to get her around and get her back.

Q.—Where to? A.—The Basin.

Q.—Which way was she going at the time of the explosion—down the harbour towards the Basin? A.—They were going forward and astern trying to get around.

Q.—But at the time of the explosion she was going one way or the other, up or down the harbour or across the harbour—which direction was she

RECORD. going? A.—He cannot remember that—he says he cannot say anything about that.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*
Q.—Does he remember which way she was pointing? A.—No, he don't remember.

Q.—Did they launch any boats from his ship—the Imo? A.—No.

Q.—Did he see any boats going from the other ship? A.—He saw two boats from the Frenchman pulling right ashore.

*No. 17.
Evidence of
Ljorne
Pirkland,
Direct-Ex-
amination.
(continued.*
Q.—Could he say anything about the speed at which they were going—the life boats? A.—According to his estimation they pulled as hard as they could. 10

Q.—Why did he think they were leaving the ship and pulling away so fast? A.—He thought perhaps that the boat would fill with water.

Q.—Which boat? A.—The French ship.

Q.—Why would they row so fast if they thought the ship was going to sink? A.—He says he cannot say that.

Q.—Was he hurt in the explosion? A.—Only he says he got quite a knock on the back of the neck and one ear got deafened.

Q.—Was he knocked down? A.—Yes, right down on the deck.

Q.—Where was he standing at the moment of the explosion? A.—At the time he come to himself again he was laying right by the anchor winch. 20

Q.—Then he was unconscious was he, for a time? A.—He thinks he lost consciousness about two or three minutes.

Q.—Where was he standing just before the explosion? A.—He stood on the side of the anchor winch.

Q.—Is that forward on the forecastle head? A.—Yes sir, that is forward on the forecastle head.

Q.—Was that end of his ship nearest the explosion or furthest away from the explosion? A.—He says that his ship would lay about amidships from the explosion—the other one was about to the wharf.

Q.—Was he standing on the part of his ship that was nearest the explosion or further away? A.—The ship was laying about amidships—he means by that, one end was as far away as the other. 30

Q.—Then the ship was side on to the stern of the Mont Blanc? A.—He had the starboard side to the Mont Blanc.

Q.—Then the Imo was heading down the harbour at the moment of the explosion? A.—Yes, down the harbour.

Q.—Was there any talk on his ship that the Mont Blanc might have explosives on board? A.—None.

Q.—Did you have any talk with the second mate before the explosion that there might be explosives on board her? A.—When he saw the high flames going up he was saying to the second mate that it was impossible for him to have any ammunition or explosives aboard or else he would have a red flag. 40

RECORD. BY Mr. BURCHELL, K. C.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—When you went down in the fore peak what did you see? A.—He then saw they had a hole on the port side. He just saw the light come in from the hole.

BY Mr. MELLISH, K. C. CROSS EXAMINATION.

No. 17.
Evidence of
Bjarne
Birkland,
Direct-Ex-
amination.
Continued.

Q.—Ask him if the captain takes his breakfast along with the officers of the ship or alone? A.—He had his meals by himself in the saloon.

Q.—Does he know whether the breakfast was served the captain before the collision this morning or not? A.—He don't know.

Q.—Ask him if he saw the pilot before the collision? A.—Yes, he says 10 he received the pilot.

Cross-Ex-
amination.
By Mr.
Mellish.

Q.—On what part of the ship—was it on the bridge he received the pilot? A.—He said the pilot went up on the bridge and he saw the captain go up to him there.

Q.—Was the pilot on the bridge when the captain arrived or did the captain go up to meet the pilot? A.—According to his remembrance he was on the bridge then.

Q.—When the pilot arrived? A.—The pilot was on the bridge when the captain arrived.

Q.—The captain went up and spoke to him? A.—The captain went 20 up and received him there.

Q.—Did the captain know the pilot? A.—He has no idea of that.

Q.—What did the captain say to the pilot—does he know anything, beyond the greetings? A.—He says he don't know about what he said because he was standing on the fore-castle head just before breakfast.

Q.—Was this before breakfast that the captain received the pilot? A.—Yes sir.

Q.—Who was on the bridge when he left the fore-castle head? A.—He saw the captain and the pilot and helmsman there when he left the fore-castle head. 30

Q.—Did he see anybody at all on the bridge after that, before the collision? A.—He said in the interval between those times he was in the mess room.

Q.—He cannot give us any idea then at all of who was on the bridge at the moment of the collision—anybody on the bridge? A.—No, he has no idea of that—of who was there.

Q.—And then Bjonnas was the second mate? A.—Yes sir.

Q.—That is the witness who has given evidence here? A.—Yes sir.

Q.—Where was he at this time—was he having his breakfast also? A.—He says he don't know where he was but he says he was on the fore-castle head—he was in the mess room. 40

RECORD.

In the
Exchequer
Court of
Canada,
New Scotia
Admiralty
District.

No. 17.
Evidence of
Bianche
Birkland,
Cross-Ex-
amination.
Continued.

Q.—I understood there was another officer in the mess room with him
A.—The first mate was together with him.

Q.—The first mate is killed? A.—According to his knowledge he is
killed.

Q.—Is this diagram representing the positions of the ships when he
noticed the hole in the Mont Blanc's bow? A.—He said that was after
the collision, the first time he saw them.

Q.—Did he notice the hole when they were in that position? A.—Yes,
he saw the hole in the Mont Blanc.

Q.—He has given us the figures of three or four feet. Does he mean 10
three or four feet in this direction into the ship? A.—He means the
depth.

Q.—Make that clear? A.—He means the depth.

Q.—Of course it would be very difficult for him to judge the depth from
his position—would it be hard or easy for him to judge the depth from
his position? A.—He said it would be hard for him to say of course—he
did not exactly notice.

Q.—Ask him if his ship was much higher than the Mont Blanc—as I
understand the Mont Blanc had a well deck? A.—He said he did not
pay attention to how the Mont Blanc was. 20

Q.—She had only one deck that he is talking about? Does he mean
three feet on the deck that he was looking at? A.—He says he don't
know how she was built—he only saw the hole in the ship's side.

Q.—How does he judge the depth of three or four feet—measuring on
the water, or how? A.—According to his estimation he says he judged
it to be three or four feet.

Q.—Was that depth into the ship or out? A.—He says he means the
depth right into the ship—three or four feet.

Q.—Into the ship 3 or 4 feet? A.—Yes sir.

Q.—Ask him if he saw the hatch—ask him if this hole was near a deck 30
hatch? A.—He cannot say that because there was both smoke and flame
when he saw it.

Q.—Could he see the main deck of the Mont Blanc—I don't mean the
forecastle head or the high deck aft? A.—He did not pay any attention
to that.

Q.—Ask him if this ship was lower than his ship? A.—His boat was
a lot higher than the Mont Blanc.

Q.—Ask him if he was standing—when he was looking at the ships in
this position—on the main deck or on the forecastle head—when he saw
the ships in this position? A.—He stood by the side of the anchor winch 40
on the starboard side of the forecastle head.

Q.—That is the windlass? A.—Yes sir.

Q.—He was on the forecastle head on the starboard side of the Imo?
A.—On the port side.

Q.—On the port side of the Imo? A.—Yes sir.

RECORD. Q.—What, in his judgment, caused the leak in the fore peak of the Imo—
 he found the fore peak leaking, as I understand? A.—He thought it
 was done through the collision.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.
 Q.—Would the water which he found in the fore peak, would it be possible for it to come in through the hole in the port bow? A.—He says when he was down there the hole was right at the water line and there was water rushing in just then.

No. 17.
 Evidence of
 Bjarne
 Birkland,
 Cross-Ex-
 amination.
 Continued.
 Q.—That is, the hole was above the water line? A.—He said the water in the forward peak was about level with the water line.

Q.—It was full then, the fore peak? A.—He said a quarter full. 10

Q.—Ask him if it was full or quarter full— he could not get any more there if it was up to the water line? A.—To the water line.

Q.—The water was not coming in then that he noticed through the hole. A.—No sir.

Q.—This water that got in the fore peak must have got in from some other place then? A.—He said he thinks the water came through the hole—if she had any holes further down he cannot say.

Q.—Why was it not coming in through the hole when he went down— when did it stop coming through the hole—the ship would be going down all the time? A.—He says he stood down there about a minute or perhaps two to see if there was any water in the fore peak and he went up and told them so. 20

Q.—Was there any water coming in through the ship, through this hole that he noticed on the port side? A.—He did not see any water coming through the hole.

Q.—His answer is no to my question? A.—No.

Q.—I asked if there was any water coming in through the hole and you answered me that he did not see any, while his answer is no. That is a different thing altogether. Ask him if he noticed the width of the ships—the width of the hole that he had spoken of, the width along the cut? 30
 A.—No.

Q.—Ask him how can he judge of the depth of the hole when he can give us no idea of the width which would be a much plainer thing, I should think, to see? A.—He says he just looked right into the hole, he did not take any notice of the width of the hole.

Q.—Then the conditions were such that he could judge by the depth— better of the depth than the width at that time by casual glance?
 A.—He said he just saw how far she went in— he did not pay any attention to how wide.

Q.—I suppose the smoke would prevent him from seeing that? A.—Per- 40
 haps.

Q.—Ask him if he noticed whether the hole was from the water line up or how far down? A.—He cannot say that.

Q.—Ask him if he did not think that the Mont Blanc was very much damaged, especially when he saw the men leaving the ship, as he judged,

RECORD. for fear that she would sink? A.—He did not think about that much—he just thought perhaps she would sink.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.
N. 17.
Evidence of
Birkland,
Cross-Ex-
amination,
Continued.

Q.—It is he thought perhaps the damage was sufficient that she would sink? A.—Yes sir, and that is what occurred to him as the reason they were leaving.

Q.—He must have been of opinion that, considering the shock and considering the people that were leaving the ship that she was very considerably damaged—that very considerable damage was done to the Mont Blanc? A.—He says he cannot say much; but he did not think much about that. 10

Q.—I suppose he is aware sometimes ships will be very much damaged although you only feel a slight shock? A.—He says he don't know—he never heard that.

Q.—I suppose he has heard of ships being run down, and being sunk by other ships, without awakening the passengers on the striking vessels? A.—He says he read about it; but he cannot rightly remember what special ships it was about.

Q.—From the time of the collision until he saw these ships in this position—until he got to the place where he saw them in this position was how long? A.—About two or three minutes. 20

Q.—Did you leave the mess room immediately you felt the collision? A.—Yes, at once, as I felt the push I got right out.

Q.—Where did you go to, to see the ships in this position? A.—The fore-castle head; on the fore-castle head, they were laying that way to my memory as soon as I saw them.

Q.—Would it take two or three minutes to go from the mess room? A.—I didn't jump, I walked ordinarily.

Q.—Even so it seems a long time? A.—I think so, but I cannot say for sure.

Q.—Did you feel any vibration of the ship from the engine? A.—I 30 felt the crash but very gently.

Q.—For the engines of the Imo did you feel any vibration? A.—I could feel the shaking of the boat because as soon as he gives full speed astern the whole boat shakes.

Q.—Had she been going full speed astern for some time before the collision? A.—I can't say that.

Q.—Was she going astern at the moment of the collision? A.—Yes.

Q.—Going astern while you were going from the mess room to the fore-castle head? A.—According to my remembrance she was.

Q.—Was she going astern while you were at breakfast before you left 40 the mess room? A.—I felt her going astern just before the collision.

Q.—While you were in the mess room? A.—Yes.

Q.—You can't say how long? A.—No, I didn't take any notice.

Q.—Why didn't you leave the mess room when you felt her going astern; why did you wait for the crash of the collision? A.—I can't say much

RECORD about that because we were sitting talking, me and the mate, and not thinking of any collision.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—Did you feel the engines going astern any other time that morning before this time? A.—No, the other times if she did go I was on deck and they were up in the Basin, before breakfast, and I didn't pay any attention.

Q.—How long had you been in the mess room before the collision?

No. 17.
Evidence of
Bjarne
Birkland,
Cross-Ex-
amination.
Continued.

A.—I can't say how long I was down.

Q.—I want to know if you can say whether from the time of leaving her anchorage in Bedford Basin the engines of this ship had been put astern 10 previous to the time you have spoken of and which you felt just before the collision? A.—I cannot say that, I didn't take any notice of them.

Q.—Did you feel them going astern at any other time that morning except just before the collision? A.—Not that I remember.

Q.—Have you any reason to believe that they were put astern at any other time other than the time you have spoken of and felt? A.—I have no ground to believe anything because I didn't pay any attention, therefore I cannot say it.

Q.—Were you at breakfast when the ship left her anchorage in the Basin? A.—Her anchor was just coming up in the water line as I went 20 to breakfast.

Q.—And you remained in the mess room until just after the collision? A.—Yes, as soon as I felt the collision I went out.

Q.—Were you not on the fore-castle head before you left the anchorage? A.—I was on the fore-castle head before we left the anchorage.

Q.—And just as the ship left you went to the mess room? A.—Yes, as soon as the anchor was up I went to the mess and the mate came right after me.

Q.—Had the ship started before you went to the mess room? A.—I cannot say whether she was going forward or astern but she was starting to 30 move.

Q.—Before you went to the mess room? A.—Yes.

Q.—Which way was she heading in the Basin? A.—I can't say; when we started off I went to the mess room and was sitting there.

Q.—Where was the ship lying in Bedford Basin, you were on the fore-castle head? A.—I cannot tell where we were laying, but not far from where the Holland passenger boat was laying.

Q.—Somebody has marked the position of the ship about there; what do you say about that? (M. B. R. /5). A.—I cannot say that, I was not paying any attention; where we were laying the boats were laying 40 around us.

Q.—How long had you been lying there? A.—About three days before.

Q.—Is it not strange then you cannot say where you were lying even if you had never been there before? Which side? Hadn't you been

RECORD. lying there for several days? A.—I think it was Tuesday dinner time when we came in according to what I remember.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—Did you take bearings of the anchorage? A.—We took no bearings on the shore.

Q.—Do you remember the Basin as a large sheet of water perhaps several miles long and several miles wide; don't you remember that A.—According to my meaning it was a big harbour, but I can't say how many miles long.

No. 17.
Evidence of
Bjarne
Birkland,
Cross-Ex-
amination
Continued.

Q.—Which side of that harbour were you on; north, south, east or west, or what part of it? A.—We were laying in the big bight on the port side 10 going in; it would be about the point X. (M. B. R. /5).

Q.—That morning when you were on the forecastle head, before you weighed anchor, which way was your ship heading? A.—She was heading in the bight about that (places model on M. B. R. /5).

Q.—Think heading westerly? A.—I think according to my remembrance she was heading that way, but I cannot say for sure.

Q.—Did she back out with the engines astern? A.—I didn't pay any attention to that, as soon as the anchor was up I went in the mess.

Q.—What were you doing on the forecastle head at that time? A.—We were standing there to make the anchor fast; we had the old time 20 anchors and had to fix it with tackle.

Q.—And were the anchors grounded ahead of the ship? A.—I didn't pay any attention to that; it was the mate's duty to look after that.

Q.—Did you notice anything at all; what were your duties? A.—I had to give the orders to the men getting the crane and anchor gear ready to hoist the anchor up.

Q.—Was the ship swinging to her anchors? A.—The ship swung according to the tide.

Q.—How was the tide? A.—According to what I remember it was running out. 30

Q.—How many anchors had you out? A.—One anchor out on the port side.

Q.—What is your age? A.—I am in my 20th year.

Q.—Have you a certificate? A.—I have no certificate but I have my examining papers.

Q.—How long have you been on the Imo? A.—8 months and 3 days.

Q.—How long have you occupied the position of 3rd mate? A.—I have not been third mate before I joined the Imo; I came right from the school and joined the Imo.

Q.—As I understand it, your duties were mere mechanical duties, seeing 40 to getting the anchor up rather than looking after the navigation of the vessel in any form? More the work of the seaman? A.—My duties that morning were far from being with navigation, but to be foreman of the crew and set them to work.

RECORD BY Mr. ROBERTSON:

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—Are you in a position to give any estimate as to the rate of speed of the *Imo* when she was proceeding down the harbour? A.—I don't say how fast she went, but I think very slow.

BY CAPTAIN DEMERS:

No. 17.
Evidence of
Bjarne
Birkland,
Cross-Ex-
amination.
Continued.

By Captain
Demers.

Q.—When you looked over the forecandle head how was the anchor in relation with the hawse pipe; was the anchor close to the hawse pipe?

A.—I think the anchor was about two or three feet above the water line.

Q.—Was the ring of the anchor below the hawse pipe? A.—I don't think it was in the hawse pipe but I didn't pay any attention to it. 10

Q.—You were on the forecandle head in the morning getting the davit ready? A.—When we were getting the anchor crane ready the second mate came and relieved me and the second mate he was going to hook it.

Q.—Apart from this time, what is the usual custom, is it to hoist the anchor up to the hawse pipe or leave a certain amount of slack? A.—Any other time they just leave it about the water line three or four feet; if they heave the ring up to the hawse pipe they have to put chain out again; the mate was doing it but I think I would do the same being I was on the ship before.

Q.—Carry a boatswain? A.—Yes. 20

Q.—Was he not on duty that morning? A.—I think the boatswain was at work on wind sails under the forecandle head and he had orders from the chief officer. When the second mate came on the forecandle head we went to breakfast.

Q.—How fast was the ship going at the time you left the forecandle head? A.—They had just started to move and we could not have any speed on.

Q.—Where was the mess room in relation to the bridge? A.—Abaft the bridge amidships on the starboard side.

Q.—The same deck as the bridge? A.—Under the amidship deck. 30

Q.—Was the house on deck all closed in? A.—It was under the bridge deck, closed in, through the alleyway.

Q.—And the funnel was abaft the mess room? A.—A little forward of the mess room.

Q.—Did you hear the whistle at all in the mess room? A.—I heard it blow but I didn't pay any attention; we were sitting eating.

Q.—Notice the difference between one and two blasts? A.—No; we paid no attention to the whistle; we were conversing about other things.

Q.—When you noticed there was a whistle sounded did you notice by the vibration of the ship what speed she was going? A.—No, I didn't. 40

RECORD. Q.—You have not noticed much? A.—I don't know much about what happened between the time I left the forecandle head until the collision.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

Q.—How long were you at breakfast? A.—I can't say how long, but it was not very long.

No. 17.
Evidence of
Einar
Finland,
Cross-Ex-
amination.
Continued.

Q.—You were talking about the forepeak being full; did you mean the water tank underneath? A.—The peak was divided off into four parts and the lower part was full, therefore I can say for sure it was quarter full.

Q.—You saw that by sounding? A.—I didn't measure it; I just looked and I had been down there times before and knew about how much it was. 10

Q.—And the time before was there water in the forepeak? The time you went down before? A.—No, it has been dry as long as I have been in the boat.

Q.—Sure of that? A.—Yes; the times I have been down there it has been dry.

Q.—Do you mean to say it was thoroughly dry when you were down there before? A.—Not quite dry, there might have been as much as you could wipe up with a rag.

Q.—By the iron sweating? A.—I think from the sweat from the ship's side. 20

Q.—Did you notice when you went on the forecandle head, when the collision took place, or shortly afterwards, how the Mont Blanc was going, whether astern or ahead? A.—I seen the Mont Blanc was heading and going towards the pier but I cannot say if the engine was turning over or not.

Q.—If the Mont Blanc was heading towards the pier and going ahead, how can you make that Exhibit putting the two ships that way? (I. R. /28). A.—When I just came on the forecandle head that was the position I seen the boats. 30

Q.—How long did you take to get from the mess room to the forecandle head? A.—According to my meaning it would take about two or three minutes; I cannot be sure.

Q.—I understood you walked very slowly? A.—I went just as usual.

Q.—Didn't you think it was serious enough to hurry? A.—I walked just as usual, I didn't think there would have been much to it.

Q.—You felt the shock in the mess room? A.—Just slightly.

Q.—And as an officer of the bridge you took time leisurely to go forward and see what had happened? A.—I knew there was enough officers on the forecandle head and the mate jumped right out after me. 40

Q.—When you left the mess room was your ship going astern? A.—When I got out she was going astern; when I was sitting in the mess room I felt her shaking and going astern.

Q.—Which way will the stern of that ship go when the screw is going full speed astern? A.—It depends on how the wheel is. I paid no

RECORD. attention to what speed she was going before; just as I felt her shaking I felt the collision, I paid no attention before.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*
Q.—Have you had enough experience as a seafaring man to know which way the bow would go with the engines full speed astern and with a light ship? A.—I can't say that for sure because I have been only in this boat and before that in sailing vessels.

Q.—So you don't know anything at all about the working of the screws?
A.—No.

*No. 17.
Evidence of
Bjarne
Birkland,
Cross-Ex-
amination.
Continued.*
Q.—I understood you said to the second officer there was no red flag on board the Mont Blanc? A.—We were talking about it and I said 10 to the second officer it was impossible to be carrying munitions because he had no red flag; I seen her with two lines of flags up with three or four flags on each line but I can't say for sure.

Q.—See the national flag astern? A.—I didn't pay any attention to that.

Q.—Could you tell it was a French vessel, the Mont Blanc? A.—No, I could not see any National flag or mark.

Q.—So you didn't know it was a French ship? A.—No, I didn't notice I didn't see any flag at the stern.

Q.—Was the Mont Blanc going astern when you looked over the bow 20 after the collision? A.—I didn't pay any attention to that; I was just looking at the smoke and flames.

Q.—Did the smoke and flames come out as soon as the ships got in contact with each other? A.—I can't say if it broke out right away because it was perhaps two or three minutes before I came on the forecastle head.

Q.—When you got on the forecastle head did you see the smoke and flames? A.—Yes.

Q.—How can you tell the ship went four feet into the other if there was smoke and flames? A.—It was not that terrible that according to what I could see, I judged it to be three or four feet; it was not that terribly 30 thick with smoke and flames.

Q.—Did it become thick afterwards, the smoke? A.—The flames got larger.

Q.—How long after? A.—I didn't notice then, but when the boat was laying in by the pier the flames were terribly high.

Q.—I am speaking of when you were on the forecastle head? How much was the smoke? A.—It was more flame.

Q.—When the ship struck there it was all covered with flames and smoke? A.—According to what I could see the flames were right in the hold and where I could see in I could see three or four feet into the hold. 40

Q.—All the flames were not outside; you could see into the hold?
A.—Yes.

RECORD. BY CAPTAIN HOSE:

*In the
Exchequer
Court of
Canada,
No. a Scotia
Admiralty
District.*

No. 17.
Evidence of
Blairne
Birkland,
Cross-Ex-
amination.
Continued.

Q.—When you got on the forecastle head, was the Frenchman too far away for you to hear if anybody had hailed you or sung out to you?

A.—I cannot say that for sure; for my part I didn't hear anybody.

Q.—Supposing you wanted to shout to anybody on board the Frenchman do you think you could have shouted loud enough for them to hear? Or the other way around? A.—I don't think so; not when I was on the forecastle head.

BY CAPTAIN DEMERS:

Q.—The ship was all on your port side; when you were on the forecastle head, how far was the Mont Blanc on your port side? A.—About 25 or 30 fathoms when I first seen her on the forecastle head but when we went into the boats we were further apart. 10

BY Mr. MELLISH:

Q.—Did you notice any damage on the starboard bow on the Imo? A.—When I was in the forepeak I didn't see any damage on the starboard side but after the explosion she was full of holes I seen.

Q.—Before the explosion did you notice any damage on the starboard bow of the Imo? A.—No, I didn't see any.

Q.—Did you look outside? A.—I looked on the inside from the fore- 20
peak.

Q.—And there was no hole as far as you could see? A.—Not that I could see; if there was any it must have been down below the water line.

BY Mr. BURCHELL:

Q.—When you got on the forecastle head did you get orders right away from the mate to go down and examine the forepeak? A.—Just as I came on the forecastle head, I hadn't been there long before I got orders from the mate to go down to the forepeak and see what water there was in.

Q.—You were not long in the forepeak, you hadn't long to see?

A.—No, I was not long down there.

Q.—Did you notice any damage to the stem of your ship? A.—The stem was intact but damage was on the port side; according to what I seen; two or three feet on the port side from the stem.

Q.—Was that a hole? A.—Yes. 30

RECORD. BY CAPTAIN DEMERS:

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—Nobody was full on board your ship that morning? A.—Not what I seen.

Q.—Carry any liquor? A.—Not that I know.

Q.—No liquor at all on board? A.—Not that I know of.

No. 17.
Evidence of
Bjarne
Birkland,
Cross-Ex-
amination.
Continued.

AND FURTHER THIS DEPONENT SAITH NOT.

J. T. ROWAN, E.

R. ECCLES,

Official Reporter.

No. 18.
Evidence of
Alphonse
Serre,
Direct-Ex-
amination-
by Mr.
Henry K. C.

No 18.

10

ALPHONSE SERRE, WHEELSMAN OF THE S. S. MONT BLANC
UPON BEING CALLED AND DULY SWORN, DOTH DEPOSE AND
SAY AS FOLLOWS:—

(THROUGH THE MEDIUM OF AN INTERPRETER).

BY Mr. HENRY, K. C.

Q.—You are an able seaman? A.—Helmsman.

Q.—When did you take the helm on the morning of the collision?

A.—At 8 o'clock in the morning.

Q.—Where was the ship then? A.—On the way to come in here.

Q.—Had you passed George's Island when you took the wheel? 20

A.—I don't know the river.

Q.—Do you remember passing a British warship that morning?

A.—Yes, I was at the helm then.

Q.—Which side did you pass of the British warship? A.—I don't remember.

Q.—Do you remember which side of the harbour you came up on?

A.—I was at the wheel and didn't look; I could not see I was in the wheelhouse.

Q.—Did you see the Imo. A.—Yes.

Q.—How far away was the Imo when you first saw her? A.—I 30
could not judge the distance because I was in the wheelhouse and busy at the wheel.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 18.
Evidence of
Alphonse
Serre,
Direct-Ex-
amination.
Continued.

Q.—Which direction was the Imo from the Mont Blanc when you saw the Imo first? A.—Slightly on my port side.

Q.—Which way was the Imo heading? A.—The opposite route we were going.

Q.—Heading down the harbour, across or up the harbour? A.—What I know, I know she was coming opposite to me.

Q.—What was the first order you got after you took the wheel? A.—I was steering according to points on shore according to the orders of the captain.

Q.—Were you steering by compass? A.—No, not by compass, by 10 points on the land.

Q.—Points indicated to you by the captain? A.—Yes, the captain used to give the orders.

Q.—Did you get any orders from the pilot? A.—No, I received orders from the captain.

Q.—Did you get any order to go to starboard at any time that morning?

Mr. Burchell objects; he should give just what orders he did get.

A.—Yes, they gave me orders to go to starboard.

Q.—Can you give us any idea of where you were in the harbour or in relation to the British warship when you got that order to go to starboard? 20

A.—No, I cannot.

Q.—How much starboard did you go? A.—Half a wheel on the starboard side.

Q.—Were you steering by the land? A.—Yes.

Q.—Was any order given to stop or steady or anything like that?

A.—When the captain found it was enough he told me to stop.

Q.—Did you get any other order after that? A.—Yes.

Q.—When? A.—I came back another time on starboard after the second blast.

Q.—What was the first blast given by either of these two ships that 30 morning? A.—The Mont Blanc gave the first, one short blast. The Imo replied 2; and we repeated another one—the Mont Blanc.

Q.—A single blast? A.—One short blast; the Imo repeated 2; and the other one 3, short.

Q.—Did you give any signal between the second 2 blast signal given by the Imo and the three short blasts given by the Imo? A.—No, I don't remember.

Q.—How far away was the Imo when she gave her second 2 short blasts? A.—The distance I can't say; I was in the wheelhouse; I could not calculate the distance. 40

Q.—Was there any change of course made on board the Mont Blanc after the second 2 short blasts signal from the Imo? A.—Yes, we put her hard to port.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 18.
Evidence of
Alphonse
Serre,
Direct-Ex-
amination.
Continued.

Q.—Which way did the head of the Mont Blanc turn after that order was given? A.—The ship came to port.

Q.—Was that before or after the Imo had given her three short blasts? A.—I don't remember.

Q.—How long was that before the collision? A.—Not long.

Q.—Can you give us any idea? A.—I cannot at all.

Q.—Do you know anything about the orders given to the engine room from the bridge? A.—I heard the telegraph working but I cannot tell what the signals were.

Q.—Do you know whether the Mont Blanc was going ahead astern or stop when the collision happened? A.—At the time that the Imo struck the Mont Blanc she was stopped, but a little moment before she was going astern. 10

Q.—A short moment before the collision the Mont Blanc was going astern on her engines? A.—A moment before the collision and when the collision occurred she was stopped.

Q.—How do you know she was going astern? A.—By the vibration of the propeller in the pilot house.

Q.—You could tell by the vibrations in the wheelhouse? A.—Yes.

Q.—Before the collision did you receive more than one order to go to starboard before the order to go to port? A.—I came twice to starboard and once hard to port. 20

Q.—Can you tell us in relation to the signals when the first order to go to starboard was given? A.—As soon as the first blow was given I had orders to go to starboard.

Q.—The first signalblast from the Mont Blanc? A.—Yes.

Q.—When did you get, in relation to the signals, the second order to go to starboard? A.—When he gave the second blast.

Q.—Can you give us any idea of the length of time between the two orders to go to starboard? A.—I can't tell the time. 30

Q.—Can you give us any idea of the time that elapsed between the second short blast and the two short blasts on the Mont Blanc? A.—No, I don't remember; I cannot tell anything about it.

Q.—Did you feel any shock from the collision? A.—Yes, I felt the shock.

Q.—What kind of a shock was it? Light or strong? A.—It was heavy because it went seriously into her.

Q.—Did you see the hole made in the Mont Blanc by the bow of the Imo? A.—Yes, I saw it.

Q.—From the wheelhouse? A.—Coming from the wheelhouse. 40

Q.—Tell us where it was, what part of the ship? A.—By the beam of No. 1 hold.

Q.—On which side? A.—On the starboard.

Q.—How far did the hole penetrate into the Mont Blanc's side? A.—I hadn't time to go and see.

RECORD.

Q.—Did it reach the combings of the hatch? A.—I didn't see it; I saw there was a breach.

Q.—Can you give us any idea how wide the hole was? A.—To my idea the width of my outstretched arms; I am not sure.

Q.—Was this hole you were telling us about on the deck of the ship; is that where you saw it? A.—On the side of her.

Q.—How far down did it extend as far as you saw? A.—I hadn't time to look.

Q.—How long did you remain in the wheelhouse after the collision? A.—Until the time the captain gave orders to evacuate the ship. 10

Q.—Were there any orders given to you with regard to the wheel after the collision? A.—The captain told me to put the wheel straight and she was straight when the captain told me to do that.

Q.—Did you see any flames coming out of the hole in the ship's side? A.—I seen first heavy smoke followed by flames after; immediately at once.

Q.—Did the captain remain on the bridge after you went below? A.—Yes, he stayed after me.

Q.—And the pilot? A.—I don't know.

Q.—Who were on the bridge at the time of the collision? A.—I was 20 in the wheelhouse.

Q.—Who did you see when you came out of the wheelhouse? A.—I seen the pilot, captain and officer of the watch.

Q.—What was the name of the officer of the watch? A.—Leveque. There might have been some more alongside that I didn't see

Q.—What was Leveque doing on the bridge? A.—At the telegraph.

Q.—Do you know where the captain and the pilot were at the time of the collision? A.—Just in front of the wheelhouse to give me orders.

Q.—You could see the captain? A.—Yes, the window was down.

Q.—Did you see the pilot about the time of the collision? A.—I knew 30 he was there because I heard him talk.

BY Mr. MELLISH:

Q.—What is your age? A.—39; 40 next May.

Q.—How long have you been in this ship? A.—Since August.

Q.—How long have you been continuously going to sea? A.—25 years next April.

Q.—Have you any qualifications or just an able seaman? A.—No; second class seaman in the Navy.

Q.—Why are you not in war service? A.—I was mobilised; I was relieved to go on that ship. 40

Q.—What duties do you perform on the ship; you steer sometimes; what other things? A.—Looking after lights.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 18.
Evidence of
Alphonse
Serre,
Direct-Ex-
amination.
Continued.

Q.—Ever stand a lookout? A.—Yes.

Q.—General duties of a seaman? A.—Yes.

Q.—What ship were you on before this? A.—Pereau.

Q.—Where did you join this ship? A.—Nantes.

Q.—Did you understand and obey all orders you received on this vessel the morning of the collision? A.—Yes.

Q.—You understood all your orders thoroughly? A.—Yes, very well.

BY Mr. BURCHELL:

Q.—Do you know any English at all?

Q.—If the captain wanted the ship to go to the left what French word would he use; if he wanted the bow to go to the left? What would be the French word? A.—He would tell me to go to port.

Q.—Give the French phrase? A.—A le gauche.

Q.—And if he wanted him to go to the right, the French word? A.—A le droite.

Q.—If you get an order hard a starboard in French if you got that order, and it was executed by you properly, which way would the head of your ship swing, to right or to the left? A.—I would put the wheel to the starboard and she would go to starboard.

Q.—And if you got it in French hard aport you would put the wheel to the left and the bow of the ship would go to the left? A.—I would put the wheel at port and she would go to port.

Q.—The bow of the ship would go to the left? A.—The ship goes down to the side where I put the wheel.

Q.—So if you got an order starboard you would put the wheel to starboard and the ship's head would go to starboard? A.—Put the wheel to starboard and the ship goes to starboard.

Q.—Was the pilot standing always on the bridge where you could see him shortly before the collision; say 15 minutes before? A.—Yes. The pilot didn't move from the bridge. 30

Q.—Could you see the captain all the time that morning before the collision? A.—Yes.

Q.—Who was blowing the whistle, the captain or the pilot? A.—Captain.

Q.—He always blew the whistle? A.—Yes.

Q.—You could see him blow the whistle? A.—Yes, I could see him through the window.

Q.—The captain personally always blew the whistle? A.—Yes.

Q.—On every occasion that morning? Do you remember going through the gate in the boom across the harbour? A.—I know we came through a gate. 40

Q.—You were at the wheel then? A.—I seen the gate far away.

Q.—Were you at the helm when the ship was going through the gate? Yes.

RECORD.

In the
Exchequer
Court of
Canada,
New Scotia
Admiralty
District.
—
No. 18.
Evidence of
Alphonse
Serré
Direct Ex-
amination.
Continued

Q.—How many orders did you get to go to starboard from the time you came through the gate to the time of the collision? To go to the right, how many orders did you get? A.—I don't remember.

Q.—Didn't you get a great many orders to go to starboard and to port from the time you came through the gate until the time of the collision?

A.—Yes, from the time I took the helm I had several orders, from the gate.

Q.—Do you remember any of them at all? A.—I didn't take notice, when they told me to go to the left I did, and when to the right I did.

Q.—Was that not all you were there for, to turn the wheel right or left as the captain told you? A.—Yes, I was to steer. 10

Q.—And is that all your duties were? A.—Yes.

Q.—It was no part of your duties to listen to whistles from other vessels? A.—No, I have nothing to do with that; the only thing I had to do was to steer the way I was told.

Q.—Was it any part of your duties to pay attention from your own ship? A.—No.

Q.—If you heard a blast of two whistles on your own ship would you put the helm to port? A.—I am waiting on the orders from the captain or Officer of the watch.

Q.—You don't have to pay any attention to the whistles at all? 20
A.—Yes, but when there is an officer on the bridge I have to get my orders from them.

Q.—You had nothing to do with the whistles at all? No.

Q.—Where was the pilot standing on the bridge that morning before the collision? A.—He was on the bridge.

Q.—In sight of you; could you see him, standing at the wheel?

A.—He was on the bridge, and going right to left and left to right.

Q.—Was it a circular wheelhouse or was it a square front? A.—Square.

Q.—How wide was it across? A.—It was big; I can't say exactly.

Q.—Do you know how long the bridge is? A.—No, I never measured 30
it.

Q.—Long bridge? 40 to 50 feet; 13 to 15 metres in length? A.—Full length of the boat.

Q.—And the wheelhouse is in the centre? A.—Yes.

Q.—Where is the whistle cord? A.—It was on the bridge.

Q.—Inside or outside the wheelhouse? A.—Outside.

Q.—Right or left? A.—Just in the middle.

Q.—The whistle cord is right in the centre of the wheelhouse outside?
A.—Yes, right outside of the wheelhouse in the centre.

Q.—If the captain was blowing the whistles you had him in sight all 40
the time? A.—Yes.

Q.—And that man that was sending the signals to the engine room, the telegraph man; how far was he standing from the centre of the wheelhouse? A.—Three or four metres maybe.

Q.—Is the telegraph signal on the port or starboard side of the ship?
A.—Right side.

RECOR

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 18.
Evidence of
Alphonse
Serre,
Direct-Ex-
amination.
Continued.

Q.—Did the captain during the 15 minutes before the collision stand directly in front of the wheelhouse by the whistle cord? A.—Yes; he always stayed in the front of the wheelhouse.

Q. Always in your sight? A. Yes.

Q. But you could not see the pilot, he was walking up and down outside? A.—I used to see the pilot once in a while, he used to walk on the bridge.

Q.—You could see him passing? A.—Yes.

Q.—Could you see the captain and pilot having conversation together? A.—Yes, I saw the pilot speak to the captain, but I didn't understand what they were saying.

Q.—Speaking in French or English? A. The pilot was speaking in English.

Q.—What was the captain speaking? A.—The second captain was interpreter; I don't know how they managed on the bridge. I heard them speak; I was at the wheel and heard talking but I don't know what they were saying.

Q.—The first mate of the ship, second captain, and the pilot and the captain have all stated that the second captain was not on the bridge at the time of the collision, or when they sighted the Imo; is that statement correct? A.—That may be; I could not see them I was in the wheelhouse.

Q.—And you don't know whether the second captain was on the bridge or not before the collision? A.—I can't say.

Q.—Did you hear the captain and the pilot talking together when the second captain was not on the bridge? A.—I don't know.

Q.—Did you hear the pilot give any orders to the captain at all? A.—I didn't understand what they were saying; I was busy at the wheel.

Q.—Did you hear them say anything to each other when the second captain was not on the bridge? A.—I was busy at the wheel and didn't 30 take notice what they were doing.

Q.—Did you hear any conversation at all; did they talk with each other? A.—I don't remember.

Q.—Then your whole attention must have been taken up with your wheel and that was all you were paying attention to? A.—Yes.

Q.—How far away was the Imo, a long or short distance—when the first signal was blown by either ship? A.—I can't judge the distance because I was in the wheelhouse; I could see the boat but that was all.

Q.—She was very far away? A.—I don't know, I can't say exactly.

Q.—She was more than 100 feet? A.—I can't say. 40

Q.—I am asking about the first signal given by either ship? A.—The first blast came from the Mont Blanc.

Q.—And you can't tell us where the other ship was? A.—It is impossible for me to say the distance at that time.

Q.—You can't tell whether 100 or 500 feet? A.—I can't say.

RECORD

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 18.
Evidence of
Alphonse
Serre,
Direct-Ex-
amination.
Continued.

Q.—When you heard the first two blast signal from the Imo? Can you give us any idea how far apart the ships were? A.—I can't say; I could not see, I was in the wheelhouse.

Q.—And you could not tell whether 100 or 1000 feet away? A.—No.

Q.—You never looked out to see the Imo at all? A.—No, I stood at the wheel.

Q.—Did you see the Imo before? A.—No, never.

Q.—Ever hear a whistle blow before? A.—Yes.

Q.—Did you ever hear the Imo's whistle blow before? A.—No.

Q.—All you can say is you heard the two blast signal from some steamer and you didn't look to see where it was from? A.—I knew it was coming from the Imo; I saw the boat but I don't know the distance. 10

Q.—I thought you could not see the boat? A.—I didn't say that.

Q.—You could see the Imo when she blew her first two blasts signal? A.—Yes.

Q.—But you can't tell us whether 100, 500 or 1000 feet away? A.—No.

Q.—Can you tell us whether it is 100, 50 or 1000 metres? A.—I can't say the distance in any way because I was in the wheelhouse at the wheel and it would be impossible.

Q.—But you remember very distinctly hearing the two blast signal? A.—Yes. 20

Q.—And you also remember very distinctly hearing another two blast signal from the Imo? A.—Yes, he gave two blasts.

Q.—And you will also say very positively there was no other signals from the Imo except two, 2 blast signals, and 1, three blast signal? A.—I didn't hear it.

Q.—Could it be possible they were blown and you didn't hear? A.—If there had been some I would have heard them.

Q.—And you would have remembered them? A.—Yes.

Q.—If I tell you a dozen or 15 people will say they did hear the one blast signal from the Imo will you still say they are mistaken? A.—I would say no—I heard all of them. 30

Q.—It is no part of your duties to attend to the whistles? A.—My duty was to steer the ship.

Q.—I suppose you have been talking this matter over with the captain and second captain since the collision? A.—No.

Q.—Never talked about the collision to the captain and the second captain? A.—I have had no conversation with my captain; the captain keeps his company and I keep with mine.

Q.—I suppose you never told anybody until this morning how many whistles were blown? A.—No. 40

Q.—This morning is the first time since the collision that you told anybody? A.—This morning is the first time I spoke here.

RECORD. Q.—Was this morning the first time you told anybody since the collision what signals were blown on either vessel? You never told anybody until this morning what signals were blown on the Mont Blanc? A.—I said to the crew because everybody on the ship heard it. Nobody asked me since the collision.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 18.
Evidence of
Alphonse
Serre,
Direct-Ex-
amination.
Continued.

AND FURTHER DEPONENT SAITH NOT FOR THE PRESENT.

R. ECCLES,

Official Reporter.

IT BEING THEN 1 p. m. THE COURT ADJOURNED UNTIL TOMORROW, THURSDAY, AT 10 a. m.

10.

10 a. m. Thursday, December 20, 1917.

SEVENTH DAY'S SESSION.

(COURT AND COUNSEL PRESENT AS ON FIRST DAY, WITH EXCEPTION OF Mr. F. H. BELL, K. C.)

J. T. Rowan, Official Reporter.

Mr. BURCHELL, K. C.

If your Lordship pleases, I would like to read a letter which I have received in connection with the helmsman Johan Johansen, of the Norwegian ship,—I think it only fair to him and to my clients, that I should read the letter—from Major MacCleave, the Intelligence Officer of this City—it is dated yesterday, addressed to me and reads “By direction of the G. O. C. M. D. No. 6, I am to state that Johan Johansen (seaman S. S. IMO) is now at Military Hospital, Cogswell Street. 20

Please advise me at once if you desire the present guard of military over the man withdrawn, so that he be restored to the status of an ordinary hospital patient.

If the answer be affirmative, it will be understood that no restrictions will be placed upon the man from the time the answer is noted by myself, and that he will be at liberty to leave the hospital at any time.”

I don't just understand, my Lord, why they should ask my permission 30 to withdraw the military guard over this man, because I did not have it put on him. However, I saw Major MacCleave yesterday afternoon, he told me that the suspicions against this man were entirely ungrounded; that they thought he was another man, and they have wrongly arrested him.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 18.
Evidence of
Alphonse
Sette,
Cross-Ex-
amination.
Continued.

I think, my Lord, that your lordship should direct that that statement should be given the widest publicity, as the people in this city have been in a state of hysterics ever since this man has been arrested, and the word was passed that a German was aboard our ship.

This is the day, I believe, which is announced for the blowing up of the city.

I think that any announcement that your lordship would make from the Bench would be very proper, as I know that especially some of the women and many of the men are in a very bad condition, more so since this awful catastrophe happened, and the arrest of this man. 10

In this connection, my Lord, I wish to say that Mr. Henry has stated that he wished to put this man on the stand on Friday. When I saw Johansen on Sunday he certainly was not in a fit condition to go on the witness stand. Mr. Henry, of course, has said that if the doctors say this man is not in a fit condition to appear on the witness stand at present he will not force him to appear now.

Your lordship after seeing the bridge where this man was, and the condition it is in, will quite understand how badly he was injured.

I have had some difficulty, my lord, in communicating with Colonel Kingsmith, the man in charge of the hospital; but I finally got in touch with him. 20

The doctors say that this man is suffering very intense pain from his leg; but I am glad to say that although his eye is not altogether better, he will not lose the sight of it. Colonel Kingsmith tells me that it would be certainly very unfair to put this man on the stand now because he could not concentrate his mind on account of this extreme pain.

Mr. HENRY, K. C.

I may say, my lord, that I have received a duplicate of the letter which Mr. Burchell has just read and handed in, and I intended to confer with Mr. Burchell today as to what the best means were to deal with the situa- 20
tion.

So far as examining this man is concerned, on Friday, I suggested to my learned friend that it would be desirable to examine this man, if he were fit, before the court adjourned.

However, if this man is not in a fit condition for the examination, I have no intention to put him on the stand arbitrarily.

HIS LORDSHIP:

As to the statement you ask me to make to relieve the minds of the women, I am afraid that is beyond our scope.

I can only say that we will not examine this man until he is fit. 40

I am sure he has no connection whatever with any of the fires, or any of the rumors which have been spread about.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

ALPHONSE SERRE, WHEELSMAN OF THE S. S. MONT BLANC,
A WITNESS PREVIOUSLY SWORN, UPON BEING RECALLED,
DOTH DEPOSE AND SAY FURTHER AS FOLLOWS:—

(THROUGH THE MEDIUM OF AN INTERPRETER, French).

CROSS EXAMINED BY Mr. BURCHELL, K. C.

No. 18.
Evidence of
Alphonse
Serre,
Cross-Ex-
amination.
Continued.

Q.— Does he know any English at all? A.—No, sir, not enough to speak.

Q.— Do you know any at all? A.—Don't know anything, you might say.

Q.— Ask him if, standing at the wheel, in the wheelhouse, he could see the man standing at the telegraph? A.—No.

Q.— Impossible? A.—Yes sir.

Q.— How high is the window—in line with his head or, how, in the wheelhouse? A.—About one metre—he could see outside.

Q.— Can he give us any idea of how far away the Imo was when she blew the second two blast signal? A.—He said he told you yesterday he did not know the distance.

Q.— He could not tell whether it was 100 metres or 1000 metres?

A.— No, he does not know.

Q.— Can he tell us how far the Imo was away when she blew her three blasts? A.—No sir, he was busy at the wheel—he could not see the distance.

Q.— He could not tell whether it was 10, or 100 or 1000 metres?

A.—He cannot say, he does not know.

Q.— When he first saw the Imo which side did he see, port or starboard side? A.—Nearly right across—they could see him by port.

Q.— Could see the port side? A.—From his ship, saw it by the port.

Q.— Which side of the Imo could he see, the port or starboard side of the Imo? A.—Slightly his starboard side—he saw from the Imo's side.

Q.— Could see the starboard side of the Imo? A.—Yes, sir, slightly.

Q.— How long did he continue to see the starboard side—did she always show the starboard side to him? A.—He does not know—he did not look.

Q.— He can tell us whether he saw the port side of the Imo before the collision or not? A.—He don't remember.

Q.— Ask him how many times the whistle was blown from the time he left the anchorage until he got to the gate in the boom? A.—He did not count them.

Q.— Were any blown? A.—He don't remember.

Q.— Ask him how many times the whistle was blown from the time he came through the gate in the boom until he saw the Imo? A.—He don't remember.

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30

40

REC'D. Q.—Ask him if he saw any ferry boats crossing the harbour when he was
 In the Exchange Court of Canada, coming up? A.—He did not pay any attention to it—he was busy to
 receive orders.

Q.—He knows what the ferry looks like—it is a double ender? A.—He
 knows it is a passenger ship.

Q.—He did not see any ferry boat at all? A.—He did not pay atten-
 tion—he was paying attention to the point they told him to steer on.

Q.—Ask him if he saw anywhere in the harbour, ahead of him, on either
 side of the channel, after he saw the Imo, any tug boat with two scows in
 tow? A.—He said he had enough to do to be at the wheel with orders 10
 from the captain to steer.

Q.—Did he or did he not? A.—He don't remember—he was looking
 at the point they told him to steer on.

Q.—And there may have been several steamers in the harbour between
 him and the Imo and he did not notice them? A.—He don't know.

Q.—Ask him if he noticed any buoys in the harbour coming up from the
 boom until they saw the Imo? A.—He did not take notice of anything.

Q.—He never saw any buoys at all? A.—He never looked.

Q.—Ask him if at any time he was steering for any of the buoys?
 A.—He had steered on several points; but he does not remember. 20

Q.—Does he remember steering for any buoy? A.—He said the cap-
 tain has given him an order to steer on several points; but he does not
 remember what they were.

Q.—He does not remember whether any of them were buoys? A.—He
 don't remember.

Q.—Does he remember that at any time between the boom, from the time
 he saw the Imo, he put his wheel hard astarboard, so as to swing his ship
 to the right? A.—As he said yesterday they had given him orders to
 steer on the points, and he was steering according to the orders of the
 captain. 30

Q.—Does he remember putting his wheel hard astarboard so as to swing
 his bow to the right, coming from the boom until the time he saw the
 Imo? A.—No, he put twice the wheel half.

Q.—Before he saw the Imo? A.—No after giving the first blast.

Q.—Tell him I did not ask him that question—the question I asked him
 was before he saw the Imo? A.—Before seeing the Imo they steered in all
 directions.

Q.—Does he remember any one particular order of hard astarboard—
 was that given at any time between the boom and the first time he saw the
 Imo? A.—He don't remember. 40

Q.—Ask him if he remembers passing any wharves before the collision?
 A.—He said he saw some wharves before coming in; but he does not know
 the wharves.

Q.—Was the collision opposite a wharf? A.—It was in the river.

RECORD. Q.—Opposite any wharf, the place of the collision? A.—He don't remember.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—Can he give us any one particular object he was steering for that morning at any time? A.—He don't know nothing here; it is the first time he come here.

Q.—And the only thing he recollects that morning was the whistle signals after the Imo came in sight? A.—Yes.

No. 18.
Evidence of
Alphonse
Serre,
Cross-Ex-
amination.
Continued.

Q.—He remembers that with the utmost distinctness? A.—Yes.

Q.—He could not possibly be mistaken? A.—No.

BY Mr. ROBERTSON, K. C.

10

Q.—Would you ask him whether he noticed any gestures of the hand, or sign by the hand, between the captain and the pilot, or rather the pilot and captain, before any orders were given on the bridge, before, or at the time of giving orders on the bridge? A.—No, sir, he did not take notice of that, he was watching his wheel.

BY CAPTAIN DEMERS.

Q.—Tell him, in view of his answers as a wheelsman, that I have been a sailor also. I want him to understand the questions I am going to put to him will be to the point? A.—Yes sir.

Q.—Ask him how many windows there are in the wheelhouse? 20
A.—Two square glasses and two port lights.

Q.—The two with glasses, the square ones, were right in front of him?
A.—Yes.

Q.—And the ports were on the side? A.—One on each side—one door on each side.

Q.—He said two windows and two doors did he? A.—Two ports.

Q.—How many doors? A.—Two doors.

Q.—On each side? A.—Yes sir.

Q.—How high is the bottom of that window with respect to him and the men on the bridge? A.—About one metre. 30

Q.—Then from your wheel you could see plainly outside, all those standing on the bridge? A.—Yes, on the front of the bridge.

Q.—And if he saw somebody on the front of the bridge how much of that person would he see from the wheel? A.—From here, just above the waist line.

Q.—There were four people on the bridge, he said yesterday, and he saw plainly the second captain? A.—He said yesterday he could have been on the side of the bridge—that he could not see him.

Q.—What is the width of the front partition of the wheelhouse to the door, either door whether port or starboard? A.—Not a big distance. 40

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 18.
Evidence of
Alphonse
Serre,
Cross-Ex-
amination.
Continued.

Q.—Then with a person standing there in that space, which is closed, could he not see that person? A.—It is according to what situation he would be in.

Q.—Does he stand right behind the wheel when he steers there?

A.—Yes.

Q.—How many turns has he got to give to that wheel in order to put it hard aport or hard astarboard? A.—Four turns about, 4 or 5.

Q.—When he was given some course to steer, points of land, or any object of any kind, did he constantly keep his eye on that point and not look at his compass? A.—Yes, he used to look at that point of land and the bow 10 of his ship.

Q.—Whilst he was looking at the bow of the ship could he not see other objects besides the point of land? A.—He did not pay any attention to it—he was looking at the bow of the ship and the point which he was to steer on.

Q.—In order to keep his ship right on the point which he was directed to steer for; it is necessary to watch the bow of the ship in case it deviates? A.—You have to look at the bow of the ship to see if she goes to starboard or port.

Q.—He did not keep his eye on that point of land then did he? A.—He 20 is taking the bow by the point.

Q.—And he did not watch out for some other orders when a certain time had elapsed steering on that object in order to get n, to get some from either the pilot or the master? A.—He used to keep his eye there—he used to give a sharp look.

Q.—During that rapid look he was taking could he not see anything else but the point of land? A.—He did not pay any attention to that.

Q.—Were those two windows open? A.—One open.

Q.—Which one? A.—The one which was just abreast of him—a big 30 glass like that (Indicating one in Court Room).

Q.—Then there were three windows in his wheelhouse? A.—No, only two—there was just a small partition in front of him.

Q.—Only one open? A.—Yes sir.

Q.—And the other one, the glass was very dirty? A.—Clear.

Q.—There was nothing to obstruct his view—to obstruct him from seeing things in front? A.—No, could see the ship steering well.

Q.—In view of the fact there was one window open did he not hear any command given in English? A.—He did not pay any attention to that.

Q.—You seem to be a remarkable wheelsman—don't seem to have seen anything besides the steering of the ship? A.—He said he had enough 40 to do to steer the ship.

Q.—The ship was steering very badly? A.—Steered well.

Q.—No difficulty in keeping her straight? A.—No, steering well the way he ordered.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 18.
Evidence of
Alphonse
Serre,
Cross-Ex-
amination.
Continued.

Q.—How long did he stay at the wheel when the collision took place—how long was he at the wheel? A.—He was there since 8 o'clock.

Q.—How long did he remain at the wheel after the collision happened?

A.—He stayed there until the captain gave him orders to leave.

Q.—How long? A.—He does not know—he found the time long at that moment.

Q.—Did he not leave the wheel at the moment the collision took place?

A.—After the other one had left—had come out of the Imo—when he saw the smoke.

Q.—I thought I understood from his evidence yesterday he left the wheel 10 right away? A.—No.

Q.—When he left the bridge had everybody left also? A.—He says the captain was there—he came on the starboard side, and he does not know if there was anybody else.

Q.—When he got in the boats was there anybody yelling from his boats, giving some orders, or shouting? A.—In his boats there was an officer—the other side there was the captain and petty officer—there was the first lieutenant in his boat.

Q.—Which boat was that? A.—Starboard.

Q.—That was between the Imo and the Mont Blanc? A.—Yes. 20

Q.—From that boat was there anybody giving a call of warning at all, or shouting? A.—He said he used to make signs to all the boats in the vicinity to go away.

Q.—How was it done? A.—By signs.

Q.—Who made the signs? A.—The officer who was there and everybody.

Q.—Just signs, no shouting at all? A.—They shouted in French to go away; but he does not know if they understood.

Q.—Did he ever hear while he was at the wheel, the second captain give any orders in French from steering? A.—No sir, there was the captain 30 who gave him all the orders.

Q.—Did he ever see the pilot wave his hand one side or the other? A.—The pilot was on the bridge; but he was not looking to the pilot—he was looking at the captain.

BY CAPTAIN HOSE:

Q.—I understood from the helmsman, that a little time before the collision he received an order from the captain all to port, is that so?

A.—Yes.

Q.—Just a moment before that order did the helmsman see the Imo?

A.—Yes. 40

Q.—Would he take the two models and just show us the position the Imo was in with respect to his ship at that moment? A.—He don't remember exactly—he could not give it now.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No 18.
Evidence of
Alphonse
Serre,
Cross-Ex-
amination.
Continued.

Q.—Was the Imo right ahead of the Mont Blanc? A.—No, she was not on the bow because the collision came on the starboard.

Q.—Is his recollection of—at the moment when the captain told him to go all to port, what was the position of the Imo at that time when he saw it? A.—The Imo was coming on to them—he was going astern but too late.

Q.—In what direction was he coming on to them, on to their starboard side or starboard bow or how? A.—On the starboard side.

Q.—Was the Imo steering straight towards their starboard side or across the course of the Imo? A.—That he could not say. 10

Q.—Could he see the starboard side, or right into her stem, or bow—of the Imo? A.—He saw the port side.

Q.—He could see her port side? A.—Yes.

Q.—If they had not altered course to port—if they had gone on steering as they were before the captain gave the order all to port, does he think there would have been a collision—if they had not altered the course to port? A.—Yes, then the collision was inevitable because he was too near.

Q.—If they had not altered course to port would the Mont Blanc have run into the Imo or would the Imo have run into the Mont Blanc,—which? A.—That he does not know. 20

Q.—Then how could he tell there would have been a collision if he does not know it would have occurred? A.—Because he saw her right close to them.

Q.—But ships can get quite close without necessarily coming into collision? A.—That he does not know.

Q.—The fact of whether there would have been a collision depends on how the Mont Blanc was steering and how the Imo was steering, and he could have seen, if they continued on their courses, whether he would have run into the Imo or whether the Imo would have run into him? A.—He says he cannot say. 30

BY CAPTAIN DEMERS:

Q.—When he got the order to put his helm hard to port what speed was the Mont Blanc going through the water at the time? A.—He could not see outside—he could not say.

Q.—How quickly did the Mont Blanc answer that babord tout? A.—Until the Imo struck her.

Q.—What change had been made from the direction, at that point? A.—He saw the bow swing; but he cannot say how much.

Q.—Did the bow swing rapidly or slowly? A.—He don't remember. 40

AND FURTHER DEPONENT SAITH NOT.

J. T. ROWAN, E.
Official Reporter.

RECORD.

No. 19.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

ANTOINE LeGAT, CHIEF ENGINEER OF THE S. S. MONT
BLANC BEING CALLED AS A WITNESS AND DULY SWORN,
DOTH DEPOSE AND SAY AS FOLLOWS:—

(THROUGH MEDIUM OF FRENCH INTERPRETER).

No. 19.
Evidence of
Antoine
LeGat,
Direct-Ex-
amination,
by Mr.
Henry K. C.

BY MR. HENRY, K. C.

Q.—What was his position on the Mont Blanc? A.—Chief Engineer.

Q.—How long has he been Chief Engineer? A.—Four years.

Q.—Holds the necessary certificates? A.—Yes, first class engineer.

Q.—That is the certificate he has? A.—Yes sir.

Q.—How long had he been on board the Mont Blanc? A.—This is
the first trip. 10

Q.—And the voyage commenced in France? A.—Bordeaux.

Q.—Then his trip to the United States was the first trip he made in the
vessel? A.—Yes.

Q.—He remembers the morning of December 6th? A.—Yes.

Q.—Ask him if his log and slate, or any papers upon which he kept re-
cords are saved? A.—Nothing.

Q.—Nothing saved? A.—No sir.

Q.—Ask him when he went on duty on the morning of the 6th December? 20
A.—He is always on duty as Chief Engineer.

Q.—Was he in the engine room from the time they started from the
anchorage on the morning of the 6th? A.—Yes.

Q.—And until the collision? A.—Yes sir, he was the last.

Q.—Did he go up on deck at all between the time they left anchorage
until after the collision? A.—No.

Q.—Can he remember the orders that he received on the telegraph that
morning? A.—Yes.

Q.—Does he remember the time which they got under weigh that morn-
ing? A.—They left the anchorage at 7.50 by his engine room time. 30

Q.—Was there any difference between the engine room time and the
ship's time? A.—No, the same time.

Q.—Can he give us the orders that he received from the bridge that
morning? A.—He remembers the last ones.

Q.—Ask him to give them to us, the last orders starting as far back as
he can go? A.—The last order was half speed, then slowly ahead, stop,
full speed astern.

Q.—How long in his estimation, or recollection, between half speed
and the collision—what time elapsed? A.—It is a very short time.

Q.—What is his idea? A.—May be three minutes.

40

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

*No. 19.
Evidence of
Antoine
LeGat,
Direct-Ex-
amination.
Continued.*

Q.—How long after the half speed did he get the slow? A.—They were at half speed since quite a while, nearly since the departure—they made different manoeuvres when they took the anchor up, full speed astern and astern half speed.

Q.—Then we did not understand each other when we spoke of three minutes—what was it he gave us the estimate of three minutes about? A.—Between half speed which was on, and stop and full speed astern.

Q.—That is to say he estimates three minutes between the end of the half speed and the stop? A.—Full speed astern.

Q.—That is right? A.—Yes, about—half speed forward, slow, stop, 10 full speed astern and stop.

Q.—The whole of that took about three minutes? A.—About that.

Q.—What order was in force at the moment of the collision? A.—They were stopped.

Q.—Did he feel the shock of the collision? A.—Yes.

Q.—How long before the collision had they been at the stop?

A.—Nearly immediately.

Q.—Could he hear the whistles of his own ship? A.—They don't pay any attention to the whistles.

Q.—And of course he did not hear the whistles of the other ship? 20

A.—He heard some whistles; but they never interest themselves with whistles.

Q.—Does he know what the speed of his ship is at full speed? A.—Yes.

Q.—What? A.— $7\frac{1}{2}$ knots in calm weather.

Q.—Is that loaded or light? A.—Full or light there is not much difference.

Q.—Going full speed what revolutions does the engine make?

A.—56 to 58.

Q.—What is the steam pressure for full speed? A.—12 kilos in French. 30

Q.—What is the pressure per square inch on his boilers? A.—They turn kilos by square centimetres.

Q.—That is the pressure per square centimetres? A.—Yes sir.

Q.—What kind of a propeller did this vessel have? A.—Four blades.

Q.—Can he give us the pitch of the propeller? A.—He had no papers giving him any information of the machinery.

Q.—And he did not have any opportunity of examining the screw of the propeller? A.—No sir.

Q.—Is the speed of $7\frac{1}{2}$ knots that he gave us what he found out himself, or what he was told by somebody else? A.—It is all they have been 40 able to obtain by fine weather.

Q.—Can he give us the best day's run he made coming across the Atlantic? A.—In fine weather, in 24 hours she has given $7\frac{1}{2}$ knots of an average.

Q.—That is the best they were able to get? A.—Yes sir.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

*No. 19.
Evidence of
Antoine
LeGat,
Direct-Ex-
amination.
Continued.*

Q.—What was the horse power of his engines? A.—He has no papers telling him the power of the engines sir.

Q.—What would he estimate the power of the engines? A.—He has made the calculations for the voyage across to New York.

Q.—What would he say—what did he find the power of the engines to be? A.—About 900 horse power, scarcely 900 (indicated).

Q.—That was the power developed on the voyage? A.—Yes, the power developed during the whole voyage was 900 horse power.

Q.—Ask him if he is giving us what is the equivalent of the English horse power? A.—Each horse power is 75 kilogrammetres—at one 10 metre per second.

Q.—Does he know how old the engines were? A.—19 years.

Q.—Ask him if they were in good condition? A.—Very good condition.

Q.—Did he have any accidents going to New York or coming down here? A.—None whatever.

Q.—Can the engine be reversed quickly? A.—Instantly.

Q.—Does the screw have the same force going astern as going ahead? A.—About the same.

*By Mr.
Mellish,
K. C.*

BY MR. MELLISH, K. C.

20

Q.—Who had charge of the engines the morning of the collision—who was working the engines? A.—Mr. Brun, the third engineer.

Q.—He was actually doing the work? A.—Yes.

Q.—And from what source does he get the evidence which he has been giving us—how does he know the signals etc.? A.—There is a telegraph in the engine room.

Q.—Was he in the engine room during the time he has spoken of? A.—Yes.

Q.—He was always on duty; but it was not his particular watch in the engine room was it—at the engines? A.—No, as Chief Engineer he is 30 always on duty, and he never leaves the engines while they are manoeuvring.

Q.—Who took the signals? A.—Mr. Brun.

Q.—Ask him if he ever operates the engines himself, and takes signals, or does he always leave it to the engineer of the watch? A.—It is always the officer on duty—there is always an officer on duty at the engine, and he is only there to see it is done right.

Q.—He is never at the engine personally? A.—There is always the officer on duty to run the engines.

RECORD, BY MR. BURCHELL, K. C. (CROSS EXAMINATION).

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District
—
No. 19,
Evidence of
Antoine
LeGat,
Cross-Ex-
amination
by Mr.
Burchell,
K. C.*

Q.—Ask him if he was the last to leave the ship after the collision?

A.—Yes.

Q.—Ask him if he remained down in the engine room after the collision, after everybody else had left? A.—He stayed in the engine room waiting for orders from the captain.

Q.—After everybody else had left? A.—When he left the engine room he lifted up the safety valve of the starboard boiler.

Q.—Ask him if he was not the last to leave the engine room? A.—Yes.

Q.—And the signal came down to leave and he remained to do some 10 thing else after the others had left? A.—Yes.

Q.—If he had got a signal from the bridge to go full speed ahead that could have been carried out easily? A.—Yes, any manoeuvre at all.

Q.—He got not such signal? A.—No, neither astern nor ahead.

Q.—They shouted to him two or three times to come on deck? A.—Yes sir, once.

Q.—The other men came ahead of him—he remained some little time down below after the other men had left? A.—He stayed in the engine room the last.

Q.—When they were getting the anchor up, leaving anchorage, they 20 necessarily went full speed ahead? A.—They have made different manoeuvres, several manoeuvres.

Q.—Has he any idea how far the steamer travelled from the time they got away from the anchorage that morning until the time of the collision—can he form any estimate? A.—He did not see anything.

Q.—Coming from New York to Halifax had they pretty good weather? A.—They had bad weather more than good weather.

Q.—Does he know when they left New York? A.—Yes.

Q.—What time? A.—11 p. m. December 1st.

Q.—That is the time they left the wharf? A.—No, the road at 30 Gravesend Bay.

Q.—What time did they arrive at the anchorage off Halifax?

A.—December 5th.

Q.—The anchorage outside, the night before the collision? A.—Between 5 and 6—he does not know exactly.

Q.—That is Wednesday night? A.—Yes, the fifth.

Q.—The engines worked well at half speed? A.—Yes sir, very well.

Q.—Did he ever test out to see how fast they could go at half speed—did he ever try to measure the distance? A.—Half speed may be four 40 knots.

Q.—May be a little more? A.—Not much more.

RECORD. BY CAPTAIN DEMERS:

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 19.
Evidence of
Antoine
LeGat,
Cross-Ex-
amination,
Continued.

Q.—He said they had bad weather coming from New York to Halifax?

A.—Heavy weather.

Q.—Did the ship roll heavily? A.—No, not much—the water used to come on deck.

Q.—The cargo that was stowed on deck was not damaged at all?

A.—No.

Q.—You have not smelt anything of that liquid being carried into the cargo forward? A.—No.

BY CAPTAIN HOSE:

10

By Captain
Hose.

Q.—What part of New York did they leave from finally? A.—The road of Gravesend Bay—Gravesend Road.

Q.—What time did they leave? A.—11 p. m. December 1st.

Q.—And they went full speed immediately then and continued full speed until they got to Halifax? A.—Always full speed as far as Halifax.

By Mr.
Mellish,
K. C.

BY MR. MELLISH, K. C.

Q.—How would he sink the ship if he wanted to sink her? A.—They had nothing whatever to sink the ship on board.

Q.—No sea cocks? A.—No.

Q.—Ask him if there is a hole in the bottom of the vessel, below the floor of the engine room? A.—They have a suction pump in the engine room in case of a leak, in case of the ship springing a leak, to pump the water out of the ship.

Q.—Supposing they wanted to let the water into the ship, and sink the ship, is there no means of doing it—could the engineer not do it in any way? A.—They would have to take some part of the engines.

Q.—I thought there was a simpler process than that to get the water into the ship—is there no place where they could remove something, a covering? A.—They would have to take some piece of machinery to let the water in.

30

Q.—Is it a piece of machinery or a plate? A.—They would have to unscrew a check valve or a section, the doors of the condenser and the visiting doors of the circulating pump.

Q.—How long would that take? A.—To unscrew it would take one hour, to fill up the engine room, the stoke hold and the tunnel it would take 5 or 6 hours.

Q.—How long would it take to let the water into the ship to get the ship in such a position—to get enough water into the ship to sink her? A.—Five or six hours.

RECORD. BY MR. BURCHELL, K. C.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.
No. 19.
Evidence of
Letour,
Cross Ex-
amination.
Continued.

Q.—Ask him if he could see the signals that came down—how were they signalled down from the bridge to the engine room? A.—It was on the side of the engine room right close to the levers.

Q.—Anybody could see it? A.—It was about this diameter—(indicating).

Q.—Round? A.—Yes.

Q.—Would a bell ring? A.—Yes, at each change of speed it rings—each signal—any time they change the telegraph there is a ring goes.

Q.—It was in plain sight—he could see it himself that morning? A.—Yes, anybody who was there could see it. Even if he would be a little up stairs on the first floor he could see it.

Q.—As he received a signal from the bridge in the engine room was it repeated back to the bridge, to see it was right? A.—Yes, and at the same time they were repeated by the speaking tube.

Q.—Did he do that himself personally? A.—No, it is the officer on duty does it.

Q.—He did hear it? A.—Yes.

Q.—And who would speak on the bridge—who would he speak to on the bridge? A.—To the signal man—to the man who was on the bridge—Mr. Leveque, who was there then.

Q.—The signal had a tube alongside of it? A.—Yes.

Q.—The man giving the signal had a tube alongside of him? A.—Yes, alongside the telegraph—even on the bridge you can hear him speak from the engine room—you can hear on the bridge what they are saying.

Q.—Anybody on the bridge can hear the signals that are repeated back from the engine room? A.—Yes.

Q.—The man on the bridge would first use the telegraph instrument on the bridge? A.—Yes.

Q.—Then a bell would ring in the engine room, and a signal would appear on the recording instrument in the engine room? A.—Yes.

Q.—Then the man down in the engine room would repeat the signal back to the bridge? A.—Yes sir.

Q.—And would the same man telephone up, or another man altogether? A.—As a rule they say bien, well—when they repeat from the engine room to the telegraph the officer on the bridge signals first to the engine room well.

Q.—Would the same man who repeated the signal back to the bridge also speak through the tube? A.—Yes, when he goes to repeat, if they got slowly ahead, *avant lanterment*.

AND FURTHER DEPONENT SAITH NOT.

J. T. ROWAN, E.
Official Reporter.

RECORD.

No. 20.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

LOUIS BRUN, THIRD ENGINEER OF THE S. S. MONT BLANC,
BEING CALLED AS A WITNESS AND DULY SWORN, DOTH
DEPOSE AND SAY AS FOLLOWS:

(THROUGH MEDIUM OF FRENCH INTERPRETER).

No. 20.
Evidence of
Louis Brun,
Direct-Ex-
amination
by Mr.
Henry K. C.

EXAMINED BY MR. HENRY, K. C.

Q. - What position does he occupy on the *Mont Blanc*? A. - Third engineer.

Q. - Has he a certificate? A. - Yes he had a third class certificate.

Q. - How long was he aboard the *Mont Blanc*? A. - Nine months. 10

Q. - And he was there longer than the chief engineer? A. - Yes.

Q. - Was he on duty the morning of the 6th December? A. - Yes, he took duty at 6 that morning.

Q. - Does he remember when she got under weigh? A. - Yes.

Q. - When? A. - 10 to 8, or a quarter to 8.

Q. - By the engine room clock? A. - Yes sir.

Q. - Does he remember the signals which were received covering the period shortly before the collision? A. - He does not remember, they have made so many.

Q. - In the last five minutes before the collision? A. - Half speed. 20

Q. - After that what followed? A. - Slowly.

Q. - Any after that? A. - Stop.

Q. - And any after that - was there a reverse signal? A. - Full speed astern.

Q. - Any after that? A. - Stop.

Q. - What was the last one he received just before the collision?
A. - Before the collision they were going astern.

Q. - How long before the collision? A. - He could not state the time because he was busy with the machinery relatively short.

Q. - Ask him if, on receiving these various signals, he repeats them back
to the bridge? A. - The same signal which they receive in the engine
room they repeat to the bridge. 30

Q. - By what means? A. - With the telegraph

Q. - Did he repeat it also by the sound of his voice? A. - They say
it also by the speaking tube.

Q. - On receiving these signals were they executed properly in the
engine room? A. - Immediately.

Q. - In every case? A. - Yes sir.

Q. - Ask him if the engine responds quickly? A. - Very well, in-
stantly. 40

Q. - Ask him if he felt the shock of the collision? A. - Weakly.

- RECORD. Q.—Did he realize that a collision had happened when he felt this shock? A.—No sir.
- In the*
Examination
Case of
Canada,
North Scotia
Admiralty
Director.
No. 20.
Evidence of
Louis Brun,
Director-Ex-
amination.
Continued.
- Q. He did not know what it was? A.—No.
- Q. Ask him what the maximum of the ship was during the nine months he was aboard of her? A.—7 or $7\frac{1}{2}$ knots.
- Q. Has he ever known the Mont Blanc to travel at a greater speed than $7\frac{1}{2}$ knots during the 9 months he was aboard of her? A.—No.
- Q.—How many revolutions of the engines would they have to go in order to get $7\frac{1}{2}$ knots? A.—57 or 58.
- Q.—Does he know the horse power of the engines? A.—He never 10 made the exact calculation.
- Q.—Did he hear the whistles, the signals that were made from the bridge? A.—He heard some whistles; but he did not pay any attention to them.
- Q.—Do they ever pay attention to the whistle signals? A.—No, because when they go to a port they don't pay any attention.
- Q.—Was he on deck between the time they left anchorage that morning until the collision? A.—No.
- Q.—Ask him whether he entered upon the scrap log or slate, or blackboard, the signals which he received that morning? A.—Yes, they put 20 on the blackboard, not all the movements but that they were leaving the anchorage and starting.
- Q.—Did he have half speed on the blackboard that morning—did he enter that? A.—He does not remember—he was busy with the engines.

By Mr.
Mellish,
K. C.

BY MR. MELLISH, K. C.

- Q.—Was there any record made on the blackboard that morning? A.—Yes.
- Q.—What was there? A.—They marked the warming up of the engines, stand by, the departure.
- Q.—And anything else? A.—And he put also when they started to 30 go ahead.
- Q.—Can he tell the last entry that was put on the blackboard that morning? A.—The last he put on was half speed.
- Q.—What was the next order he got after he entered this one on the blackboard? A.—Slowly after half speed.
- Q.—Was this recorded on the blackboard, this slowly? A.—No.
- Q.—Why not? A.—He had no time.
- Q.—Who makes those entries, he himself? A.—The officer of the watch does it as a rule.
- Q.—That would be himself in this case? A.—Yes. 40

RECORD. BY MR. BURCHELL, K. C.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 20.
Evidence of
Louis Brun,
Direct-Ex-
amination.
Continued.

Q.—Do I understand him to be the man that marks down the signals on the blackboard? A.—When he is on duty.

Q.—He was on duty this morning? A.—Yes sir.

Q.—He would see them on the telegraph instrument? A.—Yes.

Q.—And go right to the board and mark them down? A.—They answer the telegraph and move the engines accordingly immediately.

Q.—Does he run the engines? A.—When he gets his signals from the telegraph he answers the telegraph and goes to put his engines to the signal which is given him. 10

Q.—Does he operate the engine as well as mark it on the blackboard—is that party of his duty? A.—Yes, it was his duty, but after the engine has been put in order and the signal has been executed, then he goes to the board and marks it.

Q.—Who else was in the engine room? A.—The chief engineer.

Q.—Only two of them? A.—Yes sir

Q.—Has he a right handed propellor? A.—He does not know—right handed—the engine was turning to the right.

Q.—The engine turns to the right and the propellor? A.—The engine turns to the right. 20

Q.—Ask him if at any time before the collision, either the pilot or the captain were speaking through the speaking tube to him from the bridge? A.—No.

Q.—The only man that was speaking through the speaking tube was Mr. Leveque? A.—Yes.

Q.—Ask him if he marks down on the blackboard the minute or the time he gets signals as well as the signals themselves? A.—Yes.

Q.—The chief engineer could see that? A.—It is for that purpose.

Q.—For the chief engineer to see it? A.—Yes sir.

Q.—How quickly after the collision did he hear the order to leave the ship? A.—He does not know exactly, about 8 or 10 minutes. He says he don't remember. 30

Q.—Was it not very quickly after?—quickly after the collision that he heard a holler to come up and leave the ship? A.—No sir.

Q.—So quite a little time elapsed before he knew there was a fire on board the ship—after he felt the collision, quite a little time elapsed before he got orders to come up on deck to leave the ship? A.—Yes, at least 8 minutes.

Q.—And he was down below in the engine room all the time? A.—Yes sir. 40

Q.—And any order that came could be executed—there was no trouble with the engines at all? A.—No.

Q.—After the collision did he get any orders on the telegraph? A.—No.

Q.—No orders of any kind? A.—The orders were to come up.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 20.
Evidence of
Louis Brun,
Direct-Ex-
amination.
Continued.

Q.—I am asking of the signals he got on the telegraph after the collision with regard to his engines? A.—Stop.

Q.—There was only one signal given after the collision—is that it? A.—Yes, stop.

Q.—How quickly was that after the collision? A.—About the same time—he had the order stop and the collision came on.

Q.—No change made in the engines from that time until he left the ship? A.—No.

Q.—And he got no orders of any kind from the bridge? A.—No.

Q.—Either through the speaking tube or on the telegraph? A.—It is not by the speaking tube they advised him.

Q.—Did he get any orders either through the speaking tube or by the telegraph? A.—No.

Q.—There was lots of time to carry out any orders—he was there waiting for orders? A.—Yes.

Q.—Who was it told him to come up on deck? A.—The second captain.

Q.—When he come up on deck what was the condition—had the men got in the boats? A.—Yes.

Q.—Everybody in the boats? A.—No, there were two went in his boat after him.

Q.—What two were they? A.—The third lieutenant who was chief of the boat and a sailor.

Q.—Had the other boat left the ship? A.—He did not see it.

Q.—Did not see the other boat at all? A.—No sir.

Q.—Does he know when the boat left? A.—No.

Q.—Was it before he came on deck or afterwards? A.—He does not know—he did not see it.

Q.—Did the chief engineer go on that boat? A.—No.

Q.—He came up before the chief engineer? A.—Yes sir.

30

BY CAPTAIN DEMERS:

Q.—He says the last entry he made on the blackboard was half speed? A.—Yes.

Q.—And then the next order received from the bridge was full speed astern? A.—Slow.

Q.—That was not entered? A.—No.

Q.—What was the next order? A.—Stop.

Q.—And after that? A.—Full speed astern.

Q.—Full speed astern, after stop? A.—Yes sir.

Q.—Did he enter that full astern on the blackboard? A.—No.

Q.—Why? A.—He did not have time.

Q.—Had the collision happened then? A.—He was stopping the engines when the collision came on.

40

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 20.
Evidence of
Louis Brun,
Direct-Ex-
amination.
Continued.

Q.—The collision happened when he stopped the machine and he got the order full speed astern? A.—It is when he had stop on the collision happened.

Q.—When he got the order full speed astern was it not important enough to enter it on the blackboard? A.—Yes, sir.

Q.—Why was it not entered what interval of time between the full astern and the stop? A.—50 seconds.

Q.—Was there not time to enter the movements of the engines then? A.—When he gets an order of full speed astern he does not move.

Q.—He thought it strange to get that order at that time? A.—No. 10

Q.—What is the use of that speaking tube with the telegraph?

A.—It is to repeat that the signal has been right on the telegraph, and speaking to the bridge sometimes. Asking the time and so on.

Q.—The telegraph on the engine room is similar to the telegraph on the bridge? A.—Yes.

Q.—Whatever order is on the telegraph on the bridge it is repeated in the engine room at once? A.—Yes.

Q.—And the signal to the engine room is repeated from the engine room to the deck? A.—Yes.

Q.—And there are bells both on the bridge telegraphs and the engine 20 room telegraph? A.—Yes.

Q.—What is the use of repeating that order by the telegraph and by the speaking tube? A.—It is more security.

Q.—Were the bells of either telegraph not working that morning? A.—Yes, it was working alright; but it always has been the custom.

Q.—It has been followed all the time since he has been on that ship? A.—Yes sir.

Q.—He was not certain whether his propellor was right handed or not? A.—He does not know exactly—he never saw his ship dry.

Q.—Can he not tell—does he not know what way the shaft is turning 30 going full speed ahead? A.—Right.

Q.—Then the screw is right handed if the shaft turn to the right? Yes.

Q.—It is a funny answer from an engineer to say he does not know how his screw turns? A.—Right handed.

BY CAPTAIN HOSE.

Q.—You say half speed was the last order you entered on the blackboard? A.—Yes.

Q.—And that the next order you received was slow? A.—Yes sir.

Q.—And that you did not enter this on the blackboard because you had 40 not time? A.—No.

Q.—How long does it take to reply to the order slow from the bridge, and to execute the order on the engines? A.—Immediately. 30

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 20.
Evidence of
Louis Brun,
Direct-Ex-
amination.
Continued.

Q.—Do you usually, after executing the order, go to the blackboard and enter the last order you execute? A.—Yes, but as it was going in a river I was not allowed to leave the place of manoeuvring.

Q.—Is that the reason why he did not enter the order slow, because he was not allowed to leave or was it because he did not have time to enter it before the next order? A.—Yes, it was because he would not leave his place, they were manoeuvring and it takes a little time.

Q.—Would he have had time to enter that order slow before he got the next order stop? A.—No, he had no time.

Q.—He would not have had time? A.—No sir. 10

Q.—Even if he had wanted to? A.—No, he would not have been able to do it even if he had wanted to—he did not have the board near him.

Q.—What distance away was it? A.—About three yards from the engine.

Q.—How long does it take him generally to put an entry on the board and then be ready for the next order? A.—One minute.

Q.—And yet the board is only three yards away from him? A.—The time to look at the watch and put it on.

BY CAPTAIN DEMERS:

Q.—Was there an oiler on watch? A.—Yes sir. 20

AND FURTHER DEPONENT SAITH NOT.

J. T. ROWAN, E.

Official Reporter.

COURT ADJOURNED 12 TO 2 p. m.

No. 21.
Evidence of
Joseph
Babineau,
Direct-Ex-
amination
by Mr.
Henry K. C.
December
20th, 1917.

No. 21.

December 20, 1917.

PURSUANT TO ADJOURNMENT THE COURT MET AT 2 p. m. JOSEPH BABINEAU, CHIEF STEWARD OF THE S. S. MUSQUASH BEING CALLED AS A WITNESS AND DULY SWORN DOTH DEPOSE AND SAY AS FOLLOWS:— 30

EXAMINED BY MR. HENRY:

Q.—You are on the Musquash and were on the day of the explosion? A.—Yes.

Q.—What capacity? A.—Chief Steward.

Q.—And the Musquash is a Canadian Government steamer? A.—Chartered by the Government.

- RECORD. Q. And she was lying where on that morning? A.—Dry Dock wharf on the outside.
- In the Exchequer Court of Canada, Nova Scotia Admiralty District.*
No. 21.
Evidence of Joseph Babineau, Direct-Ex-amination, December 20th, 1917.
Continued.
- Q. And in what relation to the Douglas H. Thomas? A.—Behind.
- Q. Further South? A.—South.
- Q. And in about the same range? A.—About the same range.
- Q. Did you see these ships at all before the collision? A.—I seen the Mont Blanc after she passed the High Flyer, she was right abreast of our ship.
- Q. What part of the harbour? A.—About the middle as near as I could see. 10
- Q. Did you see the Imo at the same time? A.—No.
- Q. She was not in sight of you? A.—I never saw her.
- Q. Where did you see that from, what part of your ship? A.—I would be nearer the bow of our ship.
- Q. Did you watch the Mont Blanc for any length of time? A.—Five minutes or so; someone said she had a heavy cargo and I made a remark she had a slight starboard list.
- Q. Hear any signals given by her? A.—Not then.
- Q. What about her speed? A.—She was moving along about half speed I would think. I don't know what her speed would be. 20
- Q. Are you accustomed to estimating speeds of vessels? A.—From land on the other side it would be between four and five miles.
- Q. How long was that before the collision do you think? A.—About 10 or 15 minutes; probably 15.
- Q. What did you do? A.—I went back in the kitchen then.
- Q. How long before the collision did you come out? A.—It might have been 10 minutes or so.
- Q. You were 10 minutes in the kitchen! A.—Yes.
- Q. How long before the collision did you come out of the kitchen? A.—They were pretty near together then. 30
- Q. How close do you think? A.—The Imo was behind the Mont Blanc and I could not judge the distance.
- Q. Which was nearest to you? A.—The Mont Blanc.
- Q. Which way was she then heading? A.—The second time I seen the Mont Blanc she looked as if she altered her course, pointing in towards 8 or 9 pier.
- Q. Obliquely up the narrows? Anglewise? A.—Pointing towards the Narrows.
- Q. Was she pointing outside or square for the piers? A.—From where I was, pointing for 8 or 9 piers. 40
- Q. And it was then her port side which was nearest to you? A.—Yes.
- Q. And which was the Imo heading? A.—Pointing almost direct to us.
- Q. And therefore pretty nearly at right angles to the other ship, or what angle to the other ship at that time? A.—Cutting right in on her forward hatches.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 21.
Evidence of
Joseph
Babineau,
Direct Ex-
amination,
December
20th, 1917.
Continued.

Q.—You saw the collision itself? A.—Yes.

Q.—Hear any noise? A.—Heard nothing.

Q.—How would the wind be? A. Blowing off from us; blowing away.

Q.—Could you tell whether the bow of the Mont Blanc shifted from the impact of the collision? A.—Yes, practically turned her crosswise in the harbour.

Q.—More towards you? A.—Yes, More towards us.

Q.—You were below pier 6? A.—Yes.

Q.—She never presented her starboard side to you at all? A.—No, 10 never saw it.

Q.—Could you tell whether before, or at the moment, or after the collision, the engines of the Mont Blanc were going astern? A.—No, all I know she was standing still, not moving.

Q.—At the time of the collision? Just when she hit? A.—She stood still from that on, for some minutes.

Q.—She moved across to the Halifax side? A.—That was after.

Q.—Did she appear to gather some way after that? A.—Yes, seemed to pick up speed; going ahead in towards No. 6.

Q.—Did you watch her until she was in No. 6? A.—Yes. 20

Q.—Any wake from her propellor? A.—You could not see any foam from where we were.

Q.—Did she look like a ship moving under the action of her propellor or drifting? A.—That was what I was wondering; the Imo seemed to be handy when she started and I said to someone, I wonder if the Imo is going to help her into pier 6.

Q.—And you could not tell from actually looking whether under the effect of the propellor or merely drifting? A.—I could not tell.

Q.—You didn't see the injury that was inflicted on the Mont Blanc by the Imo? A.—No. 30

Q.—Did you see smoke rising after the collision? A.—We watched the ship and the only thing we remarked we thought she was settling by the bow.

Q.—Was there smoke coming up from her? A.—Five minutes afterwards a gush of smoke and then flame.

Q.—You saw that over the port side? A.—Yes.

Q.—There may have been low down flames you would not see? A.—Might have been.

BY MR. MELLISH:

Q.—Were you lying right against the pier? A.—No, there were two 40 big ships in between us and the pier; we were on the outside; and two big ships, Middleham Castle and McKee were lying there.

RECORD. Q.—What would their beam be approximately? A.—About fifty feet.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—You then were on the southern end of the dry Dock? A.—We were at the southern end of the Dry Dock and the Douglas H. Thomas lay ahead of us; same place.

Q.—And both south of the Sugar Refinery wharf? A.—Yes.

Q.—Lying with head up stream? A.—Bow North.

No. 21.
Evidence of
Joseph
Babineau,
Direct-Ex-
amination,
December
20th, 1917.
Continued.

Q.—And when you saw the Mont Blanc first, as I understand you, you estimated she was about the middle of the harbour? A.—Yes.

Q.—Right abeam? A.—Yes, right abeam of us. 10

Q.—And the High Flyer on your starboard quarter? A.—Yes.

Q.—What part of the harbour was the High Flyer lying in, in relation to the banks; in the centre? A.—I imagine more to the Halifax side; not far off the Dock Yard.

Q.—Was the Mont Blanc far from the High Flyer when you saw her? A.—She looked to be passing quite close on the Dartmouth side looking from where we were; she was just past the High Flyer.

Q.—And looked as if she had passed on the Dartmouth side? A.—Yes.

Q.—Then you went into the kitchen after looking at her? A.—Yes, and after passing a few remarks. 20

Q.—Who was in company with you? A.—He is dead; the second cook.

Q.—You estimated you stopped in ten minutes? A.—About that.

Q.—And on your return what was the first thing you saw? A.—The Mont Blanc and the Imo which I knew were certainly going to bump.

Q.—By that time how far up the harbour had the Mont Blanc got? A.—I imagine nearly up to No. 6 pier, only not in the same course—she altered her course; her head was swung more towards the upper piers when I saw her next.

Q.—In your estimation when you saw her the second time she would be about opposite pier 6 and heading about towards pier 9? A.—I don't know whether 9 exactly; but pointing into the land.

Q.—9 is the furthest out? A.—I could not say whether 9: 8 or what; she was not going up as straight as when I saw her first; she changed her course and was running more in towards the land.

Q.—In relation to the Mont Blanc where was the Imo? A.—Right from where I was behind the Mont Blanc.

Q.—Imo abeam of her? A.—They were so close together when I came out of the kitchen the second time the Imo was pointing between her fore-castle head and the bridge. 40

Q.—How did the Imo show to you? Show her masts in line? A.—I could see her bow over, she was a much higher ship than the Mont Blanc.

Q.—Was she heading towards you about bow on? A.—Yes, bow pointing towards us.

Q.—Masts practically in line? A.—I never noticed her after mast.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 21.
Evidence of
Joseph
Babineau,
Direct-Ex-
amination,
December
20th, 1917.
Continued.

Q.—She has four masts? A.—Yes, I have seen since she has.

Q.—When you saw her you can't say that you saw either her port or starboard side? A.—I never noticed.

Q.—As it seemed to you she seemed to be heading for you? A.—Yes, about.

Q.—At that moment could you say anything as to the speed of the Mont Blanc? When you saw her first? When you first saw her the second time? A.—I could not say anything about her speed then.

BY THE COURT:

Q.—The first time? A.—I say judging from the land between 4 and 10 5 miles an hour the first time I seen her.

BY MR. MELLISH:

Q.—When you noticed her again you didn't notice her speed at first when heading towards the Halifax side? A.—I could not say anything about her speed then.

Q.—Were you looking at her long before the collision? A.—Didn't have time; the Imo was almost on her.

Q.—It would be a matter of seconds? A.—Yes.

Q.—Did you know there was a collision? A.—I knew they had hit; the Imo's bow seemed to stay against the Mont Blanc and shifted her 20 around and then the Imo backed away.

Q.—Then did you notice the speed of the Mont Blanc? A.—She looked to be stopped to my judgment.

Q.—Keep looking at her? A.—Yes, until the explosion.

Q.—I think you estimated five minutes—although the times I suppose you give are more or less estimates? A.—That is all.

Q.—Did you notice the smoke burst out? A.—That would be five minutes I imagine after the collision.

Q.—Was that soon followed by flame? A.—A big gush of smoke came up 10 or 15 feet above the decks and a red flame was under that; flame 30 and smoke came up practically together with smoke ahead.

Q.—You watched her approach pier 6? A.—I did.

Q.—When did you notice her moving towards pier 6? A.—After the fire started I noticed her gaining speed.

Q.—How was the wind? A.—A.—Blowing I should say from the town of Dartmouth; where we were from the town right towards us.

Q.—Somewhat S. E. A.—Coming from the E.

Q.—It was very light? A.—Hardly any; very little wind.

Q.—Was the tide rising? A.—I could not say anything about the tide.

Q.—And you continued watching the Mont Blanc? A.—Until the explosion.

RECORD. Q.—Did she leave any trace at all you know of? Find anything at all?

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

A.—Our decks were covered with small bits of iron.

Q.—Nothing of the hull could be seen? A.—I was right past where she exploded within two or three hours but I could not see anything of the Mont Blanc.

Q.—Could you tell at the moment of the explosion where the Imo was and how she lay? A.—No; I was watching the Mont Blanc not the Imo after the collision.

No. 21.
Evidence of
Joseph
Babineau,
Direct-Ex-
amination,
December
20th, 1917.
Continued.

Q.—Notice the Mont Blanc's crew leave her? A.—I saw them going after the fire broke out; the only thing I can remember of the crew when the flames were really high, whoever was last on the bridge was leaving the bridge. 10

Q.—Do you know anything about this collision; anything of importance at all? A.—No, I think I have told you about all I know. Only you asked me about the Imo after she hit the Mont Blanc; she backed up and her bow turned towards 9 pier, and then it seemed after that I saw her close to the Mont Blanc, and the next she was piled up in Dartmouth; I didn't follow her movements at all.

Q.—I think you indicated when the ships struck the Imo seemed to stick to the Mont Blanc? A.—For some seconds I should say. The Mont Blanc was shifted a good deal. 20

Q.—In your opinion was this shifting the result of the collision? A.—It seemed like a push as if the Imo hit the Mont Blanc and just pushed her around but I was some distance away.

Q.—Hear any whistles? A.—I heard whistles but I didn't know where they came from.

Q.—You would not like to say which ship blew the whistles? A.—I saw steam from the Mont Blanc but I cannot say whether before or after the collision; I saw steam but I can't remember.

Q.—The Musquash is a Patrol Boat? A.—Mine sweeper. 30

Q.—There are several mine sweepers on duty around the harbour and outside? A.—Yes.

Q.—You have a well disciplined crew on your boat? A.—Yes.

Q.—What is your rating there? A.—Chief Steward; Chief P. O.

Q.—How long have you been on the ship? A.—Went on her in October.

Q.—And been there ever since? A.—Yes.

Q.—What is your age? A.—26.

Q.—Are you accustomed to go to sea? A.—Yes, for eight years on and off. 40

Q.—What other vessels have you been on? A.—Three Plant Line steamers; and the Aranmore.

Q.—How long with the Plant Line? A.—We used to get shifted from one to the other.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—How long continuously employed in the Plant Line? A.—Couple of years.

Q.—So you have had quite a sea-faring experience? A.—Yes.

Q.—Do you know anything of navigation? A.—Been across the Western Ocean but never studied navigation.

BY MR. BURCHELL:

No. 21.
Evidence of
Joseph
Babineau,
Direct-Ex-
amination,
December
20th, 1917.
Continued.

Q.—As I understand it your bow would be just a little behind the stern of the Douglas H. Thomas? A.—Yes.

Q.—Was there some space? A.—Yes; there must have been; I remember seeing the Douglas H. Thomas stern ahead of us and the name 10 marked on it; I knew the ship from seeing her before.

Q.—Would there be some space of water between your bow and her stern? A.—Yes.

Q.—Were you standing on the stern or bow? A.—Near the bow; the galley is right under the wheelhouse and that would be about 20 or 25 feet from the bow.

Q.—You thought the collision was up as far as you could judge somewhere off pier 6? A.—I don't remember saying pier 6; but pier 8 or 9; somewhere between the Dry Dock and the pier out in the channel where the collision took place; I could not say it was right opposite them piers 20 or pier 6. We were looking at an angle.

Q.—Where would you judge it in relation to the centre of the harbour, near the Halifax side or where? A.—More on the other side, it was more to the west side than the east, taking a line from the middle of the harbour, it would be closer to the Dartmouth shore than the Halifax.

Q.—I understand when you saw the Mont Blanc you told us she was going up the centre of the channel? A.—I think about the centre of the harbour.

Q.—And afterwards came towards the Halifax shore? A.—The second time I seen her I thought her course was altered; she didn't look 30 so straight as before; you could tell her course was altered; she seemed to be pointing in towards the Halifax side.

Q.—If she was going up the centre and you saw her first pointing to the Halifax side when you saw her, didn't you think she was on the Halifax side and not on the Dartmouth? A.—She might not have been right in the centre the first time because if I was on this side I would not see what water was on the other side.

Q.—Would it not be a difficult matter for you to see from where you were that she was on one side or the other at the time of the collision? A.—At the time of the collision I thought they were in the centre of the harbour 40 and probably more handy to the Dartmouth shore.

Q.—And it may have been further up to pier 8 than pier 6? A.—Yes, I could not positively say that.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 21.
Evidence of
Joseph
Babineau,
Direct-Ex-
amination,
December
20th, 1917.
Continued.

Q.—I suppose at the time you didn't remark whether it was nearer one side or the other? A.—At the time of the collision I didn't see right then from my recollection afterwards.

Q.—Did somebody call you up and say there was going to be a collision? A.—The door was open and I heard someone say there is going to be a collision and I just had to step out; and I could see plainly they were coming together and it was just a couple of seconds.

Q.—Quite a bit of excitement? A.—Not on our part; we watched the Mont Blanc and thought she was settling by the bow and the Imo backed out and then smoke came and then the flame. 10

Q.—But you were paying more attention at the ships than the harbour? A.—I was watching what took place; the one that was hit.

Q.—You were watching the ships and not the ships in relation to the shore? A.—Yes.

Q.—Did you see much excitement about the French ship? A.—I seen them moving on the decks pretty lively.

Q.—Right away? A.—I would say it was after the flames started to gather.

Q.—You said there was a man on the bridge nearly five minutes? A.—The last I seen on the bridge the flames were getting good and high 20 and a man was leaving the bridge then, but I don't know who he was; the flames were going good; some minutes after the collision.

Q.—More than 5? A.—I could not say; it might not have been more than one; that was the last I seen of anybody on the bridge.

Q.—I think you said it was five minutes before the flames started to mount high? A.—About 5 minutes.

Q.—You could not state what the Imo was doing at the time of the collision, whether her engines were going astern? A.—Just as she hit, after she pushed the Mont Blanc around, she was backing up so I think the Imo must have been going astern; she must have reversed about the 30 time she hit or before; she lost no time backing out.

Q.—You could not judge how far apart they were when you came out the second time? A.—The Imo's bow was right over the Mont Blanc.

Q.—A matter of feet? A.—Yes, it would be, and not many.

Q.—The first time you saw the Mont Blanc when she was past the High Flyer, did you watch her for some time? A.—A couple of minutes I should say.

Q.—Any change in speed at that time? A.—I would not think so.

Q.—When you went down below I think you said she was nearly abreast of the Dry Dock? A.—Right abreast of us when I seen her first; not 30 exactly; all I had to do was to look out of the door; not come out on deck to see her.

Q.—She got past you before you went below? A.—She was not exactly past; she would be moving ahead some; looking at the land behind her would be 300 or 400 yards; she moved from where I first seen her,

RECORDED. judging from the land. She was past us when I took my eyes off her. It was the space of the door I could watch her.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.
—
No. 21.
Evidence of
Joseph
Babineau,
Direct-Ex-
amination,
December
20th, 1917.
Continued.

Q.—And you didn't see the Imo then at all? A.—I didn't know she was coming.

Q.—Do you know the Stella Maris? A.—I do.

Q.—Notice her going up? A.—I seen her when she left her pier with two scows and the men, and the next time she was going towards the Mont Blanc and hose playing water over the side.

Q.—You saw her going out of the Dry Dock in the morning?

A.—Right around our stern. I think before I seen the Mont Blanc. 10

Q.—Notice which way she went? A.—Up towards the Basin.

Q.—Notice the Stella Maris when you saw the Mont Blanc first?

A.—The first time I seen the Mont Blanc I don't know where the Stella Maris was.

Q.—Would she be around the corner of pier 9? A.—She would not be very far off at that time; she might have been; I could not say how fast she would go with these scows.

Q.—Notice her going up the Narrows at all? Watch her for any time at all? A.—I notice for 200 yards; she would be heading towards the Dartmouth side more than up the harbour. 20

Q.—I suppose you could not give us the time the Stella Maris left the Dry Dock? A.—I believe about 8; we were just getting breakfast then.

Q.—Do you know what time the collision happened? A.—I could not say exactly; it was after 8.30, that is all I could say.

Q.—Could you tell anything about the angle of the collision?

A.—The positions the ships were in—I could the way I see it. I thought the Imo was pointing towards us and the Mont Blanc pointing in towards 8 or 9 pier.

Q.—Right angles or less than that? A.—I don't know anything 30 about the angles.

Q.—You could not tell whether right angles measured from the bow of the Mont Blanc? A.—I could not say.

Q.—I suppose it would be difficult for you to tell how much the Mont Blanc's bow shifted on account of the collision? It would shift towards you? A.—Yes.

Q.—It is hard for you to judge the angle that she swung? A.—Yes, it would be; it shifted her almost crosswise from the angle she had before she was hit.

Q.—I suppose a person on pier 8 could tell better the angle? A.—Yes. 40

Q.—You could not hear any noise? A.—I never heard anything; I was never any too good hearing but I am worse now since the explosion.

RECORD. BY MR. MELLISH:

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—I understand your hearing is not particularly good? A.—Not now; I am hard of hearing; I was a little hard in one ear then; I would have to ask people to repeat things.

BY MR. CLUNEY:

No. 21.
Evidence of
Joseph
Babineau,
Direct-Ex-
amination,
December
20th, 1917.
Continued.

Q.—One of the many stories started after this thing occurred was that the Mont Blanc came up the harbour on fire and I want to ask you, to satisfy the people, if that was so? A.—I denied everything I heard people ask me about that.

Q.—You saw no sign of fire until after the explosion? A.—Fully five 10 minutes.

Q.—And if there had been any fire aboard before that you would have seen it? A.—Yes.

Q.—There is nothing in the story whatever. A.—No.

BY CAPTAIN DEMERS:

Q.—Did you see enough of the Mont Blanc's bow to be able to tell the Court whether it was a bluff bow or a sharp bow? A.—No.

Q.—In estimating the speed of the ship you went by an object on shore? A.—Yes. I would say it was between 4 and 5 miles.

Q.—At the same time you were observing the fixed object on shore did 20 you notice also there was white foam from her bow? A.—She was cutting foam? I never noticed it.

Q.—It was only the object on shore you did notice? A.—Yes.

Q.—Did you notice the National Flag on the Mont Blanc? A.—Yes; flying the French Flag aft.

Q.—And some other flags? A.— Yes, forward, but I could not remember what they were.

Q.—You are sure it was a French Flag astern? A.—Yes, that is how I knew she was a French ship.

Q.—Perhaps you would with those two models give us the way you saw 30 it; place them on the chart M. B. R. /17? A.—Almost at right angles (Places models, K. in red).

Q.—From where you are is the Imo striking her slightly with port or starboard side? Her starboard side striking the Mont Blanc? A.—I don't know whether her starboard would hit any; that is the way I seen her cutting right in.

Q.—What distance were you from the Mont Blanc where you saw them on your ship? At the time of the collision, the distance between your ship and the Mont Blanc? A.—They seemed quite handy; you could see plain.

RECORD.

In the
Exch. quer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 21.
Evidence of
Joseph
Babineau,
Direct-Ex-
amination,
December
20th, 1917.
Continued.

Q.—Could you say in feet approximately; A.—Between 200 and 400 yards. I may be wrong.

Q.—You said a little while ago that you didn't know the speed of the ship at the time of the collision? A.—I didn't notice the speed of the Mont Blanc at the time of the collision.

Q.—You don't know if by objects on the shore the Imo was going fast, passing a fixed object on shore, same as the Mont Blanc? A.—When I heard there was going to be a collision I jumped out excited.

Q.—Was that the interval of time between that and the collision?

A.—There was some seconds before.

Q.—You said you didn't hear any crash at all? A.—I heard no noise.

Q.—And you were about 200 to 400 yards away? A.—Yes.

Q.—If there was no crash—the loaded ship was pushed over to port; I would imagine if a vessel had enough speed to shift a vessel loaded same as the Mont Blanc that there would be a crash of some kind? A.—If the Mont Blanc had been empty I would think I would hear it more; any object hitting something solid does not make the same noise.

Q.—And you didn't notice whether the Mont Blanc's engines were moving ahead or astern? A.—Not after the collision; I could not tell whether she was moving her propeller or not. I don't know where she got her speed to go ashore.

Q.—Fully five minutes elapsed between the collision and the first smoke? A.—Looking at it I would judge five minutes before I seen it.

Q.—Did you have a glance at the bridge between the collision and the time you saw the smoke first? A.—No, I could not say I looked at the bridge, but I could see people on board the Mont Blanc moving.

Q.—On the bridge? A.—There was someone on the bridge; the others remarked the same thing.

Q.—Did you hear any whistles at all? A.—I heard whistles but don't know where they came from; it was just as I came from the door.

Q.—Do you know the values of the whistles? A.—I would not know what they meant; I heard whistles blowing but I don't know which ship blew them.

BY CAPTAIN HOSE:

Q.—When you were looking towards them and you saw the bow of the Imo over the Mont Blanc could you say what that direction was in regard to the French cable station and the Brewery wharf on the other side?

A.—I would imagine the Imo's port side—the Brewery would be just as if it was touching it on the land.

Q.—On the right hand side of the Imo you could just see the Brewery? A.—I don't remember seeing the Brewery, but I imagine I did see it on the right side of the Imo from where I was.

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RECORD. BY CAPTAIN DEMERS:

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 21.
Evidence of
Joseph
Babineau,
Direct-Ex-
amination,
December
20th, 1917.
Continued.

Q.—Is that the position up and down the harbour; looking at the 6, where you were, the dry Dock, have you got the position up and down the harbour where you think it was? ("K." on M. B. R. /1"). Would it be nearer towards the Dry Dock or nearer towards the Basin? A.—I think they are too far south;—yes, that is about the place.

Q.—And also the position in regard to the width of the channel? You said it was slightly on the Dartmouth shore? A.—I imagine they should be a little more towards the Dartmouth shore;—I don't think they could be made any better than that.

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BY MR. BURCHELL:

By Mr.
Burchell.

Q.—Definitely, was that the position or just as they appear to you now from recollection? A.—As near as I can remember.

Q.—You took a two seconds glance before they changed? A.—Some seconds before they hit.

Q.—Two or three seconds? A.—Yes, I can just give you what I remember.

Q.—Your attention was focussed altogether on the ships? A.—Nothing but the ships.

Q.—You didn't pay any attention to the land? A.—I could not give any land marks.

Q.—And there is nothing photographed on your brain as to land marks? A.—I was looking at the ships only.

Q.—And very probably that might not be the correct position at all? A.—The way it looked to me that is correct; that is the position of the ships there.

Q.—In relation to each other? A.—When they hit.

Q.—Know the position in relation to the land? A.—I cannot say anything of the land, this is the position of the ships when they came together.

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Q.—In relation to each other? The position of the Imo to the Mont Blanc in the water? A.—Yes, those two ships right now are just the way I seen them at the time of the collision as I remember.

Q.—With relation to each other or in relation to the brewery wharf? A.—I didn't say that is the spot where they hit.

Q.—You don't know in reference to pier 6 or 8? A.—I was looking from the Dry Dock.

Q.—That is their position in the water in relation to each other? A.—That is the position I seen them when they hit; I could not say the brewery was on this side of the Imo or anything like that; these two blocks represent the two ships as I seen them when they hit but I could not say that is the exact spot in the harbour when they hit.

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RECORD.²

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

*No. 21.
Evidence of
Joseph
Babinon,
Direct-Ex-
amination,
December
20th, 1917.
Continued.*

Q.—You paid no attention to any marks on the land at the time they hit or after the collision? A.—No; I was watching the Mont Blanc.

Q.—Is it not an impossibility for you to place with accuracy the position of the ships with relation to each other? A.—As near as I can say that is the position of the ships were in when they came together.

Q.—If you didn't see land on either side and mark them in relation to the land it would be impossible for you to place them with any degree of accuracy in relation to the land? A.—I could not do that; looking from where I was that is the spot about where I seen them but I could not say the brewery was the same distance as I jave marked. They might have been more towards the land. 10

Q.—Or further away? A.—Yes, I could not say exactly; I placed the position of the ships when they hit.

Q.—That is the position but they may be shifted that way or this or either way; they were in that position to each other? A.—When they hit, yes, but that might not be the spot in the harbour where they hit.

Q.—I thought you said they were pointing to pier 6 or 8? A.—I said the Mont Blanc pointing to pier 8 or 9 and the Imo was pointing towards us, but I could not see the whole ship, but that is how she seemed to be heading. 20

BY HIS LORDSHIP:

Q.—Pretty well ahead of you? A.—Yes, altogether if she had come on straight line she might have come to the Dock Yard.

BY CAPTAIN DEMERS:

Q.—Was the Mont Blanc a good sized ship? A.—A fairly long ship.

Q.—You said between 200 and 400 yards; would you not prefer to say a ship's length from where you were when the collision happened—so many ship's length of the Mont Blanc for instance? A.—If I looked at the water I could pretty well tell but I could not say now.

BY MR. BURCHELL:

Q.—Did you notice the engines of the Mont Blanc go astern after the collision? A.—I never noticed them go astern or ahead. 30

Q.—Notice her backing after the collision? A.—After they hit, from what I remember, she stayed still until she picked up speed, but I don't know where she got it, and ran into pier 6; she moved in very slow; just enough to know she was going ahead, until she got in there and the explosion took place.

Q.—You thought she must have had some power? A.—The Stells Maris was on the other side and I didn't know whether she was towing her in; she seemed to have power or help in getting in. 40

RECORD. Q.—She didn't look as if drifting in? A.—I thought the Stella Maris was doing it.

In the Exchequer Court of Canada, Nova Scotia Admiralty District.
Q.—And not enough wind to blow her in? A.—No.

Q.—Or tide enough? A.—I don't understand the tides in the harbour.

AND FURTHER THIS DEPONENT SAITH NOT.

R. ECCLES,

Official Reporter.

No. 21.
Evidence of Joseph Babineau, Direct-Examination, December 20th, 1917.
Continued.

No. 22.

No. 22.
Evidence of Bryn G. Richards, Direct-Examination, by Mr. Henry K. C.
BYRN G. RICHARDS, 3rd ENGINEER OF THE S. S. PICTON BEING CALLED AS A WITNESS AND DULY SWORN DOETH 10 DEPOSE AND SAY AS FOLLOWS:—

EXAMINED BY MR. HENRY:

Q.—You are an engineer? A.—Yes.

Q.—3rd engineer on the Picton? A.—Yes.

Q.—And the Picton was lying where on the morning of the collision?
A.—Sugar Refinery Wharf, discharging.

Q.—When did you go on deck where you could see the vessels the morning of the collision? A.—Just as they were breaking away.

Q.—Had you seen either of the vessels before that? A.—No.

Q.—What called your attention to the collision? A.—The 4th 20 engineer came and told me.

Q.—Where were you then? A.—In my room.

Q.—And you went on deck? A.—Yes.

Q.—When you got on deck the vessels were just breaking away from each other? A.—Yes.

Q.—How was the Mont Blanc heading when you saw her first?

A.—Swung around towards Halifax side.

Q.—In relation to where you were lying at the Sugar Refinery Wharf, how was she pointing, above, below or at you? A.—Above us.

Q.—Do you know where pier 6 is? A.—No.

Q.—Didn't you ever notice the Pier sticking out from the shore?

A.—The one she docked herself at?

Q.—Yes. Was she ahead, above or below that? A.—Direct towards it.

Q.—How far were the ships when you saw them? A.—Together.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 22.
Evidence of
Bryn G.
Richards,
Direct-Ex-
amination.
Continued.

Q.—Was the Mont Blanc moving through the water in any direction?

A.—Yes, slowly towards the Halifax side.

Q.—And the Imo, what was she doing? A.—Swinging around to the Dartmouth side, the bow.

Q.—How was she pointing at the time you first saw them? A.—Right up against the Mont Blanc directly towards us at the Sugar Refinery.

Q.—And swinging around to the Dartmouth side; was that coming to port or to starboard? A.—Going to port.

Q.—Was she going ahead, forward or how? A.—Going back.

Q.—The French ship would be between you and her? A.—Yes. 10

Q.—Could you see whether the Imo's engines were going? A.—No.

Q.—Could you not tell anything about her propellor? A.—No.

Q.—Could you see if the propellor of the Mont Blanc was moving?

A.—No.

Q.—Did you watch her until she went into pier 6? A.—Yes.

Q.—Could you tell whether her propellor was moving during that time?

A.—No.

Q.—You didn't see any wake or foam? From the propellor? A.—No.

Q.—At what rate approximately did she drift across? A.—She took about 20 minutes from where she collided until she got alongside. 20

Q.—Did you make any note at what time the collision occurred?

A.—No.

Q.—You don't know what time it was? A.—I imagine about 8.30.

Q.—How long from that to the explosion? A.—About half an hour.

Q.—Were you still on the deck when the explosion happened?

A.—Yes.

Q.—Were you injured? A.—Slightly bruised on the chest.

Q.—Thrown down? A.—Thrown on the well deck.

Q.—From one deck to another? A.—Yes.

Q.—Where were you standing at the time of the explosion? A.—Abaft 30 the galley; on the boat deck.

Q.—The explosion was severely felt on your boat? A.—Yes.

Q.—And a number of lives lost? A.—Yes.

Q.—There is one of the deck officers still surviving? A.—Yes.

Q.—Been in a hospital ever since? A.—Yes.

Q.—His name was Ellis? A.—Yes.

Q.—Did the Picton get on fire? A.—I didn't see any fire aboard.

Q.—Did you remain on the Picton after the explosion or come away?

A.—I was half an hour there after.

Q.—And there was no fire after you left? A.—No. 40

Q.—Was she still at the wharf? A.—Yes.

BY MR. BURCHELL:

Q.—Did you notice the Mont Blanc blowing off steam after the collision? A.—No.

RECORD. Q.—Didn't notice the safety valves open and the steam going?

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

A.—No.

Q.—Do I understand you to say they were in contact when you saw them? A.—They were close together; I could not see whether the Imo was touching because the Frenchman was between.

Q.—You didn't hear any crash? A.—No.

Q.—Was it just before the collision? A.—Just after.

*No. 22.
Evidence of
Bryn G.
Richards,
Direct-Ex-
amination.
Continued.*

Q.—Where were you anchored, at the upper or lower end of the Sugar Refinery Wharf? A.—Our bow was pointing south.

Q.—Were you on the stern of the ship or the bow? A.—Abaft the galley, amidships.

Q.—How long is your ship? A.—I don't know; 350; I am not sure.

Q.—Do you know whether it happened to be at the Northern or Southern end of the Sugar Refinery Wharf? A.—I could not say.

Q.—Any other ships there besides you? A.—No.

BY CAPTAIN DEMERS:

Q.—Are you a judge of distances? Can you tell the distance about? A.—I could not say.

Q.—From where you were what distance was it that these two ships collided from you? A.—I think about half a mile. 20

AND FURTHER THIS DEPONENT SAITH NOT.

R. ECCLES.

Official Reporter.

*No. 23.
Evidence of
Alfred
Kayford,
Direct-Ex-
amination,
by Mr.
Henry K. C.*

No. 23.

ALFRED KAYFORD, 3rd ENGINEER OF THE S. S. COLON BEING CALLED AS A WITNESS AND DULY SWORN DOTH DEPOSE AND SAY AS FOLLOWS:—

EXAMINED BY MR. HENRY:

Q.—What ship were you on? A.—Colon.

Q.—And she was lying at pier 9? A.—Yes.

Q.—What were you aboard? A.—3rd Engineer.

Q.—What was the first you saw of the two vessels, the Frenchman and the Belgium Relief; where did you see the Frenchman? A.—About 1,000 feet away. 30

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 23.

*Evidence of
Alfred
Kayford,
Direct-Ex-
amination.
Continued.*

Q.—Which side of the harbour? A.—On the Halifax side.

Q.—Had they collided then? A.—Just touched.

Q.—That was the first you saw of them? A.—Yes.

Q.—Which way with regard to your vessel was the Frenchman heading?

A.—Up the river.

Q.—Outside of you? A.—I was looking from the stern of the ship on the starboard side.

Q.—Which way were they heading, straight for you or to the right or left hand side? A.—I could do it better with the models.

Q.—Place the Frenchman where you saw her first? A.—Like that. 10

Q.—Were they actually touching each other? A.—I could not very well say whether actually touching. I won't guarantee that was the correct space, that is the way it looked to me. ("L." on M. B. R. /17).

Q.—It might have been further up or down the harbour? A.—Further down, but not much.

Q.—Was that immediately before or immediately after the collision do you think? A.—That was when I came rushing up from having my breakfast and saw it.

Q.—Hear them come together? A.—I heard them blowing off.

Q.—You didn't hear any crash of the two ships coming together? 20
A.—No.

Q.—Did the Frenchman change his course as the result of the collision?

A.—From what I could see the Imo was going astern and this one was heading towards Halifax.

Q.—The Imo was going astern? A.—Seemed like going astern.

Q.—Could you tell whether the propellor was going? A.—I could see the movement of the ship.

Q.—You could not tell whether the propellor was going or not?

A.—No.

Q.—Which side of the Mont Blanc could you see? A.—When I first 30 saw her I saw the elevation heading towards me.

Q.—And afterwards the starboard side? A.—Yes.

Q.—Could you tell whether there was any hole in her? A.—I was more taken with the smoke than anything else; and then a light explosion before the main one.

Q.—Where was the smoke coming from? A.—Forward part, No. 1 hold.

Q.—See flames? A.—Afterwards we saw flames; two or three light explosions before the main one came.

Q.—Were these light explosions in the air? A.—Going up in the air. 40

Q.—Did you see flames below her deck at all? A.—I saw it in the atmosphere.

Q.—You didn't notice then whether there was any flame or smoke from the side? A.—No, I was taken by the flames in the atmosphere.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 23.
Evidence of
Allred
Kayford,
Direct-Ex-
amination.
Continued.

Q.—As she went over towards the Halifax side, the Mont Blanc, could you tell whether her propellor was moving or not? A.—She was well down, I could not tell; too low down.

Q.—Did she seem to be down by the head at all? A.—Looked like an even ship.

Q.—Didn't look as if sinking? A.—Not at the time.

Q.—Any time before she exploded? A.—Didn't seem to me to be sinking; after that I got scared when the crew got off the ship; we thought it was an ordinary cargo burning first and then thought it must be something.

Q.—Where did you go? A.—We saw like some blue jackets like on the poop; seemed like Britishers; the Frenchmen have a red tassle; it looked like somebody came on board to help her after that I thought I was in heaven.

Q.—Were you out on deck when the explosion came? A.—Yes.

Q.—Where did you find yourself when you came to? A.—On the fiddley afterwards.

Q.—But you were pretty badly injured? A.—Yes.

Q.—Arm broken? A.—Yes.

Q.—Any other cuts? A.—No.

Q.—Was there any water came on board your ship? A.—I could not describe it; it took me five days to get my face clean; the velocity of the explosion caused that. It looked like benzine to me.

Q.—Dark in colour? A.—I could not say; I thought my number was up then.

By Mr.
Burchell.

BY MR. BURCHELL:

Q.—You were below before the collision? A.—I was not down below at all; I was going in the mess room and they said a ship was afire.

Q.—But you didn't notice them until the ship was afire? A.—I went astern of my ship.

Q.—It was after the collision you saw them for the first time? A.—That was the way I saw them when I was aft.

Q.—After the collision had happened? You didn't see the collision itself? A.—That is what I saw at the stern of our ship.

Q.—The collision had occurred before that and the ship was afire? A.—That is the way I saw them when I went aft.

Q.—But this was after the collision? A.—This was at the time I saw them.

Q.—Was the Mont Blanc afire then? A.—Smoking.

Q.—And that is the first you saw, she was smoking? A.—Yes.

Q.—The ships were then on which side of the channel, Halifax or Dartmouth? A.—The Mont Blanc was on the Halifax side and the Imo had her stern to the Dartmouth side.

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- RECORD. Q.—Your ship is a long ship? A.—370; somewhere about that.
 In the Q.—Was her stern overhanging pier 9? A.—Stern about southern
Exchequer side of pier 9.
Court of Q.—Was the Imo backing away when you first saw them? A.—Just
Canada, like that.
Nova Scotia Q.—Space between them? A.—I could not say really she was
Admiralty touching.
District. Q.—Could you see the propellor of the Imo going one way or the other?
 No. 23. A.—I could not see it.
 Evidence of Q.—Did you notice the Mont Blanc was blowing off steam? A.—Yes. 10
 Alfred Kayford,
 Direct-Ex-amination.
 Continued. Q.—Full head of steam? A.—I know her escape valves were blowing
 off.
 Q.—Was that when you first saw her or afterwards? A.—Mostly
 when she was touching pier No. 6.

BY MR. MELLISH:

- Q.—Did you see the ships before the collision? A.—No, when the
 ship was on fire; that is the position when I saw it.

BY CAPTAIN HOSE:

- Q.—Did you see the Mont Blanc going alongside of No. 6? A.—Yes,
 swerving around this way. 20
 Q.—Did she go right up alongside the pier or did she just go across the
 corner? A.—It was deceiving to me; there was a boat at No. 8 the
 Caracas; I could not see whether she was touching or not; something was
 in the way.

AND FURTHER THIS DEPONENT SAITH NOT.

R. ECCLES,
Official Reporter.

No. 24.
 Evidence of
 Thomas
 John-son,
 Direct-Ex-amination,
 by Mr.
 Henry K. C.

No. 24.

THOMAS JOHNSTON, BOATSWAIN OF THE S. S. COLON BEING
 CALLED AS A WITNESS, AND BEING DULY SWORN, DOTH DE- 30
 POSE AND SAY AS FOLLOWS:—

EXAMINED BY MR. HENRY:

- Q.—What ship did you belong to? A.—Colon.
 Q.—What is your position? A.—Boatswain.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 24.
Evidence of
Thomas
Johnson,
Direct-Ex-
amination.
Continued.

Q.—When did you first see either of these ships? A.—I saw the Imo coming right down from the Basin I took particular notice of her, being a Belgium Refugee ship. She was well on the Dartmouth side; heading out; coming down channel.

Q.—She was heading about down channel? A.—Yes.

Q.—Tell us what kind of speed she was travelling? A.—Between 4 and 5 knots.

Q.—Nothing remarkable either way; not very slow and not very fast? A.—No.

Q.—Did you see the Mont Blanc about the same time? A.—I didn't 10 take particular notice of the Mont Blanc; I was looking at the Belgium Refugee ship.

Q.—When did you first see the Mont Blanc? A.—Somewheres about pier 5.

Q.—How far away were the two ships from each other when you first noticed the Mont Blanc? A.—About 150 yards.

Q.—Which way was the Mont Blanc headed then? A.—To my idea the Mont Blanc was making a very erratic course; she started to go to starboard first and then over like that, and then headed up and by that time I was standing right forward on the ship and I went to go aft through the 20 cattle boxes, by the alleys and then I was out of sight; perhaps two minutes; the next time I seen them they were right close to one another and no chance of avoiding the collision at that time.

Q.—At that time when you came out from going through cattle boxes, which way was the Mont Blanc heading? A.—In a diagonal course.

Q.—Outside or inside of you? A.—If we had been near she would have come up to our port side.

Q.—A little inside of your stern? A.—Yes, we were laying about up towards the Narrows.

Q.—Did you hear any shock? A.—I would not think they would 30 have broken an egg.

Q.—Was the bow of the Mont Blanc diverted or changed by the collision? A.—Undoubtedly.

Q.—How much? A.—I could not exactly say.

Q.—Where was she heading? A.—Right into pier 6.

Q.—What movements if any did the Imo make? A.—I think the Imo must have gone astern.

Q.—Could you see her propellor working? A.—I didn't see that, but I could see the water and the way it went she must have been going 40 astern.

Q.—That was right after the collision? A.—Yes. He must have been stopped dead or going astern when the collision occurred.

Q.—Did you see the starboard side of the Mont Blanc at any time? A.—Not until when I came through the horse boxes I could see her starboard side fully.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 24.
Evidence of
Thomas
Johnson,
Direct-Ex-
amination.
Continued.

Q.—And when she headed for the pier 6 they would be nearly at right angles? A.—Right at right angles.

Q.—Notice any hole in the Mont Blanc? A.—We could not see very well; there was flames from the waters edge up.

Q.—That was about what part of the ship? A.—If not fully abreast of No. 1 hatch it would be forward of that hatch.

Q.—And you are clear you saw flames coming from the waters edge? A.—Yes, right up and along the derrick booms and the falls that was on them.

Q.—How long after the collision would you estimate it was before you saw these flames? A.—Two or three minutes; hardly that. 10

Q.—Pretty near that? A.—Yes, that quick we didn't take notice of time.

Q.—Which did you see first, smoke or flames? A.—It hardly looked like smoke first but more like haze and then flame and then explosions in the air; we watched them.

Q.—When you heard the explosions in the air what did you think? A.—I thought it was oil barrels of some description.

Q.—Were you afraid of explosives? A.—I didn't think about that; I thought she was loaded with case oil. The way the explosion went up it was like case oil; I have been in one before and I know. 20

—Was the Mont Blanc moving ahead at the time of the collision? A.—Pretty nearly stopped.

Q.—How long did she remain stopped after the collision? A.—She seemed to gradually go ahead.

Q.—Slow? A.—Very slow.

Q.—Could you tell whether her propellor was moving or not? A.—I could not say.

Q.—See any foam or wake or anything of that kind? A.—No.

Q.—There was no boat got hold and towed her? A.—No; but I should say there was some boat went alongside of her; I am pretty sure. 30

Q.—See anybody on board of her after the crew left? A.—There was somebody aboard before she blew up. Just from the time I took the glasses to pass them to my friend alongside there was two men running aft on the ship. Her head was pretty well—all we could see was the stern.

Q.—Could you tell what kind of men? A.—Shore men or blue jackets; I thought there was some men went aboard to try and get the fire out; just before that there was a small tug on the starboard side trying to get alongside; she got the superstructure off her.

Q.—She must have been very close at the time of the explosion? A.—Yes. 40

Q.—Had you see this tug going up with two barges before that? A.—I didn't notice at all.

Q.—What part of the channel between Halifax and Dartmouth were these two ships in when you saw the collision? Nearer Halifax, Dartmouth

RECORD. or the centre? A.—I think a little to the Halifax side of the centre of the channel.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

Q.—To your mind was the collision up or below or opposite pier 6?
A.—It might have been dead opposite pier 6 the way it looked in the first place.

BY CAPTAIN HOSE:

No. 24.
Evidence of
Thomas
Kayford,
Direct-Ex-
amination.
Continued.

Q.—Did you hear any whistle signals from the Imo? A.—I heard whistles but didn't take any notice.

Q.—Nor from the Mont Blanc? A.—No.

AND FURTHER THIS DEPONENT SAITH NOT.

10

R. ECCLES,

Official Reporter.

IT BEING THEN 4.15 p. m. THE COURT ADJOURNED UNTIL FRIDAY, DECEMBER 21st, AT 10 a. m.

No. 25.
Evidence of
Pierre
Palvadeau,
Direct-Ex-
amination,
December
21st, 1917,
by Mr.
Henry K. C.

No. 25.

10 a. m. Halifax, December 21st, 1917.

PURSUANT TO ADJOURNMENT COURT RESUMED ITS SITTINGS AT 10 a. m.

EIGHTH DAY'S SITTING OF COURT.

COURT AND COUNSEL PRESENT AS ON FIRST DAY, WITH 20 EXCEPTION OF MR. F. H. BELL, K. C.

J. T. Rowan, Official Reporter.

DEPOSITION OF PIERRE PALVADEAU.

On this twenty-first day of December in the year of our Lord One Thousand Nine Hundred and Seventeen, there personally came and appeared

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

PIERRE PALVADEAU SAILOR ON BOARD THE S. S. MONT BLANC, WHO, BEING DULY SWORN UPON THE EVANGELS, DEPOSE AND SAY AS FOLLOWS:—

THROUGH MEDIUM OF FRENCH INTERPRETER).

EXAMINED BY MR. HENRY, K. C.

No. 25.
Evidence of
Pierre
Palvadeau,
Direct-Ex-
amination,
December
21st, 1917.
Continued.

Q.—He was what on board the Mont Blanc? A.—Sailor.

Q.—Where was he on the 6th December as the Mont Blanc came up the harbour? A.—In the middle of the boat on the spar deck.

Q.—What was he doing? A.—Sawing a piece of board.

Q.—Did he hear any whistles? A.—He did not pay any attention 10
to the signals.

Q.—Did he see the Imo, the Belgium Relief Ship? A.—She was at
5 metres off when he saw her.

Q.—Then he did not look up from his work until then? A.—No.

Q.—Where was the Imo with regard to the Mont Blanc when he saw
her? A.—He was coming right across straight on him.

Q.—On what side of the Mont Blanc—ask him to place the two ships
when he first saw them? A.—About five metres away.

Q.—And about in that position? A.—Yes, sir. (Indicating with
hands). 20

Q.—Then the collision must have happened almost immediately after
he first saw her? A.—Immediately.

Q.—Ask him what kind of a shock it was? A.—Heavy shock.

Q.—Was he near the place where the collision happened? A.—Yes.

Q.—How far away? A.—30 or 35 metres, 35 metres.

Q.—Was he knocked down or made to stagger by the impact, at all?
A.—No, a kind of jerk and he had to put his hands out to balance himself.

Q.—Did he see any hole made by the collision in the side of the ship?

A.—He saw the Imo which was into the Mont Blanc.

Q.—Ask him how far, in his judgment, the Imo penetrated into the side 30
of the Mont Blanc? A.—He cannot say exactly.

Q.—About approximately A.—7 or 8 feet.

Q.—Did the hole made in the side of the Mont Blanc extend down to
the water line or below it? A.—Yes.

Q.—Can he give us any idea how wide the hole was? A.—No.

Q.—Did he see fire in the hold of the Mont Blanc after the collision—that
hold? A.—Immediately after the collision he saw smoke and after
flames.

Q.—Were there flames actually inside the hold after the collision?

A.—He cannot say.

Q.—Where did he see the flames? A.—On the deck. 40

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

Q.—Can he tell us whether the Mont Blanc was moving at the time of the collision? A.—He cannot say—he was not paying attention.
Q.—Could he tell whether the engines of the Mont Blanc were going astern at the time of the collision? A.—He does not know—he did not pay attention.

BY MR. BURCHELL, K. C.

No. 25.
Evidence of
Pierre
Palvadeau,
Direct-Ex-
amination,
December
21st, 1917
Continued.

Q.—Ask him how long since he come on the deck from below?
A.—8 o'clock.
Q.—Are the sailors quarters in the bow or at the stern of the ship?
A.—Forward.
Q.—And near where the fire broke out? A.—No, the other side.
Q.—Bow or stern, any quarters forward of No 1 hold or are they back of No. 1 hold? A.—Forward.
Q.—Forward of No. 1 hold? A.—Yes, forward near the bow.
Q.—How were their quarters heated, where the sailors lived?
A.—Radiators.
Q.—Any fire up there at all? A.—No.
Q.—Allowed to smoke up there? A.—No.
Q.—Any smoke up there or fire, before the collision? A.—No.
Q.—Can he tell us how many seconds elapsed between the time he saw the ships and the time of the collision—how many would he have time to count, counting from one, two, three and so on? A.—About two seconds, one second to come in and one second to come out.
Q.—So that the Imo just went in and again, struck back just like that?
A.—She went in and stayed a little amount and came out again.
Q.—What does he mean by saying one second and one second out?
A.—He saw the Imo two seconds altogether before the collision.
Q.—How long did the Imo stay against the side of the Mont Blanc?
A.—Two minutes.
Q.—She did not back right out? A.—No, she went in and came 30 back.
Q.—Could he tell if the Imo's engines were working at the time of the collision? A.—No, he does not know because as soon as the collision came he left, he went to the place to leave the ship.
Q.—Just at the instant of the collision he left right away? A.—Yes.
Q.—Where was his place? A.—Starboard side.
Q.—To the boats? A.—Starboard boat.
Q.—He got orders to do that right away? A.—As soon as they saw the fire.
Q.—The fire broke out right away, the instant of the collision? A.—Immediately
Q.—Who did he get orders from? A.—Captain.
Q.—Did he go in the same boat as the captain? A.—Yes.

10

40

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 25.
Evidence of
Pierre
Palvadeau,
Direct-Ex-
amination.
December
21st, 1917.
Continued.

Q.—Did the chief engineer go in his boat? A.—Yes.
Q.—Who was the last man to get in his boat? A.—The captain.
Q.—Did the captain go in his boat and then back again to the ship?
A.—He does not know.

Q.—Ask him if it was not the chief engineer who was the last to get in his boat? A.—The chief engineer and captain about the same time he says.

Q.—How long was this man in the boat before the chief engineer came?
A.—Two or three minutes.

Q.—Whose boat did the pilot go in? A.—He does not know. 10

Q.—Did the pilot go in his boat? A.—He does not know.

Q.—Does he know the pilot to see him—did this man here get in his boat—this is the pilot here? A.—He says he did not pay any attention—he was all confused.

Q.—Ask him if he knew his ship was loaded with explosives? A.—He knew that he was loaded with powder; but he did not know what it was.

Q.—Was his boat the first to get ashore or the other boat that left the ship? A.—About the two boats at the same time.

Q.—Does he remember being lined up on the shore and having a roll call and their names taken? A.—Yes. 20

Q.—Ask him if his vessel was out in the ocean, and going at a very rapid speed, and the engines were suddenly reversed, could he tell—out in the clear water, harbour, nothing ahead of him—any time that his vessel is going ahead at a good speed and the engines are suddenly reversed, could he feel it? A.—Yes.

Q.—Does it give a kind of jerk? A.—No, it would not give a jerk but they would feel the effect of the properlor going astern.

Q.—And he cannot tell the depth of this hole that he saw—how much, how deep it was with exactness? Can he tell this 8 or 7 feet with exactness? A.—He is not certain of it—he did not go to measure it. 30

Q.—He did not hear any signals at all? A.—He did not pay any attention.

Q.—He did not hear his own ship blow three whistles just before or at the time of the collision? A.—He was busy with his work—he did not pay any attention.

Q.—Was he working on the port or starboard side of the ship at the time he saw the Imo? A.—Starboard.

Q.—On which deck? A.—The middle, on the spar deck.

By Captain Demers. BY CAPTAIN DEMERS.

Q.—What directed his attention when he saw the Imo five metres from 40 the Mont Blanc? A.—He looked.

Q.—Did you not hear any signals from your whistles—the other boat's whistle—did you raise your eyes and look at the Imo? A.—No.

- RECORD. Q.—What side of the ship were you on? A.—Starboard.
- In the* Q.—Abaft the bridge? A.—Aft of the bridge.
Exchequer
- Court of* Q.—Much back of the bridge? A.—Ten metres.
Canada,
- Nova Scotia* A.—And altogether he was 25 or 30 metres from where the Imo struck?
Admiralty
- District.* A.—About 35 metres.
- Q.—The place where the sailors lived was on the port side of the fore-
castle head? A.—Yes, and the firemen on the starboard side.
- No. 25. Q.—He took his watch at 8 o'clock? A.—Yes.
Evidence of
Pierre Q.—And the other watch went below? A.—They were asleep.
Palvadeau,
Direct-Ex- Q.—What time was it when the collision happened? A.—He does 10
amination,
December
21st, 1917.
Continued.
- not know exactly.
- Q.—About? A.—8.50 or 8.45.
- Q.—The sailors had finished breakfast and had gone to bed?
A.—They were eating.
- Q.—He said there were some asleep? A.—They were in the fore-
castle eating.
- Q.—Anybody call them when the collision happened? A.—As soon
as they saw the fire they were all hailed.
- Q.—The moment the collision happened he saw the flames and smoke,
and the firemen and sailors had time to get up through that flame? 20
A.—Immediately.
- Q.—Did they cross over through that flame? A.—Yes.
- Q.—Any smoking in that fore-castle? A.—No.
- Q.—Not even a cigarette? A.—Chiquez—chewing.
- Q.—When the roll call was made on the Dartmouth shore were any men
missing from the crew? A.—It was complete.
- Q.—Were there two men left on board the ship? A.—No.
- Q.—He said a little while ago there was some confusion when he got in
the boat—what did he mean? A.—He was afraid.
- Q.—Everybody was afraid? A.—No, sir. 30
- Q.—There were some cool ones amongst the lot? A.—Yes.
- Q.—Who were they? A.—The officers.
- Q.—Whilst he was cutting that board on the deck before the collision
happened, did he see the second captain around—was he on the deck or on
the bridge? A.—He did not pay attention.
- Q.—Who was looking after the work of the sailors at that time?
A.—Mr. Leveque.
- Q.—Where was Mr. Leveque? A.—On the bridge.
- Q.—Was Mr. Leveque on the bridge and watching the work of the sailors
at the same time? A.—No, there was the boatswain there. 40
- Q.—The boatswain was with him? A.—He was forward at the time.
- Q.—Was he alone on that deck? A.—He was alone.
- Q.—Where were the others? A.—He does not know.
- Q.—How many sailors were there on the watch? A.—Three sailors
on duty and the boatswain.

RECOR BY CAPTAIN HOSE.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—Just before the collision did he notice any alteration in course on his ship at all? A.—No, sir.

AND FURTHER DEPONENT SAITH NOT.

No. 25.
Evidence of
Pierre
Palvadeau,
Direct-Ex-
amination,
December
21st, 1917.
Continued.

J. T. ROWAN, E.

Official Reporter.

No. 26.

No. 26.
Evidence of
Ralph E.
Smith,
Direct-Ex-
amination,
by Mr.
Henry K. C.

RALPH E. SMITH, BEING CALLED AS A WITNESS AND DULY SWORN, DOTH DEPOSE AND SAY AS FOLLOWS:—

EXAMINED BY MR. HENRY, K. C.

10

Q.—What is your occupation? A.—Marine engineer.
Q.—On the morning of December 6th where did your duties take you?
A.—We were leaving in our boat to go to supply some ships in the Basin.

Q.—You are working for Burns and Kellaher? A.—Yes.

Q.—Brass finishers? A.—Yes, sir, coppersmiths, machinists etc.

Q.—You had some work to do on board some of the ships in the Basin?
A.—Yes, sir.

Q.—And a party of you went up in a motor boat? A.—Yes, sir.

Q.—Do you remember seeing the Mont Blanc? A.—I remember seeing the ship.

20

Q.—You remember this French ship that afterwards exploded?

A.—Yes, sir.

Q.—Where was she in the harbour with respect to you ahead of you, or astern of you, or how? A.—Ahead of us.

Q.—When you first noticed her what part of the harbour was she in?
A.—I would think she would be probably somewhere on to the ferry wharf on the Dartmouth side going up.

Q.—Can you give us any idea of what rate of speed she was going?
A.—She would probably be going 5 knots.

Q.—You have been to sea have you? A.—Yes sir.

30

Q.—As an engineer? A.—Yes sir, I was 8 years at sea.

Q.—Did you keep watching her as you went up the harbour then?
A.—Not to say particularly, because it is such a common thing to see them going up.

Q.—You saw her from time to time? A.—Yes sir.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 26.
Evidence of
Ralph E.
Smith,
Direct-Ex-
amination.
Continued.

Q.—Did you notice her changing her course at all? A.—I went down below sir,—when I saw her she was on a straight course going up the harbour.

Q.—When you first saw her? A.—Yes sir.

Q.—When you came up again were you called up? A.—Yes, one of the boys from the deck—I think one who has been here as a witness—came to the cabin door and said there was going to be a collision and we all seven of us came on deck.

Q.—What did you see then? A.—The French ship was angle ways across the channel and the other boat was into her, and she shoved her 10 around just about crossways to the channel.

Q.—The French boat was heading angleways up the channel? A.—Towards Richmond when I first saw her.

Q.—With respect to the middle of the channel where was she? A.—About the middle of the channel.

Q.—And heading obliquely towards Richmond? A.—Yes sir.

Q.—And the other boat was heading in which way? A.—Right down the channel—that is the way it looked to me—I was on the opposite side of the French ship.

Q.—On the Eastern side? A.—On the Southern side. 20

Q.—On the Halifax side? A.—In the centre coming up.

Q.—You were directly astern of her when this collision took place? A.—We were further towards the Dartmouth side then what the Belgian boat would be coming down.

Q.—The Belgian ship looked to you to be coming pretty straight down at the moment of the collision? A.—Yes sir.

Q.—And the effect of the collision on the Frenchman you say was to turn her which way? A.—Just about cross ways to the channel.

Q.—That would be head in directly to the Halifax side, would it? A.—Yes sir. 30

Q.—How far were you away at the time of the collision? A.—Probably 300 or 400 yards.

Q.—Did you hear any noise? A.—No sir.

Q.—Did you get up there before? A.—I am not sure.

Q.—Whether you were there before or just after the collision—on deck? A.—We have an oil engine and the exhaust makes an awful noise and it is pretty hard to hear anything—I would think she already struck sir before I saw her.

Q.—Could you tell whether either of the ships had weigh on at the time of the collision? A.—It did not appear to me that the French boat had 40 any weigh on.

Q.—Could you tell anything about the Imo? A.—She must have had some on her because she slewed the other boat right around.

Q.—How did the boats come together, or rather apart from each other? A.—The Belgian Relief boat backed slowly away from her.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 26.
Evidence of
Ralph E.
Smith,
Direct-Ex-
amination.
Continued.

Q.—You could not see her propellor moving? A.—No, because the French ship was in the way.

Q.—And did you go up near then? A.—We went right up probably within 50 yards of the French boat and circled down the harbour and came back and stopped.

Q.—Did you see the men getting away from the Frenchman, in the boats? A.—Yes sir.

Q.—Did you have any communication with them at all? A.—Yes sir.

Q.—Was there some shouting done? A.—There was a man in the boat that was launched on the port side, that would be out side down the harbour—I don't know whether it was a sweater coat he had or some kind of a peculiar winter coat, and he seemed to be standing on one of the seats and he threw his hands twice or three times in the air (indicating) and he said something, and I could only make out the word that sounded like, to me, "Explosion"—I could make out what seemed to me like that—the rest was in some foreign language.

Q.—Did he seem to be waving to you in your boat? A.—It seemed to be towards the shore, because he was facing the Halifax side.

Q.—You were then down the harbour? A.—Not very far away from him.

Q.—You got a distinct intimation from a man in the French boat that an explosion was going to happen? A.—I thought the ship was loaded with oil when I saw the smoke, and when he said explosion I thought that is what he meant, and I passed a remark that it was a pity they did not try to beath her and not let her sink in the centre there.

Q.—Were you close to the starboard side of the Mont Blanc after the collision? A.—Not at any time closer than 50 yards.

Q.—Did you see the whole made by the collision in the French boat? A.—We were not at any time on that side of her—circled below her, towards her stern and side and the harbour and came back again and stopped.

Q.—At no time did you see the starboard side? A.—At no time did I see the place where she struck because we would get on the other side going up the Basin—there was too much smoke you could not see anything.

Q.—As a result of this warning what did you do? A.—We went around our stern, after shouting to the engineer to get our engine going, as we had been stopped, and up past the Belgian Relief boat and up to the Basin.

Q.—Can you give us an approximate idea of the time of the collision? A.—No sir, I cannot.

Q.—How far did you get or what did you do between the time of starting your engine again and the time of the explosion? A.—We started around the French boat's stern, past the Belgian Relief boat, and there is a naval boat inside the Basin which you have to hail and tell where you are going. We got up to her and some of the naval officers asked me what

RECORD. happened and I told them a Belgian Relief ship ran into a French boat and had set her on fire, and we were past here, about probably 500 yards before the explosion.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—Can you give us an estimate of the time that elapsed between the time of the collision and the explosion? A.—Probably 20 minutes.

Q.—Did you feel the explosion very much in the Basin? A.—I did not think it was nearly as bad as it was.

No. 26.
Evidence of
Ralph E.
Smith,
Direct-Ex-
amination.
Continued.

Q.—Any of your people injured on your boat? A.—One fellow had his hand a little pricked.

Q.—Any of your glasses broken? A.—Just one pane of glass broken 10
—the pilot house is forward.

Q.—Much of a wave in the Basin? A.—Not any.

Q.—There was a rumor that your boat was blown up into the air—I suppose there is no truth in that? A.—No sir.

Q.—Did you feel more than one shock? A.—I believe the fellow that was in the engine room said he could feel one at the time of the report—he said the bottom was out of the boat; but of course we found it was there still.

Q.—You did not feel that shock? A.—No, the noise was so deafening and it was so sudden you were stunned for an instant. 20

Q.—Before the explosion did you see anything like a fog, or smoke coming out of the Narrows? A.—No sir.

Q.—I thought you told me you could see this? A.—Not before the explosion.

Q.—Before you felt the explosion? A.—You could see the force coming just like a mist—it was just coming like a vapor up through the Narrows and seemed to be expanding as it was coming.

By Mr.
Burchell,
K. C.

BY MR. BURCHELL, K. C.

Q.—Your house is in the city? A.—Yes sir.

Q.—You were in the cabin? A.—Yes. 30

Q.—Are you Warden Smith's son? A.—Yes.

Q.—And did somebody call you out—call out to you in the cabin?

A.—One of the boys on the deck.

Q.—Said there was going to be a collision? A.—Yes.

Q.—And I suppose you came out on deck? A.—We all came out to see what was going on.

Q.—The two ships were right together? A.—Yes; but we could not see whether they were in contact with each other or not; but they looked to me to be in contact with each other.

Q.—Do you know what course you were steering before that? 40
A.—No sir.

Q.—I suppose one of the boys who were steering the boat could tell us better—the particular direction up towards the centre of the channel?

RECORD. A.—They probably could—I really don't know the course—we were somewhere about the centre of the channel going up and I could not tell what course it is up there.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

*No. 26.
Evidence of
Ralph E.
Smith,
Direct-Ex-
amination.
Continued.*

Q.—And I suppose you could not tell from the ship, with any degree of accuracy, where the ships were in the channel? A.—I think they would be in the centre of the channel. I thought the French ship was sinking, she looked to me as though she was settling, and I said to the boys on the boat it is an awful pity to let her sink in the middle of the channel, why did they not beach her—and shortly after that I saw the propellor on the French boat working ahead only about a dozen revolutions, and afterwards stopped, and then she gradually went into the shore.

Q.—You did see the propellor of the French boat moving after the collision? A.—Positively sure of it.

Q.—Moved a few turns? A.—Yes.

Q.—Was she reversing at the time of the collision? A.—No, I don't think she was—she may have been with a loaded ship she could reverse and her propellor would be covered so that you could not notice the wave she might throw as well as when she is going ahead; going ahead you would see it very easily.

Q.—You would think that after the collision there must have been a signal on the French ship to slow speed and then stop, at very quick intervals in between? A.—I would think so, because as a rule the engines will not move unless there is a signal from the bridge. She probably turned a dozen revolutions. You could see the revolution going ahead; but not astern as well with a loaded ship.

Q.—You passed a remark that it is a pity to let her sink in the middle of the channel? A.—Yes sir.

Q.—And you cannot say which side she was closer to then? A.—I think she would be closer to the Halifax side.

Q.—At the time of the collision? A.—Yes sir.

Q.—Did you notice much confusion on the French boat after the collision? A.—Quite a little bit; I never saw two boats filled as quick in my life.

Q.—Did they slide down the tackle quick? A.—Slid down the tackles and over the side and in the boats in very quick time—of course I don't blame them for it either.

Q.—Did the boats row away very quickly? A.—They were rowing hard, yet the boats did not move very fast—they are heavy boats.

Q.—Did they wait alongside the ship any length of time? A.—We went between their ship and the boats, around the stern of the French boat.

Q.—The engineer told us he stayed 8 minutes in the engine room after the collision, and came up and went in the boats—do you think they waited that time? A.—No, I don't think so.

Q.—How much interval would you say elapsed from the time of the collision until they got away in the boats? A.—It may have been 8 minutes—you don't keep much track of time in a position like that.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 26.
Evidence of
Ralph E.
Smith,
Direct-Ex-
amination.
Continued.

Q.—Do you understand any French? A.—No sir.

Q.—Did you think this word the Frenchman was shouting out to you was explosion? A.—I am positive sure of that part of it.

Q.—You anticipated an explosion? A.—I thought it was oil, and I thought there was going to be an explosion from the oil when he said explosion.

Q.—You got up pretty close to the collision? A.—Yes sir.

Q.—How close? A.—Not closer than 50 yards I don't think.

Q.—You had to circle around? A.—Circled around and stopped and waited.

Q.—You had to get off your course and circle around the French ship? A.—Circled down the harbour and came back pointing towards the ship and stopped.

Q.—Just at the instant of the collision were there flames broke out right away and smoke? A.—Probably two minutes.

Q.—Before you saw any smoke? A.—Yes, the Belgian ship had backed away probably 25 or 30 feet when I noticed the first smoke, 'smoke came out for probably a few seconds and then flame.

Q.—The ships did not remain long in contact? A.—No.

Q.—Was it a sharp impact? A.—I think the two ships were together before I saw them—I don't think—I did not think there was any damage done worth while—I thought they just came together and one ship shoved the other ship across the channel away from them.

Q.—Did you notice any people on the bridge of the French ship after the collision. A.—They were on the bridge after the collision for a few minutes any way.

Q.—You could not recognize anybody on the bridge? A.—No sir, we were not close enough.

Q.—Could you see anybody on the bridge of the Imo? A.—I did not pay much attention to the Imo when she backed away but there would certainly be somebody on the bridge—when we came around the stern of the French boat I guess mostly everybody on the Belgian boat were on deck—they all rushed up forward—she was stopped there for quite a while and they were all watching the French boat.

Q.—Did you notice what the Imo was trying to do to back into the Basin—go back there? A.—She did not move the engines at all until the French boat started to go slowly towards the shore, and it looked as though she was trying to get straightened up to go down the harbour. After she stopped her stern seemed to slew towards the Dartmouth shore and it seemed to me as if they were trying to get straightened up.

Q.—Was she straightened up at the time of the explosion then? A.—She seemed to be coming down pretty straight down the Narrows.

Q.—Did you see the Stella Maris that morning? A.—I did see her but I did not take very much notice of her.

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RECORD. Q.—With two scows? A.—I did not see her when she had the two scows in tow. We passed the scows anchored and she was coming down when we were going up.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—That is quite a little piece above the place of collision? A.—Probably half a mile.

Q.—And the scows were anchored on which side of the channel? A.—Somewhere about the centre of the channel. We passed on the Dartmouth side of the channel. I think the scows would be very nearly in the centre of the channel.

*No. 26.
Evidence of
Ralph E.
Smith,
Direct-Ex-
amination.
Continued.*

Q.—Any wind that morning? A.—Hardly a breath.

Q.—You passed the *Stella Maris* coming down? A.—Yes.

Q.—Hardly a breath of wind? A.—No sir.

Q.—Did you know how the tide was? A.—I could not say.

10

By Captain Demers. BY CAPTAIN DEMERS:

Q.—You say when you came up on deck you think that you noticed the bow of the *Mont Blanc* heading for Richmond? A.—Yes sir.

Q.—Since you have been to sea, I suppose, as an engineer you have had occasion to look at the chart once in a while? A.—Yes, I have.

Q.—You know the chart? A.—I cannot say I know it—I just about know a chart when I see it.

20

Q.—Supposing we put the plan of Halifax harbour there could you put the direction of the *Mont Blanc* at the time you saw her on it, about what part of Richmond she was heading for—put her head in the direction you thought she was in at the time of the collision? A.—I will try to do the best I can.

By Mr. Henry, K.C. BY MR. HENRY, K. C.

Q.—When you saw the *Imo* first she was about in that position? A.—She was coming down somewheres about here.

By Captain Demers. BY CAPTAIN DEMERS:

Q.—About where would that be? A.—Just above pier 9, on the 30 Halifax side (marked with letter P. 1).

By Mr. Henry, K.C. BY MR. HENRY, K. C.

Q.—Where was the *Mont Blanc* then? A.—Somewheres along here near Black Point, on the Dartmouth side.

Q.—Somewhere about there is that right? A.—About there, she seemed to be over quite handy to the Dartmouth side.

RECORD. (Position of Mont Blanc marked P. 2, position of motor boat marked P. 3, on plan exhibit M. B. R. 17).

*In the
Exchequer
Court of
Canada,
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District.*

Q.—Can you give us the position of the Mont Blanc when you came up on deck at the time of the collision? A.—She would be somewhere about in that position.

BY CAPTAIN DEMERS.

No. 26.
Evidence of
Ralph E.
Smith,
Direct-Ex-
amination.
Continued.

Q.—When you first came on deck, in the first position—when or how would she be heading at the time of the collision?

A.—Right here.

Q.—What position? What boat was that laying at that wharf? 10

A.—The Caracas.

His Lord-
ship.

HIS LORDSHIP:

Q.—That position is when he came up after being below for a while?

A.—Yes.

(Q. 1 is position of Mont Blanc, and Q. 2, is the position of the Imo).

Captain
Demers.

CAPTAIN DEMERS.

So that line would strike the southern end of pier No. 8, or the centre of it or ahead, how?

Mr. Henry,
K. C.

MR. HENRY, K. C.

It would strike just on the south east corner of pier 8. 20

By Captain
Demers.

BY CAPTAIN DEMERS:

Q.—I would like, Mr. Smith to put it on the harbour plan as well, on Exhibit M. B. R. 4?

(The position marked 15 is the position of the Mont Blanc as he first saw her after he came on deck, and the position 16 is the position to which she was turned by the effect of the Collision).

By Captain
Demers.

BY CAPTAIN DEMERS:

Q.—Would you mark on the chart the position of the Mont Blanc when you first saw her?

(Position 17 on Exhibit M. B. R. 4).

RECORD. Q.—Place the Imo in the position you saw her at this present position you put on the chart? A.—When I first saw the French ship I did not see the Imo.

*In the
Exchequer
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HIS LORDSHIP:

Q.—Put down where you first saw the Imo then, as near as you can?

No. 26.
Evidence of
Ralph E.
Smith,
Direct-Ex-
amination.
Continued.

MR. HENRY, K. C.

The position 18 is the position at which Mr. Smith first saw the Imo, which would be some time later than he saw the Mont Blanc.

By Captain Demers: BY CAPTAIN DÉMERS:

Q.—Could he show the position the Mont Blanc had reached when he first saw the Imo? A.—Not expecting anything like that of course, I did not pay particular attention; but I did see the other boat on account of her showing so much metallic paint—she was very light and of course that drew my attention, otherwise probably I would not have noticed the Imo at all. She showed probably three feet of metallic paint and you could see her quite a distance.

Q.—She seemed to be by the stern? A.—She seemed to be a little.

Q.—After the collision while this ship seemed to be backing out towards the Dartmouth shore, did she seem to turn around very rapidly?

A.—She seemed to turn very slowly, and I think they likely stopped the engines because she seemed to go in a straight line afterwards.

Q.—She did come around? A.—She did slew; but afterwards she seemed to back in a straight line—the French boat was between me and the Imo and it made it kind of hard for me to tell what she did.

By Captain Hose: BY CAPTAIN HOSE:

Q.—After you turned around and your boat got around under the stern of the Mont Blanc, passed under her stern, where was the Mont Blanc heading for? You circled around and went up to the Basin? A.—Yes.

Q.—Where was the Mont Blanc heading for when you passed under her stern? A.—Directly in for the shore off pier 6.

Q.—Did you think then, at the time, that she would run in alongside the south side of pier 6? A.—No, I thought her nose would go in to the bank and her side would be parallel with pier 6, on an angle like this rather.

Q.—To the southward of pier 6? A.—Yes.

Q.—Was her course just in the same line as pier 6 was? A.—It looked as though she was running right across the end of pier 6.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 26.
Evidence of
Ralph E.
Smith,
Direct-Ex-
amination.
Continued.

Q.—As though she were above pier 6 and running across it there?
A.—It would be below pier 6, running parallel with the end of the dock—that dock runs out on an angle with the main land and it seemed as if she was going to make the base of the triangle with the dock and the shore—the dock one side, the ship the other and the land the other.

Q.—Show me that angle on the big plan, when she appeared to you to be heading in? A.—She appeared to me as though she was coming in in that direction. (Position 19).

Q.—As you passed under her stern did you notice anybody on board the ship, after the boats had gone away? A.—No sir. 10

Q.—Where were the scows in the Narrows when you passed them?
A.—I think they were in the Narrows.

Q.—There is a buoy there on the right hand side as you go, just to get into the end of the Narrows, and when you get to the other end of the Narrows you have another buoy—before you get to the Guard ship. With respect to these buoys where do you think the scows were?

A.—I did not notice the buoys. Do you know where that ship is that was at the Sugar Refinery Wharf, that is at Tuft's Cove—the scows were just above that.

Q.—There is a hull there? A.—Yes sir, they were just above that. 20

Q.—Anchored just above that? A.—Yes sir, that is where I would say they were, well into the Narrows—I think there were three men on the scows.

By Captain Demers. BY CAPTAIN DEMERS:

Q.—You said you thought you noticed the Stella Maris; but not enough to take much stock of her I suppose? A.—We saw her.

Q.—Which side was she on when you saw her, on the Halifax or Dartmouth side? A.—I saw her only coming back to the burning ship.

By Mr. Burchell, K. C.

BY MR. BURCHELL, K. C.

Q.—By well into the Narrows you mean well up to Bedford Basin, when 30 you passed the scows? A.—About the centre of the Narrows.

Q.—About pier 9? A.—Yes sir.

AND FURTHER DEPONENT SAITH NOT.

J. T. ROWAN, E.

Official Reporter.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

BERT HENRY, EMPLOYEE OF MESSRS. BURNS & KELLAHER,
BEING CALLED AS A WITNESS, AND DULY SWORN, DOTH
DEPOSE AND SAY AS FOLLOWS:—

EXAMINED BY MR. HENRY:

No. 27.

Evidence of
Bert Henry,
Direct-Ex-
amination,
by Mr.
Henry K. C.

Q.—You are employed at Burns & Kellaher's? A.—Yes.

Q.—On the morning of the 6th December you were in the motor boat going up to Bedford Basin? A.—Yes.

Q.—Do you remember seeing the French boat which afterwards exploded as you went up the harbour? A.—Yes. 10

Q.—Where was she, what part of the harbour was she in when you first saw her? A.—Just about entering the Basin; a little this way, towards the harbour.

Q.—Do you know any point on the Dartmouth shore she was near? A.—I didn't notice.

Q.—Where was the Belgian Relief boat at that time when you first saw the Frenchman? A.—I saw them about two minutes before they collided. I had just come up.

Q.—Where did they collide with regard to midchannel? Were they on either side or about in the middle? A.—They were nearer the 20 Dartmouth side.

Q.—You were south of them? A.—Yes.

Q.—Which way was the Frenchman heading when you first saw her? A.—Heading towards the Basin directly.

Q.—And which way was the Belgian Relief boat heading? A.—Directly out.

Q.—And which was nearer the Dartmouth side? A.—They appeared both to be near the Dartmouth side.

Q.—Was there a space between them? A.—I could not tell very well.

Q.—They were heading in opposite directions practically? A.—Yes. 30

Q.—Could you give us any idea how far they were apart when you first saw them? A.—No, I could not.

Q.—Did you see either of them change its course? A.—Yes.

Q.—Which first? A.—The Frenchman.

Q.—Which way did she turn? A.—A little towards the Halifax side.

Q.—To the left as you were going up? A.—Yes.

Q.—He was the first to change? A.—Yes.

Q.—Did the Belgian ship do anything? A.—I didn't notice that.

Q.—When the Frenchman changed his course he was pointing in which direction then? A.—More towards the Halifax side. 40

Q.—Which part of Halifax? A.—Near Richmond.

Q.—The two ships—did you see them come together? A.—Yes.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 27.
Evidence of
Bert Henry;
Direct-Ex-
amination.
Continued.

Q.—Did you hear any noise? A.—Yes.

Q.—What kind of noise? A.—Quite a thump.

Q.—Did the bow of the Frenchman turn in any direction after the collision? A.—Yes, directly facing the Halifax side.

Q.—Was she pretty well straight across the channel? A.—Yes.

Q.—Hear any whistles at all? A.—I didn't take notice.

Q.—You have not been to sea? A.—No.

Q.—Did you see smoke or flames soon afterwards? A.—Yes, right afterwards.

Q.—Which came first? A.—Smoke. 10

Q.—What kind of smoke was it? A.—Thick black dense smoke.

Q.—Was it soon after you saw the smoke the flames appeared?

A.—Yes, about a couple of minutes.

Q.—Which way did the Belgian Relief steamer go after the collision?

A.—She seemed to follow the French boat around.

Q.—Did you see the two boats come apart after they struck?

A.—It appeared the French boat parted and the other didn't.

Q.—The French boat seemed to go ahead? A.—No; swung around.

Q.—And you thought that brought them apart? A.—Yes.

Q.—The French boat would be between you and the Imo? A.—Yes. 20

Q.—Could you notice whether the Imo backed away at all from the French boat? A.—No, I could not at all.

Q.—Can you give us any idea of the speed of the French boat at the time of the collision; whether going fast, or slow through the water, or stopped? A.—She was going quite fast as far as I could see.

Q.—Before or after the collision? A.—Before.

Q.—The French boat? A.—Yes, it was going faster than the Belgian boat at the time of the collision.

Q.—Could you see whether the propellor of the French boat was going ahead or astern at the time of the collision? A.—I was not looking at 30 that.

Q.—You could not see the hole in the side of the French boat?

A.—No, we were on this side of t.

By Mr.
Mellish,
K. C.

BY MR. MELLISH:

Q.—You are in the employ of Burns & Kellahe? A.—Yes.

Q.—And were at this time? A.—Yes.

Q.—They are iron workers, steam fitters and that kind of thing?

A.—Yes, machinists.

Q.—And you, I suppose, are learning the business with them?

A.—Machinist trade, yes.

Q.—What is your age? A.—17. 40

Q.—How long have you been there? A.—About three months now.

RECORD. Q.—Did you commence your trade when you went there? A.—I just commenced it then.

In the Exchequer Court of Canada, Nova Scotia Admiralty District. Q.—And you are a helper and learning the trade? A.—Yes.

Q.—And your business does not call you to go to sea? You don't pretend to know anything about navigation? A.—No, I don't.

Q.—Never went to sea? A.—No.

No. 27. BY MR. BURCHELL:

Evidence of Bert Henry, Direct-Examination. Continued.

Q.—You were inside the cabin before the collision? A.—I was looking up over the cabin; there is a door leading down with a sliding hatch; standing on the steps down below, back of the wheelhouse. 10

Q.—Would the wheelhouse be between you and the boat? A.—No, we were on the left side of it, left side of the boat.

Q.—Was there anything to obstruct your view? A.—The cabin is about six feet across.

Q.—You were not on top of the cabin? A.—No.

Q.—At the side? A.—I was directly in the centre; the door going into the cabin is direct in back.

Q.—At the back side of the boat? A.—Back of the boat.

Q.—And you were down there? A.—I was looking over the cabin, standing down in; it is only a small cabin. I was looking over. 20

Q.—Over a kind of hatch? A.—Yes.

Q.—Is there a little wheelhouse above? A.—Yes.

Q.—And the wheelhouse would be between you and the bow? A.—Yes.

Q.—And must have obstructed your view a little bit? A.—Not of the boats; I was looking sideways at the boats.

Q.—And you just saw them a couple of minutes before the collision? A.—Yes.

Q.—I suppose you just guessed at that two minutes, it may be more or less? A.—Yes. 20

By the Court.

BY THE COURT:

Q.—Who called out there was going to be a collision? A.—I did.

By Mr. Burchell.

BY MR. BURCHELL:

Q.—What was the French boat doing when you called that out? When you called out there was going to be a collision what made you call that out? A.—I called after the collision.

Q.—You didn't call out there was going to be a collision before it happened? A.—No, I was watching the boat.

Q.—You called out there was a collision? A.—Yes.

RECORD. Q.—I suppose other men were in the boat watching it? A.—I don't know what he was doing in the wheelhouse.

In the Exchequer Court of Canada, Nova Scotia Admiralty District. Q.—I suppose you were paying more particular attention to the ships than to the shore? A.—Yes.

Q.—And you didn't particularly notice where the ships were in relation to the shore? A.—No.

No. 27. Q.—You could not tell whether the Belgian boat had reversed her engines or not? A.—No.

Evidence of Bert Henry, Direct-Examination. Q.—Which was the higher boat, the French or the Belgian boat?

A.—The Belgian boat was higher.

Continued. Q.—Was there a good deal of noise in your boat? A.—Only the exhaust.

Q.—You have an open exhaust? A.—Yes.

Q.—And you think you could hear the boats coming together above the noise of the exhaust? A.—Distinctly.

Q.—Did you notice the *Stella Maris* going up with two scows in tow before the collision? A.—No. I noticed passing one scow afterwards with two men on it.

Q.—You went up into the Basin after the collision? A.—Yes.

Q.—Where did you pass the scows? A.—Just past the collision. 20

Q.—You are not quite sure you did pass them? A.—We did pass them.

Q.—But you are not sure which part of the land? A.—No.

Q.—Above the collision? A.—Yes.

Q.—Two men on the scow? A.—Yes.

Q.—Was the *Stella Maris* coming back racing down to the French ship? A.—We saw her coming down here, but she didn't go near.

Q.—I suppose you were watching the French ship burning and not the ships coming down? A.—Yes.

By Captain Hose. BY CAPTAIN HOSE:

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Q.—You say you noticed the French ship altered course to the left or to port? A.—Yes.

Q.—Were they very far apart then, the ships? A.—No, they were not. She altered her course about a minute before the collision.

AND FURTHER THIS DEPONENT SAITH NOT.

R. ECCLES,

Official Reporter.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

CHARLES JOHN MAYERS, 3rd OFFICER OF THE S. S. MIDDLEHAM CASTLE, BEING CALLED AS A WITNESS, AND DULY SWORN, DOTH DEPOSE AND SAY AS FOLLOWS:—

EXAMINED BY MR. HENRY:

No. 28.
Evidence of
Charles
John
Mayers,
Direct-Ex-
amination,
by Mr.
Henry K. C.

Q.—You are one of the officers of the Middleham Castle? A.—Yes.

Q.—What particular position? A.—3rd officer.

Q.—On the morning of the 6th December were you on deck?

A.—On the deck of the steamer, yes.

Q.—And you saw the two ships which afterwards collided? A.—I did. 10

Q.—How far were they apart when you first saw them? A.—Easily 500 yards.

Q.—You were lying where? A.—Outside Halifax Graving Dock on the harbour side.

Q.—And there was a ship between you and the dock? A.—J. M. McKee.

Q.—The Douglas H. Thomas outside of you? A.—Not as far as I know. I saw the Musquash, government tug; she was lying alongside of us under the bridge.

Q.—But you came out on the deck when they were 500 yards apart? 20
A.—Yes.

Q.—Tell us first where the French boat was? A.—On the Dartmouth side of Halifax Harbour.

Q.—In what direction up or down the harbour from you? A.—Down the harbour if anything.

Q.—And where was the Imo? A.—Up the harbour.

Q.—On what side of the harbour was she on? A.—Dartmouth side.

Q.—Heading which way at the time you saw her first? A.—Heading down if anything towards the Dartmouth side.

Q.—And the French boat heading which way? A.—If anything to 30
the Dartmouth side; over to the Dartmouth shore.

Q.—Hear any whistles exchanged between them? A.—Yes, the Frenchman blew one.

Q.—Any reply from the Belgian? A.—The Belgian replied with two.

Q.—Did you notice any change of course on either ship in respect to those signals? A.—Most particularly so on the part of the Frenchman; I was standing on the deck; the Frenchman blew one blast; directed his course to starboard and his helm went hard over; the sun was shining on his wet rudder and that enabled us to see it was hard over.

Q.—Did you notice any change of course in connection with the two 40
blast signal from the Imo? A.—He went a little to port.

- RECORD. Q.—What was the next you heard? A.—Another one blast from the Frenchman.
- In the Exchequer Court of Canada, Nova Scotia Admiralty District.* Q.—And you could notice any movement of his rudder on that occasion? A.—It kept hard over.
- No. 28. Evidence of Charles John Mayers, Direct-Examination. Continued. Q.—Any reply from the Belgian? A.—It was answered by two.
- Q.—Was there any change of course on the part of the Belgian? A.—Not appreciably.
- Q.—What was the next you heard in the way of signals? A.—Three blasts from the Frenchman with helm hard astarboard.
- Q.—The other was hard aport? A.—Yes.
- Q.—You heard three blasts from the Frenchman? A.—Yes, and three from the Belgian.
- Q.—Could you tell whether either or both were going astern? A.—Yes, they were both going astern, but the way the Frenchman had on him he hadn't sufficient steerway to carry him clear of the Belgian bow, therefore the collision happened.
- Q.—Could you tell whether the bow of either ship changed in response to the putting of the engines astern? A.—Yes, the Frenchman swung if anything to port.
- Q.—And what about the Belgian? A.—He swung if anything to 20 starboard.
- Q.—Did you hear at any time a two blast signal from the Frenchman? A.—No, I don't remember that at all.
- Q.—Where would you say in relation to the width of the harbour that the collision occurred, the actual collision? A.—A little distance to the entrance of the harbour side of the brewery; it was on the far side.
- Q.—I was thinking about the width in regard to mid-channel? A.—On the Dartmouth side of mid-channel.
- Q.—Can you give us any idea of how the Mont Blanc was heading at the moment of the collision, immediately preceding the collision? With 30 regard to any points on the land, for instance, or the Narrows itself? A.—I can point the angle; I don't know the land marks very well.
- Q.—Can you tell us whether she was pointing either to the Dartmouth or the Halifax side? A.—Halifax side.
- Q.—At the moment of the collision? A.—Yes.
- Q.—Was that directly across the harbour or obliquely? A.—Obliquely; at an angle of about 30 degrees from the upper side of the harbour; from the Halifax side.
- Q.—Did you hear any sound of the impact of the two ships? A.—Yes, not very much.
- Q.—Did the position of the Mont Blanc change as a result of the collision? A.—Yes, came at right angles to the harbour.
- Q.—Through an arc of about how many degrees? A.—90 degrees from the harbour.
- Q.—How many degrees did her position change? A.—About 60.

RECORD. Q.—The first was 20 from Halifax and the other 90? A.—Yes, right angles.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.
No. 28.
Evidence of
Charles
John
Mayer,
Direct-Ex-
amination.
Continued.

Q.—Taking the chart M. B. E. /31, can you figure out from your position approximately the point of the collision? A.—Witness marks on chart point of collision, 1.

Q.—Will you place these models in the position that you first saw them about 500 yards apart? A.—Imo marked on chart, 2; Mont Blanc marked, 3.

Q.—Put the positions of the two ships just at the moment of collision? A.—Marked Imo, 4; Mont Blanc, 5. 10

Q.—You place the point of collision at about an angle of 45 degrees with your position? The way your ship was lying? A.—Yes.

Q.—Was she heading North at the Dock Yard? A.—We were heading down the harbour; looking towards him from our port side.

Q.—What did you do after the collision occurred? You moved some distance away didn't you? A.—No, I stood,—after the collision and the fire broke out.

Q.—And the port side of the Mont Blanc was next to you? A.—Broad-side.

Q.—Did you go towards the place where she was heading? A.—Yes. 20

Q.—How close did you get to her do you think? A.—100 yards—I didn't go any further then.

Q.—Had she reached the shore? A.—Apparently ashore; she was not moving.

Q.—Your idea was she was aground forward? A.—Yes, she was.

Q.—Was there water between her and the shore? A.—As far as I remember it was.

Q.—What caused you to turn back? A.—I have seen explosions of the same kind before and I thought I might as well get out of the way and get shelter and I ran back to the ship and I just got back when the explosion 30 happened.

Q.—Hear any sound of the explosion? A.—Not that I remember; everything went dark.

Q.—Describe your experiences? A.—I don't feel proud of it altogether.

Q.—You were hurled through the air a considerable distance? A.—Yes, I was on top of Fort Needham hill, about half a mile from the ship.

Q.—You were fully dressed at the time of going up? A.—Yes, heavy coat on, and when I realized where I was I had nothing on but just my boots 40

Q.—Everything went black? A.—Yes.

Q.—And you had a sensation of revolving? A.—Yes, revolving sensation; I tried to throw myself back and could not.

Q.—And also of knocking against something? A.—Yes, I remember hitting something with my left side.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 28.
Evidence of
Charles
John
Mayers,
Direct-Ex-
amination.
Continued.

Q.—And you were going through the air you had the sensation?
A.—I remember meeting pieces of timber and wood; I was quite conscious; I felt the water; I thought I was under the bottom of the sea somewhere.

Q.—You had a sensation of being under water? A.—Yes, I was wet when I came down.

Q.—You fell on your left side? A.—Yes.

Q.—That stopped you? A.—Yes.

Q.—You were pretty badly injured? A.—Very badly cut; nothing broken.

Q.—Your face was pretty well cut all over? A.—Yes, I picked nails 10 and pieces of wood out of my face.

BY MR. BURCHELL:

By Mr.
Burchell.

Q.—I understand you claim you were blown through the air for a distance of half a mile? A.—As far as I could gather about half a mile.

Q.—I suppose right on top of the hill? A.—I was on the side of a raised part I took to be a hill.

Q.—Your steamer was not very badly damaged? A.—Very badly.

Q.—She will be repaired in a couple of weeks? A.—She is going to New York for about 12 months.

Q.—Anyone killed on board your ship? A.—One man is missing, 20 and several shore labourers.

Q.—None of the crew killed except one man missing? A.—That is all.

Q.—You told me you didn't notice the Douglas H. Thomas outside of you? A.—No.

Q.—Do you say she was or not? A.—I would not say; she might have been aft somewhere.

Q.—Where was the Musquash anchored? A.—Under the bridge on the port side.

Q.—You have no recollection of seeing the Douglas H. Thomas ahead of the Musquash? A.—No. 30

Q.—You can't be a very observing man? A.—She may have come alongside when we were having breakfast.

Q.—I am speaking of some time before the collision you didn't notice the Douglas Thomas? A.—We were not leaning over the side.

Q.—The Douglas H. Thomas has good high masts; you don't know the Thomas? A.—No.

Q.—She is a big ocean going tug? A.—We have high houses on the deck, too; we can't see over.

Q.—Which side of the ship were you on? A.—Port side.

Q.—Do you think you are an observing man? A.—Pretty. 40

Q.—How did you come to the court house this morning; which stairs did you come up? A.—Into the building—outside this door.

Q.—How many steps do you think there were? A.—I never counted.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 28.
Evidence of
Charles
John
Mayers,
Direct-Ex-
amination.
Continued.

Q.—Could you give an idea? A.—I didn't bother to count.

Q.—You could not recollect now? A.—No.

Q.—How old are you? A.—22.

Q.—This your first trip in the Middleham Castle? A.—It is.

Q.—I suppose you have told your story a great many times to people since the collision? A.—Those who asked me.

Q.—Quite a number have asked? A.—Yes.

Q.—It has been published in all the papers? A.—Not my statement; I saw my statement in one paper about being hurled through the air.

Q.—You don't know it has been published in a number of papers? 10

A.—No.

Q.—The first story that was published in the papers was to the effect you went ashore with \$75 for the captain; is there anything in that story?

A.—Yes.

Q.—That is right? A.—Yes.

Q.—When was that? A.—I was given it that morning.

Q.—And you started to go ashore with it? A.—Not after the collision happened; I waited; I intended to go ashore with it but didn't go.

Q.—Had the money in your pocket? A.—Yes.

Q.—I suppose that went when you lost your clothes? A.—I lost every- 20
thing I had on me.

Q.—Been going to sea for any length of time? A.—6½ years.

Q.—Since 15 years of age? A.—15½

Q.—Left school pretty young? A.—14.

Q.—Eng ishman? A.—Yes.

Q.—From where? A.—Liverpool.

Q.—A number of witnesses including men from the High Flyer, and men from the shore near where you were standing have made affidavits which are in evidence to the effect that they did not hear a one blast signal from the Imo; you say their statements must be untrue? A.—No, it is possible I may be mistaken. 30

Q.—You have given the signals as you remember them? A.—As I heard them.

Q.—If I tell you all the members of the French ship who have given testimony here with regard to the signals have stated that there was at one time a two blast signal on the French ship, you say they are mistaken; all the evidence of the Frenchmen themselves the pilots, and captain, and helmsman and signalman on the bridge? Also, I think, the second captain; five witnesses at least have come into court and testified that they did at one time blow two blast signals; do you say they are mistaken? 40

A.—I would not say they are mistaken; they may have blown it in quick succession after the one—we heard distinct ones.

Q.—You admit the possibility of your being mistaken? A.—Anyone can make a mistake.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 28.
Evidence of
Charles
John
Mayers,
Direct-Ex-
amination.
Continued.

Q.—Several men at the Dry Dock, including one man from the Musquash including two men from the Douglas Thomas which was anchored at your bow, have testified when the Imo was coming down before the collision, some time before, considerable time, they could see that she was heading for somewhere about the Sugar Refinery or dry Dock; you say that is not correct according to you? A.—It was out of our sight then; the harbour bends around there.

Q.—Two men from the Douglas H. Thomas, one man from the Musquash and I think one man from the ship anchored further North, at the Sugar Refinery wharf, have testified when they saw the Imo quite a piece away from the place of the collision, that she was then coming with her head pointing to somewhere about your ship or the Sugar Refinery Wharf, some say with masts in line; you never saw them like that? A.—No. 10

Q.—The first time you saw the Imo she was in the position marked 2, on M. B. E. /31? A.—Heading down the harbour, yes.

Q.—I suppose you know the French Consul here; fine looking fellow; Mr. Gaboury? A.—I know him by name and sight.

Q.—He has been talking to you? A.—Yes.

Q.—What sort of books did you read when you were young?
A.—I did very little reading indeed. 20

Q.—Jules Verne; Dick Deadeye? A.—No.

Q.—The men on board your ship are laughing at this alleged experience of yours; they think you imagined this whole thing and it is rather a joke? A.—Two of us were standing on the deck; the rest were at breakfast and how anybody else could criticise—it is impossible.

Q.—The men think it is a joke? A.—A good many people do.

Q.—You said you were a little ashamed of it? A.—No.

Q.—I thought you said you were ashamed? A.—I was not proud of the experience of being blown in the air.

Q.—When you came too you were not quite yourself? A.—No, my 30 mind was affected.

Q.—And you saw some horrible sights? A.—I did; I did see some horrible sights; I remember them.

Q.—A woman badly mangled giving birth to a child? A.—I did in a field.

Q.—You wandered around and didn't know where you were?
A.—I didn't know until I was picked up by a blue jacket from the Niobe and taken to the hospital.

Q.—And been under medical treatment since? The doctor fixed you up? A.—Yes, at the house. 40

Q.—You went to the hospital first and then to a private house?
A.—I did.

Q.—You left your ship and after the collision you walked within 100 yards of the French ship? A.—Yes.

Q.—And then came back to your own ship? A.—I ran back.

RECORD

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 28.
Evidence of
Charles
John
Mayers,
Direct-Ex-
amination.
Continued.

Q.—Know of any of the men who saw you after you came back?

A.—The only man I saw on deck was the Chief Steward.

Q.—You went up alone? A.—As far as I know I did; the Chief Steward is missing; he was not far on the deck from where I was.

Q.—You went up to the French boat alone? A.—There were a lot of men running around.

Q.—You were the only man who left your ship and went up near the French ship; along the shore? A.—As far as I know.

Q.—You got within 100 feet? A.—100 yards.

Q.—She had then got into the shore? A.—Yes.

Q.—You then got nervous and came back? A.—Yes.

Q.—I suppose you would be somewhat surprised if I produced a witness who says you didn't go back but ran up the hill? A.—After I was struck, yes.

Q.—I suppose you would be surprised if I produced a witness who says instead of going back to your ship; you didn't go back, to your own ship at all, but ran up the hill and was there at the time of the explosion?

A.—No, I didn't.

Q.—You would be surprised if I produced a witness who says you did? A.—I would be surprised.

Q.—Do you know the channel coming down from the Narrows at all? A.—Not very well; I have been up there once

Q.—You know it winds down from the Basin? A.—Bit of a bend, yes.

Q.—Necessarily, coming down there, you standing at the Dry Dock, you would have to see—a ship would have to come under what kind of helm? Coming out of the Narrows? A.—Starboard helm.

Q.—And would have to be pointing towards the Dartmouth shore; would it not be port helm? A.—Yes, turn to the right.

Q.—You know what a port helm means? A.—I am turning my course to starboard.

Q.—If a ship was anchored at the point X. on M. B. R. /5 and came to go through the Narrows she would have to be pointing at some time at the Dartmouth shore? A.—Yes.

Q.—How long were you in the Middleham Castle before the collision; what time did you get breakfast for instance? A.— $\frac{1}{4}$ past 8 and I came out on deck at 8.30 about.

Q.—Did you notice a tug called the Stella Maris, formerly a gun boat, with either one or two scows in tow going past you that morning?

A.—Not that I remember, no.

Q.—Did you notice a tug with any such tow any time before the collision? A.—I had seen her the day before.

Q.—This morning, just before the collision? A.—I was not interested in anything that went up that morning in the way of a tow.

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RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 28.
Evidence of
Charles
John
Mayers,
Direct-Ex-
amination.
Continued.

Q.—If a tow boat had passed you with two scows in tow I suppose you would not pay much attention and would not remember? A.—I don't remember it.

Q.—At any time before the collision that morning did you see any such tug boat with scows in tow? A.—No.

Q.—Have you studied navigation? A.—Yes.

Q.—What are you? A.—3rd officer.

Q.—What are your duties on board as 3rd officer? A.—Keep a watch.

Q.—You have told us that you could see the helm of the French ship and you could tell from the sun glistening on the rudder that the rudder was hard apart? A.—Yes.

Q.—Was the French ship very heavily loaded? A.—Very deep, yes.

Q.—And still her rudder was showing? A.—The part we saw was showing.

Q.—How far away were you when you saw this rudder hard apart? A.—700 yards, about that.

Q.—Must have pretty good eyesight? A.—Yes.

Q.—Remarkable? A.—Yes.

Q.—Much more than the ordinary person? A.—No.

Q.—Did you notice this French ship when she passed the High Flyer? 20 A.—Yes.

Q.—How close did she pass? A.—Half way between the High Flyer and the Dartmouth side.

Q.—Where was the High Flyer in reference to the Halifax shore?

A.—About mid stream.

Q.—Would you be surprised to know the pilot and the captain of the Mont Blanc and the wheelsman have testified at no time did they put their wheel hard apart after they passed the High Flyer? A.—It is a lie, they did; hard over to port and then hard over to starboard.

Q.—Didn't they put it hard over to port on two occasions? I understood 30 you heard two one blast whistles from the French ship and then went to port? A.—The rudder never went from hard apart to amidships and then hard apart again.

Q.—It went from hard apart to hard astarboard? A.—Yes, it never stopped amidships at all.

Q.—When the rudder was turned hard astarboard did she come around quickly? A.—Slowly.

Q.—But she must have turned a considerable angle? A.—30 or 40 degrees.

Q.—Must she not have turned a greater angle than that? A.—No, 40 she didn't; the collision sent her the rest of the way around.

Q.—Would you be surprised to know that all the witnesses from the French ship, practically all up to date, have stated this collision took place in mid-channel; some of the witnesses say it took place on the Halifax side.

RECORD. MR. MELLISH: And some on the Dartmouth side; tell him the whole story.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 28.
Evidence of
Charles
John
Mayers,
Direct-Ex-
amination.
Continued.

MR. BURCHELL: I think that is a most unfair interruption.

Q.—Would you be surprised to know all the witnesses on the French ship have stated that this collision took place about mid-channel?

A.—In my estimation it happened on the Dartmouth side.

Q.—You will be surprised to hear they have so testified? A.—I would not be surprised so at all the Frenchmen said so.

Q.—Were you paying particular attention at the ships or watching the points of land very closely? A.—Watching the ships.

Q.—You don't know the land? A.—Not very well.

Q.—First time in the harbour? A.—Yes.

Q.—So you know more about the relation of the ships to each other than to the land? A.—I remember the brewery on the far side at the angle to us; what I understood was the brewery; red painted place made of timber.

Q.—How do you say the Imo was travelling at that time you saw her; before the collision? A.—Four or five miles an hour.

Q.—And the French ship you think was travelling how fast? A.—A little faster if anything.

Q.—Did you notice the Imo before the collision or just at the time of the collision, was she going faster then? A.—She had slowed down a good deal.

Q.—Could you tell if the propellor was reversed? A.—I could not see that.

Q.—Did you notice the French ship slowed down very much? A.—He slowed down at the time of the collision most considerable.

Q.—The collision slowed her down? A.—He was slowed down at the time of the collision.

Q.—You are used to handling and making measurements on charts? A.—Yes.

Q.—I noticed you handled the tools pretty aptly? A.—Yes, I have used them before.

Q.—Used all the instruments and charts? A.—Yes.

Q.—In putting these vessels down here on plan M. B. E. /31, you did so after using instruments here to get the distance and you have placed them accurately there? A.—To the best of my knowledge.

By Mr.
Mellish.

BY MR. MELLISH:

Q.—You stated you had no clothing after the explosion? A.—None whatever.

Q.—And you were found on the hill? A.—In a field amongst burning houses.

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RECORD. Q.—And you were taken care of then? A.—I could not properly walk from the pain in my feet.

In the Exchequer Court of Canada, Nova scotia Admiralty District. Q.—Some people took care of you? A.—I helped myself; I got a pair of trousers from a house and a mackintosh coat.

Q.—And a bluejacket assisted you? A.—Yes, to a conveyance; a motor car.

No. 28. Evidence of Charles John Mayers, Direct-Examination. Continued. Q.—And since then you have been provided with clothing by the Relief committee. A.—I have what remains on my own ship.

Q.—You have been interviewed by Mr. Gaboury the French Consul here? A.—Some name like that. 10

Q.—You didn't know him before? A.—No.

Q.—He is chairman of the Relief Committee? A.—I don't know that.

Q.—How long were you in hospital? A.—13 hours.

Q.—In whose house did you go then? A.—Mr. Hart.

Q.—Of the Green Lantern? A.—Yes.

Q.—You were interviewed by myself before today? A.—Yes.

Q.—And by anybody else? A.—By Mr. Burchell.

Q.—Last evening? A.—Yes.

Q.—And you stated to us what you have stated here today in effect; 20 told the same story? A.—Yes.

Q.—Interviewed by myself and Mr. Burchell at different times last evening? A.—Yes.

Q.—You mentioned that the second mate was with you when you were looking at these ships? A.—Yes.

Q.—Where is he? A.—On board the ship at Dartmouth.

Q.—Do you know when you are going away? A.—The Captain told me Christmas day.

By the Court.

BY THE COURT:

Q.—What is your ship? A.—Cargo boat. 30

By Captain Demers.

BY CAPTAIN DEMERS:

Q.—Start in your first position of the ship, when the Mont Blanc sounded her first blast, and you place her on the chart; stand by that chart; place that model of the Mont Blanc that you demonstrated with on the chart when you heard the one blast whistle: and place the Imo where she was when you heard the two blast whistle in answer to the one blast of the Mont Blanc? (Witness does so).

Q.—At that moment after the one blast signal was given from the Mont Blanc you saw through a ray of the sun her rudder shifted to starboard or hard a-port helm? A.—Yes. 40

RECORD. Q.—Turn the vessel the way she turned on the port helm? A.—A little to starboard; least little bit.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.
No. 28.
Evidence of
Charles
John
Mayers,
Direct-Ex-
amination.
Continued.

Q.—What speed was that ship going at the time she blew that one blast?
A.—About five knots; or six.

Q.—How long did she go on the hard a-port helm? A.—About two minutes.

Q.—What would she cover in two minutes at five knots an hour on hard to port helm? A.—500.

Q.—Measure that? A.—(Witness measures on chart). She went up in the woods. 10

Q.—She is stranded? A.—Now.

Q.—You saw her going hard astarboard after two minutes? How much of the rudder post could you see with a loaded ship? A.—Not very much but the sun was glistening.

Q.—That rudder has a round surface? A.—No, it is flat.

Q.—That would be under the water? A.—Just a little piece of the blade was showing.

Q.—Take the chart and see what soundings there are where you have the ship on that chart? The position hard apart. A.—It is very hard to tell what water she was in. 20

Q.—The position is impossible you admit that; never mind about her port helm, and keeping the ship in the same direction (point 3). How far was the Imo then; she had advanced during that two minutes?
A.—Yes.

Q.—Put the position of the Imo at the time the ship was heading that way before the second two blasts was sounded? A.—The Mont Blanc was travelling the faster of the two.

Q.—The other was travelling also; put her in position where the second blast was given. Or second one blast signal by the Mont Blanc; put the Imo in the position; how much have you advanced now; the Imo? 30

A.—About $\frac{3}{4}$ of her length.

Q.—And the other one had advanced a little further? A.—Yes, she is a smaller ship.

Q.—That is the second one blast? A.—Yes.

Q.—What distance were they from each other at that particular time?
A.—Not very far.

Q.—How much? A.—I should say less than 100 feet.

Q.—At that moment, 100 feet, there was two blast whistles given by the Mont Blanc or three? A.—Three.

Q.—What would a three blast whistle mean in that course? 40
A.—Going full speed astern.

Q.—Did you notice she did? A.—She appeared to be.

Q.—If you saw the sun shining on the rudder you must have seen the churning of the water? A.—The propeller was pretty well under.

RECORD. Q.—You would see which way the water was churned? A.—I am going by the way she brought up.

In the
Exchequer
Court of
Canada,

Nova Scotia-
Admiralty
District.

No. 28.
Evidence of
Charles
John
Mayers,
Direct-Ex-
amination.
Continued.

Q.—Did you see her moving astern? A.—She had no sternway.

Q.—Still headway? A.—Yes.

Q.—How was her head going, when going full speed astern?

A.—Went to port because she had helm hard astarboard.

Q.—You saw the helm or the rudder? A.—I saw the rudder.

Q.—And she had quite a speed ahead yet? A.—Yes, going slowly.

Q.—Because the effect of full speed astern on the propeller would neutralise the hard astarboard helm? A.—It would depend on the way 10 on her; what sternway she had on her carried her far enough to bring her head to port; she was going ahead slowly with helm hard astarboard and she turned to port.

Q.—Did she turn promptly? A.—Very slowly.

Q.—Turn her slowly in position there and approach the 100 feet; turn your ship around at the angle she was; full speed astern under hard astarboard helm. A.—About that distance apart.

Q.—Up to the time they got in that position was the Mont Blanc going astern? A.—From the signal given by her whistle she was; you could not see by the propeller or hull; she had lost a considerable amount of her 20 headway; she was still going slowly ahead.

(When the ships each blew three blasts, the Frenchman blew first, and they were at position marked 6/1 on M. B. E./31, and the Imo at 6/1.)

Q.—Did you hear a responsive whistle from the Imo of three blasts?

A.—Yes, she blew.

Q.—And she went astern? A.—She must have.

Q.—Was there two blasts of the Imo beyond these two blasts you heard in the first place? A.—I heard two groups of two.

Q.—The Imo going full speed astern, had she much headway before she went full speed astern? A.—No. 30

Q.—Which way did her head turn when she went full speed astern at position 100 feet from each other? A.—Three blasts from the Mont Blanc and three from the Imo, both went full speed astern and one had more headway than the other.

Q.—Which way did the head of the Imo turn? A.—I don't know; he came if anything to starboard and the Frenchman came to port.

Q.—And they advanced a little more? A.—Yes.

Q.—Where did they collide? A.—There. (Points to chart).

Q.—As you place that model now where is that heading for, pier 6? 40

A.—S. E. Corner pier 8.

Q.—When you heard the first two blasts of the Imo was there any other ship in the channel besides the Imo and the Mont Blanc? A.—Not that I remember seeing.

Q.—When you heard the first two blasts of the Imo in answer to the one of the Mont Blanc what distance were they? A.—500.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 28.
Evidence of
Charles
John
Mayers,
Direct-Ex-
amination.
Continued.

Q.—Second two blasts? A.—Closer still.

Q.—How much? A.—I don't know; 400 yards.

Q.—Have you got a certificate as second mate? A.—No.

Q.—You are going to get it when? A.—When I go home.

Q.—Your time is served? A.—Yes.

Q.—There was an answer you made to Mr. Burchell; you said you would not be surprised the Frenchmen said so; what did you mean by that? They said contrary to you? A.—The crew of the Frenchman have their own evidence to give; that is the only thing.

BY CAPTAIN HOSE:

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Q.—Did you say you could see the brewery on the right hand side of the collision or the left hand side? A.—The brewery was on the far side of the two ships; almost in line with the brewery.

Q.—Where were you standing at the moment you were blown up?

A.—On the deck of my ship; I was standing there.

Q.—Were you standing on any hatchway or on the deck? A.—On the open space of the deck.

Q.—In the well deck or where? A.—Plain deck; on the amidship part between the bridge and the after house.

Q.—Were there any derrick booms over your head? A.—Nothing 20 but open space.

AND FURTHER THIS DEPONENT SAITH NOT.

R. ECCLES,

Official Reporter.

IT BEING THEN 12.45 p. m. THE COURT ADJOURNED FOR LUNCHEON UNTIL 2.30 p. m.

RECORD.

No. 29.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

PURSUANT TO ADJOURNMENT THE COURT RESUMED AT
2.30 p.m.

WILLIAM NICKERSON, 2nd MATE OF THE S. S. STELLA
MARIS BEING CALLED AS A WITNESS, AND DULY SWORN,
DOTH TESTIFY AND SAY AS FOLLOWS:—

No. 29.
Evidence of
William
Nickerson,
Direct-Ex-
amination,
by Mr.
Henry K. C.

EXAMINED BY MR. HENRY:

- Q.—You were a member of the crew of the Stella Maris? A.—I was.
Q.—What position did you hold on board? A.—Second mate.
Q.—The Stella Maris was a sort of tow boat? A.—Wrecking boat. 10
Q.—And on the morning of the 6th December she was at work on
Halifax harbour? A.—Yes.
Q.—She started out from where? A.—Dry Dock.
Q.—With something in tow? A.—Two scows.
Q.—Where was she bound? A.—For Bedford Basin.
Q.—Do you remember about what time she left the Dry Dock?
A.—I don't know the exact time, about 8.15.
Q.—And she came around the stern of the vessels that were lying at the
Dry Dock wharf and shaped her course up the harbour towards Bedford
Basin? A.—Yes. 20
Q.—Which side of the channel did she go up? A.—On the port,
Halifax side.
Q.—Did you see the Belgian Relief Steamer Imo coming down?
A.—Yes.
Q.—See her or the French ship first? A.—Saw her first.
Q.—Whereabouts was she when you first saw her? A.—She was com-
ing through the Narrows before she turned down.
Q.—Then did you see her change her course to come down the Narrows?
A.—Yes.
Q.—What part of the Narrows between Halifax and Dartmouth, not 30
North or South, but what part of the Narrows was she when she changed
her course down the harbour? A.—Quite well on the Dartmouth side.
Q.—Blow any blasts before changing her course? A.—Yes.
Q.—What was it? A.—I have got the blasts all twisted up; I can't
say.
Q.—You heard her blow some blast? A.—Yes.
Q.—Did you hear any blast from the French ship? A.—No.
Q.—Was the Belgian ship in such a position that it was proper for her
to blow a blast to your ship the Stella Maris? A.—No, I don't think,
we could see her whole starboard side. 40

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

*No. 29.
Evidence of
William
Nickerson,
Direct-Ex-
amination.
Continued.*

Q.—Did you take this blast to be a signal to you? A.—No, because the captain remarked it could not be for us in the position she was in.

Q.—Did you look to see if any other vessel was there? A.—Yes, the captain looked back and said it must be for the vessel coming up; the French boat.

Q.—You looked around and saw the French boat then? A.—Yes.

Q.—Whereabouts was she? What side of the channel was she on?

A.—On the Dartmouth side, the way she looked from us.

Q.—How far away do you suppose from you? A.—Must have been half a mile.

Q.—You were then still south of the Imo, you didn't get up to her?

A.—No.

Q.—And were you going straight up along the shore? A.—Yes.

Q.—Not angling course? A.—No, close to the shore.

Q.—Give me some idea of the speed at which the Imo was travelling when you first saw her coming out of the Narrows? A.—Looked to be making 8 or 10 miles an hour.

Q.—See the foam at her bows? A.—Yes.

Q.—Light, was she not? A.—Yes.

Q.—Did you and the captain make any comment about her speed at that time? A.—He claimed she was going as fast as any ship he ever saw in the harbour.

Q.—Did she keep up that speed? A.—No, she slowed down after she blew the second blast.

Q.—Where was she when she blew the second blast? Had she straightened up on her course then? A.—Yes.

Q.—Where was she in regard to the channel? A.—We thought she was quite far on the Dartmouth side.

Q.—Do you remember what that second blast was? A.—No, I have got the two blasts mixed up and I am not clear what they were.

Q.—Can you give us any idea how close the two ships were when the Imo blew the second blast? A.—They must have been nearly a $\frac{1}{4}$ of a mile then; as near as I could judge.

Q.—When she blew that second blast did she change her course any? A.—We could not see that she did.

Q.—Were both the Mont Blanc and the Imo on the Dartmouth side of the channel then? A.—They looked to be from where we were.

Q.—Can you tell which was nearer Dartmouth if any? A.—No, we could not tell.

Q.—Did you notice the Mont Blanc make a blast? A.—Yes, she made a blast the second time.

Q.—Two from the Imo and two from the Mont Blanc? A.—Only one from the Frenchman.

Q.—Know what that one was? A.—One blast.

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RECORD. Q.—Notice her make any change of course? A.—No, we could not tell.

In the Exchequer Court of Canada, Nova Scotia Admiralty District. Q.—Did you keep watching these two boats until they collided?

A.—Yes.

Q.—See any change of course on the part of either or both before the collision? A.—Yes, the Imo changed her course to starboard and the French boat to port.

Q.—Which changed first? A.—I don't know as I can remember which changed first; I saw them both change their courses.

Q.—Do you know whether there were any blasts blown in connection with this? A.—The Imo blew three blasts and put her engines astern.

Q.—Was it after that you saw her coming to starboard? A.—Yes.

Q.—Could you tell whether her engines went astern? A.—Yes.

Q.—You could see the propeller? A.—Yes.

Q.—Do you know whether the Mont Blanc's engines went astern or not? A.—I could not tell.

Q.—You saw her going to port? A.—Yes.

Q.—Can you say whether you remember hearing from the Mont Blanc a two blast signal at any time? A.—No, I can't tell; I don't remember.

Q.—Was there any sound of the collision? A.—Yes, quite a crash when they came together.

Q.—In what direction was the head of the Mont Blanc pointing just before the collision? Immediately before the collision? A.—Heading about for pier 8 or 9.

Q.—Was the bearing of her head changed by the collision? A.—Yes.

Q.—Which way? A.—More towards the port of Halifax.

Q.—You saw that yourself? A.—Yes.

Q.—Saw her shift through the water? A.—Yes.

Q.—How in your opinion was the Imo heading at the moment of the collision? A.—I don't know as I know exactly. 30

Q.—I don't mean the point of the compass, which was nearer the Dartmouth side, stern or bow? A.—Stern.

Q.—And pointing in the same direction over to Halifax? A.—Towards the Halifax side.

Q.—You could see which side? A.—Whole starboard side.

Q.—All broad to you the starboard side of the Imo at the moment of the collision? A.—Yes.

Q.—The Mont Blanc must have been fairly well and on to you at the moment of the collision? A.—Almost.

Q.—Which side of her could you see? A.—Starboard side. 40

Q.—Tell us as nearly as you can where your boat was at the moment of the collision, with reference to the points on the shore? A.—I was thinking around 8 or 9 pier; she may have been above it a little

Q.—Did you see after the collision the starboard side of the Mont Blanc? A.—Yes.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

*No. 29.
Evidence of
William
Nickerson,
Direct-Ex-
amination.
Continued.*

Q.—See any hole or wound made by the collision? A.—We could see the hole she made in her.

Q.—What was the extent of that hole up and down? A.—We could see it to the waters edge from the top.

Q.—Could you give us any idea how broad it would be? A.—No, I don't know as I could; it would be 7 or 8 feet anyway in width.

Q.—I suppose you were not in a position to judge of the depth?

A.—No.

Q.—What was the first thing you noticed after the collision in the way of flame or smoke? A.—We saw white smoke, we thought it was steam, and a black gust of smoke came, and about that time we saw the flames, just after the black smoke. 10

Q.—Where did these flames appear to come from; what part of the hole? A.—You could hardly tell that.

Q.—Could you tell whether the flame was coming from inside the ship? A.—Yes, from inside.

Q.—The injury to the Mont Blanc was down about what part of her? A.—We saw on her port side—I noticed a lot of holes in her.

Q.—The Mont Blanc; was it forward or aft? A.—It was forward about No. 1 hatch, I think. 20

Q.—After the collision the ships separated? A.—Yes.

Q.—Which way did the Mont Blanc go? A.—She was laying across the channel I noticed after that; I thought trying to get in the basin again.

Q.—How did she go? A.—She went to No. 6 pier.

Q.—What speed did she have then? A.—Going very slow.

Q.—Could you say whether her propeller was moving or not? A.—You could not tell

Q.—There was nothing towing her? A.—No.

Q.—Can you give me an idea of whether the Mont Blanc was moving ahead at the time of the collision and if so how fast? A.—I don't believe I could; it was hard to tell. 30

Q.—How was the Imo moving at the time of the collision? A.—Going very slow; her engines had been reversed she was not going very fast then.

Q.—I understand that you dropped your scows? A.—Anchored them.

Q.—What did you do with your boat? A.—We went down and tried to put the fire out with our hose.

Q.—Got a stream of water out? A.—Yes, got the hose started and went alongside to see if we could do any good and then we left. 40

Q.—See anything of a naval boat there? A.—Yes.

Q.—With officers and men in it? A.—Yes.

Q.—Did they ask you to do anything? A.—The commander of the Highflier was on board our boat talking to the captain; he came aboard in a small row boat and four or five or six sailors.

RECORD. Q.—Was there another officer? A.—There was another officer came along in a steam launch.

In the Exchequer Court of Canada, Nova Scotia Admiralty District.
Q.—And he was talking to your captain? A.—Yes, and he went back into his boat again.

Q.—Was it after that you tried to put the fire out? A.—This steam launch came along, I don't know what ship, and he wanted us to get a line and tow her away, we were just getting a line ready when the explosion occurred.

No. 29.
Evidence of William Nickerson, Direct-Examination. Continued.
Q.—What happened to the boat? A.—I don't know; I was down below. 10

Q.—You were getting a cable ready for the towing operation when the explosion occurred? A.—Yes.

Q.—The captain was killed? A.—Yes.

Q.—Anybody else killed on board? A.—One of the firemen; one of the engineers, and one of the deck hands was never found at all.

Q.—The first officer, what happened to him? A.—He was saved he was on deck.

Q.—What happened to him? A.—He was blown down No. 1 hatch where I was.

Q.—There was somebody else with you? A.—One of the deck hands. 20

Q.—So three of you were saved by being down in that hatch?

A.—Yes.

By Mr. Mellish.

BY MR. MELLISH:

Q.—You are the second mate of the Stella Maris? A.—Yes.

Q.—The captain was Horatio Brannen? A.—Yes.

Q.—Was he the captain of the Deliverance recently? A.—Yes.

Q.—How long had you been on the Stella Maris? A.—About four months.

Q.—How old are you? A.—31.

Q.—You hold a certificate? A.—No. 30

Q.—You have been going to sea how long? A.—About 15 years.

Q.—Sailing and steam craft? A.—Fishing mostly.

Q.—How long have you had experience in steamers? A.—About 1½ years.

Q.—Coastwise and harbour? A.—Yes.

Q.—When you saw the Imo first that morning, that was the first of these two steamers you saw, about where was your vessel in relation to the Halifax Harbour side; about where was the Stella Maris? A.—I don't know as I know the distance.

Q.—What point of Halifax or Dartmouth were you opposite: when you first saw the Imo? A.—I don't know the exact spot. 40

Q.—North or south of pier 8? A.—South of pier 8 when we first saw her.

RECORD.

*In the
Exchequer
Court of
Canada,
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District.*

No. 29.
Evidence of
William
Nickerson,
Direct-Ex-
amination.
Continued.

Q.—About how far from Halifax side were you? A.—Not more than 50 yards I don't think; right close in.

Q.—You were heading up close along the shore? A.—Yes.

Q.—Were you on deck? A.—Yes.

Q.—What doing? A.—Not doing anything; I was on the bridge.

Q.—Who else was on the bridge? A.—Captain and 1st mate.

Q.—Had you any duties on the bridge? A.—No, just there.

Q.—Captain and 1st mate were looking after the navigation?

A.—Yes.

Q.—Were you heading pretty well in the direction of the shore? 10

A.—Yes.

Q.—How did the Imo bear off your ship, head or bow on which bow?

A.—On the starboard bow.

Q.—About how far away? A.—About $\frac{1}{4}$ mile.

Q.—And in relation to the harbour how was she then; nearer Halifax or Dartmouth? A.—She looked to be nearer the Dartmouth shore when I first saw her.

Q.—If she had come from the Western shore of Bedford Basin she must have crossed your head before that? A.—Yes, perhaps before I saw her. 20

Q.—Did you hear any whistle up to that time from her? A.—Not that I noticed.

Q.—No whistle at all? A.—No, not that I noticed.

Q.—You mentioned to Mr. Henry about her turning which way—did she turn to port or starboard? A.—To starboard.

Q.—After you saw her? A.—Yes.

Q.—Did she blow a whistle then? A.—She blew a blast but I don't know what it was; whether one or two.

Q.—You had seen her before that? A.—Yes.

Q.—And at that time when this blast was blown which side do you say she was nearer? A.—She looked to be nearer the Dartmouth side. 30

Q.—In relation to you how would she be, broad or on your bow? When you first saw her? A.—Broader on the starboard bow.

Q.—About how many points on your starboard bow when she made this turn? A.—About three points I think.

Q.—Had you then passed pier 9? A.—I don't remember.

Q.—When you first saw her are you sure you were south of pier 8? A.—I think we were but I am not positive.

Q.—Are you positive when you first saw her you were not as far as pier 9? A.—We were not up there. 40

Q.—Have you told all you know about the collision? A.—Yes, all that I could swear to.

Q.—Please tell me the name of the mate? A.—Walter Brannen.

Q.—Son of the captain? A.—Yes.

Q.—He is alive? A.—Yes.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 29.
Evidence of
William
Nickerson,
Direct-Ex-
amination.
Continued.

- Q.—Much injured? A.—Not very much.
- Q.—He was blown down the hole? A.—Yes.
- Q.—The ship was totally destroyed? A.—Yes, all destroyed; I think the mate will be here on Monday or Tuesday.
- Q.—Is she lying on the shore there still? A.—Yes.
- Q.—Little south of where pier 6 used to be? A.—Where pier 6 was.
- Q.—Are the remains of the inner end of pier 6 visible still? A.—Yes, I think so; I was up there yesterday but I could hardly locate pier 6; I think that is where it was.
- Q.—Did you notice the pile in the water there? A.—Yes. 10
- Q.—Do you think it is part of pier 6? A.—It looked to me it was.
- Q.—Did you notice how the Mont Blanc was heading about the time of the collision? A.—Heading across to the Halifax shore, but I could not say where for; I could see her starboard bow.
- Q.—Notice whether her head changed after the collision? A.—Yes, changed more to port.
- Q.—And finally she went in at pier 6? A.—Yes.
- Q.—You know how pier 6 runs; when you came and found her how was she lying in relation to pier 6? Lying in line of pier 6 or at an angle?
- A.—Almost in line when her bow struck bottom; the flood tide was 20 running and struck her stern and swung it against the pier.
- Q.—Was the pier on fire? A.—Not that we could see, while we were there.
- Q.—Not before the explosion? A.—I didn't see it.
- Q.—There was no room between the pier and the ship? A.—No.
- Q.—How did you notice that her stern swung? A.—We noticed the way she went first.
- Q.—You think that was the action of the tide? A.—Yes.
- Q.—Notice her ground first? A.—Yes.
- Q.—Bow first on the shore? A.—Yes. 30
- Q.—And stern swung? A.—Yes.
- Q.—How much of her stern would be beyond pier 6? A.—Quite a little bit of it, must have been $\frac{1}{4}$ of the ship I would think.
- Q.—Lying eastward of the end of pier 6? A.—Outside the end.

By Mr.
Burchell.

BY MR. BURCHELL:

- Q.—I understand the Stella Maris was a large ocean going tug?
A.—120 long.
- Q.—What beam? A.—I could not say.
- Q.—Former English gun boat? A.—Yes.
- Q.—Steel? A.—No, wooden. 40
- Q.—And you had two barges in tow? A.—Yes.
- Q.—Know what speed you would make with two barges in tow?

RECORD. A.—Not more than four miles an hour anyway; I don't know she would make that.

*In the
Exchequer
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Q.—I understand the two scows were loaded with ashes from the dockyard and you were taking them to Bedford Basin? A.—Yes.

Q.—Which would be the proper side of the channel for you going up?
A.—Dartmouth side.

No. 29.
Evidence of
William
Nickerson,
Direct-Ex-
amination.
Continued.

Q.—How was it you didn't go up the Dartmouth side? A.—I don't know.

Q.—Did you start to go up the Dartmouth side and turned back?

A.—We started up with the intention first when we saw that boat. 10

Q.—You saw the Imo and you came back to the Halifax side?

A.—We didn't have to go back.

Q.—You did turn back a little? A.—We hauled in closer.

Q.—Just at that time you heard some signals from the Imo?

A.—Yes.

Q.—You forget what that was? A.—Yes.

Q.—I suppose you didn't have anything to do with the navigation of the ship that morning? A.—No.

Q.—I understand when you first saw the Imo she was practically in the Basin coming out of the Narrows? A.—You could not see the Narrows 20
from where we were; the narrowest part, a point of land comes out there.

Q.—Was it hazy too? A.—Yes.

Q.—And you could not tell whether actually in the Basin or in the Narrows? A.—She had come through the Narrows and hauled over to the Dartmouth side; we could see the whole starboard side.

Q.—If she was anchored on the Western side of the Basin she would have to point in such a direction as you could see the starboard side to get through the Narrows? A.—Yes.

Q.—There was a signal later on you heard from the Imo and the captain or you I understood made some remark? A.—The captain said 30
it could not be for us in the position she was in.

Q.—Why? A.—I don't know.

Q.—On account of the signals? The nature of the signals? A.—I took it from the man she was too far away from us to be signalling.

Q.—What would be the signal for you? A.—Two blast signal for us.

Q.—And the captain said the signal you heard the second time could not be for you? A.—I don't know whether the first or second.

Q.—What remark did the captain make? A.—He said the signal could not be for us in the position we were in and I took it to mean we were too far away. 40

Q.—A one blast signal would not be proper for you? A.—No.

Q.—And a two blast signal would? A.—Yes.

Q.—Captain killed? A.—Yes.

Q.—After the collision you anchored your scows right away?

A.—Yes.

RECORD.

*In the
Exchequer
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No. 29.
Evidence of
William
Nickerson,
Direct-Ex-
amination.
Continued.

Q.—And you came back to rescue work? A.—Yes.

Q.—And you had to come down the narrows quite a distance to get to the place of collision? A.—I could not just say the distance; I was getting the hose ready.

Q.—A man told us this morning where he saw the scow anchored and that would be your position at the time of the collision? A.—No, it would not.

Q.—Did you proceed up further? A.—We turned; we were going ahead all the time and turning; more over to the Dartmouth shore.

Q.—I mean your position up the Narrows? The distance from the 10 place of the collision would be indicated by the place where the scows were anchored? A.—Yes, it would be a little up. We didn't turn back until we saw the smoke.

Q.—How quickly was that after the collision? A.—Not very long, almost immediately after the fire.

Q.—You didn't go much further up the Narrows? It would be a very short distance? A.—Yes.

Q.—Approximately the place where the scows were anchored would be the place where you were at the time of the collision; I mean in regard to the distance from the place of collision? A.—It would not be quite, 20 it would be up 200 or 300 yards.

Q.—You went 200 or 300 yards between the time of the collision and the time you turned back? A.—Yes that is as near as I can remember.

Q.—How many men had you on board your ship altogether? A.—11 crew; about 24 altogether.

Q.—All killed except 4? A.—I think three of the dry dock men were saved.

Q.—How many of the 24 are alive today? A.—I don't know only what I heard of the dry dock people, that would be 8 altogether.

Q.—Did you notice the Imo when you passed her? Going fast? 30 A.—Up above she was going faster; she seemed to be slowing down; in fact, she stopped her engines before she blew three blasts to go astern.

Q.—That was up near you somewhere? A.—Yes.

Q.—You gave us one place the distance you were from the shore at one time as 50 yards? A.—I am not positive just to the 50 yards.

Q.—It might have been more than that? A.—It could not be much more.

Q.—When you turned back, for instance, the time you started to go across to the Dartmouth side and came back? A.—We were then; she would make quite a sweep in turning. 40

Q.—You must have got well out to mid-channel? A.—By the time we got around I expect we would.

Q.—It would take quite a distance to turn with the scows? A.—Yes.

Q.—I suppose you don't remember how far up you were when you started to go across the channel? A.—No, I don't.

RECOR BY MR. MELLISH:

*In the
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No. 29.
Evidence of
William
Nickerson,
Direct-Ex-
amination.
Continued.

Q.—You spoke of the captain making some remark at some time after the Imo blew some blasts, do you know whether that was the first time she blew the blasts or the second? A.—I don't remember, but I think it was the first time.

Q.—You spoke of first intending to go to the Dartmouth side? A.—That was the way we generally went.

Q.—After leaving the dry dock? A.—Yes.

Q.—Had you left the dry dock long before you saw the Imo? A.—No, we hadn't.

Q.—Where do you say you saw her? A.—I don't remember exactly, but we hadn't proceeded far before we saw her coming.

Q.—Which side did you see her first; on which side of your vessel? A.—A little on the starboard bow.

Q.—Then you turned to port did you? A.—Yes, hauled a little closer to the Halifax side; more closer than we would otherwise.

Q.—Then after you saw the collision, and then the smoke, then you turned around to starboard? A.—Yes.

Q.—And anchored your scows? A.—Yes.

Q.—Did you say about mid-channel? A.—I don't know just where; they must have been almost in the channel; they made quite a sweep in turning.

Q.—You anchored your scows and then came south? A.—Yes.

By Captain DEMERS:

Q.—You left the dry dock with the intention of going to the Dartmouth side? A.—I am not positive whether going on that side or not but we always went that side.

Q.—Did you notice how the ship had her head? A.—Heading for that Cove—Tufts Cove.

Q.—How long did you go on that way heading for that place? A.—Not very long at all.

Q.—What distance were you from the dry dock when you noticed the the Imo? A.—I don't know.

Q.—Had you reached mid-channel at the time? A.—No.

Q.—What speed does your vessel go with two scows? A.—Not more than four miles; I don't imagine.

Q.—Could you give us an idea how long you were from the dry dock until you changed your course? A.—Not very long at all.

Q.—Can you express it in minutes? A.—Not more than five minutes.

Q.—You had covered over half a mile hadn't you? A.—I suppose we had.

RECORD.

*In the
Exchequer
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No. 29.
Evidence of
William
Nickerson,
Direct-Ex-
amination.
Continued.

Q.—When you had covered half a mile and just before you changed your course—before you changed the head of your vessel did you hear the Imo's whistle? A.—No, not until after we changed.

Q.—Did you make the change because the Imo was coming, to go on the left hand side because the Imo was coming? A.—I heard the mate say haul her in closer to the shore, there was a steamer coming down.

Q.—On account of, you presumed, because a steamer was coming down there was an alteration in the direction of your vessel? A.—Yes.

Q.—You are second mate? A.—Yes.

Q.—And a responsible man? A.—The first mate had the wheel; I 10 hadn't anything to do with navigating the boat.

Q.—You said you were muddled about the signals? A.—Yes.

Q.—Was it one blast you heard first or second signal one blast?

A.—I think first signal one blast and the second two blasts.

Q.—But you are not sure? A.—No.

Q.—Then you heard—whatever signal was given the first time, the course of your ship had been altered? A.—Yes, a few minutes.

Q.—In any event, we suppose the Imo had whistled two blasts; had you left the mid-channel—were you nearer to the Halifax shore?

A.—Yes.

Q.—When you saw the Imo first or before any blasts were exchanged?

A.—Yes.

Q.—The Imo saw you attempting to cross over to the other side; if she was visible to you, you must have been to her; was there a mist around the harbour at that time? A.—Yes.

Q.—Things were not distinct; could you see the Imo plainly?

A.—Yes.

Q.—And the mist lay beyond the Imo and the place between you was perfectly clear? A.—Not perfectly clear.

Q.—You could tell the Imo well? A.—We could see the name on the 30 side, Belgium Relief.

Q.—See the red paint on the bottom if she had any? A.—I don't remember.

Q.—You don't know what blasts were given? You know she gave two signals? A.—Yes.

Q.—When the second signal was given how near were you to the Halifax shore? A.—Not more than 50 yards.

Q.—That is what you said the first time; when you came along to the Mont Blanc did you see two men on the stern of the Mont Blanc?

A.—We didn't see anybody.

Q.—Do you know the tides in the passage; the strait? A.—No.

Q.—How was the tide, half high water, or near high water or low water? A.—Flood tide but I don't remember how high the tide was up.

Q.—In passing by the wharves would it not tell you? If you noticed that would tell you? A.—I didn't notice.

20

40

RECORD.

*In the
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Q.—Is there enough tide in that passage to affect your vessel at all?

A.—Yes, there is.

Q.—There was no wind that morning? A.—No.

BY CAPTAIN HOSE:

No. 29.
Evidence of
William
Nickerson,
Direct-Ex-
amination.
Continued.

Q.—With relation to the brewery wharf, do you remember whether you were up to the brewery wharf or past it when you saw the Imo.

A.—I don't know I noticed it.

Q.—Know the cable company's wharf? A.—I know, but we were watching the boats at the time of the collision.

Q.—When the collision occurred had you to look right astern to see it, 10 or what bearing? A.—She was a little on the starboard quarter.

Q.—How far on the starboard quarter? A.—About a point.

Q.—Where should you say the collision took place, above pier 6 or below or abreast? A.—I think a little below pier 6.

Q.—About a point on your starboard quarter? And you say you were then about 50 yards from the ends of the piers? A.—Somewhere about that.

Q.—When you saw these two ships both alter course you said the Imo altered to starboard and the Mont Blanc altered to port; what was your opinion, do you think if either one of the ships had kept on the course 20 she was that they would have cleared; for instance, supposing the Mont Blanc altered to port and supposing the Imo had kept on a steady course instead of altering, would they have cleared? A.—I almost think she would. If she had just gone astern.

Q.—If they hadn't gone astern but gone on a steady course?

A.—I believe they would have cleared; or if they hit there would have been no damage.

Q.—If the Mont Blanc had not altered to port but had kept on a steady course do you think she would have passed the stern of the Imo? A.—I don't know. 30

Q.—When you came down and turned around and skipped your scows anchored them, when you came down again, had the Mont Blanc got up to the shore and run ashore? A.—Yes, she had touched the shore.

Q.—Do you say that her starboard quarter was touching pier 6?

A.—Not when we got there first.

Q.—Did you pass in between pier 6 and her starboard quarter?

A.—We didn't go in by the end of the pier; we just went to the steamer's side and backed right off again; to the starboard side.

Q.—Which portion of the starboard side? A.—Well aft.

Q.—And the steamer was then aground? A.—Yes. 40

Q.—What distance was there between her side and the pier; room for you to pass in? A.—We could have gone in between all right.

Q.—Why did you back out? A.—The fire had gained such headway we could do no good and we backed out.

RECORD. Q.—You say there were two naval officers? A.—One was in a row boat and the other in a steam launch.

In the Exchequer Court of Canada, Nova Scotia Admiralty District. Q.—Did these go right alongside the Mont Blanc? A.—I never noticed.

Q.—They were already there when you arrived? A.—No, they came afterwards, I didn't notice which direction they came from until they were alongside.

No. 29. Evidence of William Nickerson, Direct-Examination. Continued. Q.—The steam launch had the commander? A.—No, the row boat.

Q.—Did either of these boats go alongside the Mont Blanc? A.—I don't know. 10

Q.—You were talking of getting lines on board and towing her off, did you notice if anybody tried to secure a line to her? A.—Not that we noticed.

Q.—How far off the pier was the Mont Blanc do you think; what distance of water between the pier? A.—Between 25 and 30 yards when she first struck.

Q.—How were you towing the scows? A.—Towing astern.

Q.—What length of tow rope between you and the first scow and that and the second? A.—About 20 fathoms, and the next not more than four or five. 20

By His Lordship.

BY HIS LORDSHIP:

Q.—In that effort to help, did you see anybody go aboard the Mont Blanc? A.—No.

Q.—Either from the Stella Maris or the naval launches? A.—No.

Q.—Didn't see anybody get aboard at all? A.—No.

Q.—Anybody to handle the ropes? A.—I didn't see any.

By Captain Demers.

BY CAPTAIN DEMERS:

Q.—Do you blow a whistle in return to another whistle going up and down? A.—Yes.

Q.—You heard a whistle from the Imo, did you answer that? A.—No. 30

Q.—Why not? A.—We didn't think it was for us.

Q.—At that time had you perceived the Mont Blanc? A.—They looked back and saw her and said it must be for her.

Q.—You hadn't reached the middle of the channel at the time? A.—No.

By Mr. Burchell.

BY MR. BURCHELL:

Q.—How long were the scows? A.—I don't know.

Q.—Approximately? Wooden? A.—One was wooden and the other small iron one. One 30 feet and the other not more than 20.

RECORD. BY CAPTAIN DEMERS:

*In the
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Canada,
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District.*

Q.—20, fathom line between each scow? A.—The tow line between us and the first was about 20 fathoms.

Q.—How much between the two scows? A.—Not more than five fathoms.

Q.—How far was the last scow from the end of the dry dock when you began to go to the left? A.—We started south of the dry dock.

Q.—How far distant was the last scow to the first wharf? A.—I don't know.

Q.—A good distance off? A.—We turned up as soon as we could. 10

Q.—That is your tug boat; but at the time you had turned what distance had you covered and how far was the furthest scow from the wharf? A.—We went by a boat at the dry dock and the scow fouled the chain as we went by.

Q.—And the length of your vessel was? 120 feet? A.—We were not going off into the channel then.

Q.—The moment you got your towing line you saw the Imo? A.—No. I think we were by the sugar refinery wharf when we saw the Imo first.

By Captain Hose. BY CAPTAIN HOSE:

Q.—What speed do you think you picked up immediately you slipped the scows? Did you go full speed? A.—I don't know.

Q.—What do you think, looking at the water; how long do you think it took you after slipping the scows, how long did it take you to get to the Mont Blanc? A.—I could not say; I was connecting up the hose.

By Mr. Henry. BY MR. HENRY:

Q.—Was there too much space between the pier 6 and the Mont Blanc for anybody to have gone on board from the pier? A.—People could go aboard as she swung in.

Q.—Not as she lay there; your boat could have gone between the two after she grounded? A.—Yes. 30

Q.—It could only be a moment anyone could get aboard? A.—It was five minutes.

Q.—Did she lie for any length of time during which you saw that people could go aboard her? A.—People could have boarded her all right if she swung because she lay there.

Q.—She changed her position afterwards? A.—I don't know.

Q.—There was open water between her and the pier when you went there? A.—She just touched when we got there.

RECORD. Q.—And up to the time that you went down in the hold as far as you know there was nobody on board of her? A.—I never saw nobody.

*In the
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District.*

AND FURTHER THIS DEPONENT SAITH NOT.

R. ECCLES,

Official Reporter.

No. 29.
Evidence of
William
Nickerson,
Direct-Ex-
amination.
Continued.

MR. HENRY:

Mr. Henry.

I propose after the adjournment, among other testimony I will offer, to offer some testimony in regard to the habits of the two pilots respectively, particularly with regard to the use of stimulants. I am informed that the unfortunate pilot who was killed was a lifelong teetotaller; I 10 propose to call some evidence in regard to that and also in regard to the pilot who survived.

It occurred to me it is possible some witnesses may be going away before the next hearing; I think that we might have permission to take the evidence of any such person before the Registrar; it would be a pity if any important witnesses could not be here for the hearing.

Mr. Bur-
chell.

MR. BURCHELL:

I do think it would be very much better if these witnesses were examined before the court; it is one of the most important marine enquiries we have had and they should be brought back to attend the enquiry; it can- 20 not pretend to be as satisfactory before the Registrar as before the commissioners.

His Lord-
ship.

HIS LORDSHIP:

Only the people we are likely to lose I will permit to be examined before the Registrar.

Mr. Henry. MR. HENRY:

I am thinking of seamen who will go to the other side when they are well enough.

Mr. Bur-
chell.

MR. BURCHELL:

They can be held here.

RECORD. HIS LORDSHIP:

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

If they are destitute seamen belonging abroad I think it would be good enough to examine them before the Registrar provided it is reasonably certain they are going away; anybody on this side of the Atlantic we will bring here.

*No. 29.
Evidence of
William
Nickerson,
Direct-Ex-
amination.
Continued.*

MR. HENRY:

I will endeavour to serve subpoenas on anybody who is not likely to be available and therefore keep them here.

IT BEING THEN 3.45 P.M. THE COURT ADJOURNED UNTIL MONDAY, JANUARY 21ST, AT 10 A.M.

10

R. ECCLES,

Official Reporter.

VOLUMN II.

10 a.m. Halifax, January 21st, 1918.

(Investigation into the collision between the S.S. "Imo" and "Mont Blanc" continued).

PURSUANT TO ADJOURNMENT COURT RESUMED ITS SITTINGS AT 10 A. M. JANUARY 21ST, 1918.

Present the Honourable Arthur Drysdale, Justice of the Supreme Court of Nova Scotia, presiding, assisted by Captain L. A. Demers, F. R. A. S., 20 F. R. S. A., and Captain Charles Hose R. C. N., acting as Nautical Assessors.

APPEARANCES.

Mr. W. A. Henry K.C., appeared on behalf of the Dominion Government.

Mr. Humphry Mellish, K. C. on behalf of the owners of the S. S. Mont Blanc.

Mr. C. J. Burchell K. C., on behalf of the owners of the S. S. Imo.

RECORD. Mr. A. Cluney, K. C. on behalf of the Attorney General of Nova Scotia,
and

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Mr. T. R. Robertson K. C., for the Halifax Pilotage Commission.

Messrs. J. T. Rowan and Robert Eccles, as Reporters.

No. 30.
Evidence of
Lewis
Skarre,
Direct-Ex-
amination
by Mr.
Henry K. C.
January
21st, 1918.

No. 30.

DEPOSITION OF LEWIS SKARRE.

On this twenty-first day of January, in the year of our Lord one thousand nine hundred and eighteen, there personally came and appeared

LEWIS SKARRE.

CHIEF ENGINEER OF THE NORWEGIAN STEAMSHIP IMO 10
WHO, BEING DULY SWORN UPON THE HOLY EVANGELISTS,
DOTH DEPOSE AND SAY AS FOLLOWS:—

EXAMINED BY MR. HENRY K.C.

Q.—You were the Chief Engineer of the Imo? A.—Yes sir.

Q.—What is your age? A.—29.

Q.—How long have you been acting as chief engineer? A.—Since
1913.

Q.—And previous to that I suppose you were a second engineer?

A.—I have been second engineer from 1910 to 1913.

Q.—Before that what were you doing? A.—I was in Norway four 20
years, in a machine shop.

Q.—Studying to pass your examinations? A.—Yes sir.

Q.—You hold a certificate as first engineer, Norwegian certificate?

A.—Yes sir, first class engineer.

Q.—Where were you born? A.—In Norway.

Q.—You live in Norway? A.—Yes sir, Sandjeford in Norway.

Q.—You are a married man? A.—Yes sir.

Q.—Did you know the Captain? A.—Yes I knew him. I knew
the captain's family.

Q.—What was the captain's name? A.—From.

Q.—He is also from Sandjeford? A.—Yes.

Q.—How long had you been on board the Imo? A.—I joined the
Imo on the voyage from Rotterdam to Halifax—the last trip.

Q.—Just on her the one trip? A.—Yes sir, just crossed over.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 30.
Evidence of
Lewis
Skarre,
Direct-Ex-
amination,
January
21st, 1918.
Continued.

Q.—Had you been chief engineer on steamers before that? A.—Yes, I have been chief engineer in four steamers before that.

Q.—Some of them were destroyed? A.—Yes, two of them.

Q.—By what? A.—German submarines.

Q.—You were saved each time all right, or you would not be here?
A.—Yes sir.

Q.—Both Norwegian ships? A.—Yes sir.

Q.—Carrying cargo? A.—Yes sir, the first time carrying cargo to France, the last time carrying general cargo from Liverpool to Iceland.

Q.—The morning of the collision were you in charge yourself? 10

A.—Yes sir.

Q.—Of the engine room. A.—Yes sir.

Q.—From the time you left your anchorage? A.—Yes sir.

Q.—Do you remember what time you left your anchorage that morning?
A.—A couple of minutes after 8 o'clock.

Q.—Where were you lying that morning? A.—The western shore of Bedford Basin.

Q.—I suppose you remained in the engine room until the collision?
Yes sir.

Q.—You were not up on deck in the meantime at all? A.—No sir. 20

Q.—At what rate of speed did you start away from your anchorage?
A.—We started with full speed ahead.

Q.—What was the next order you got? A.—Dead slow and half speed and dead slow and half speed, and several different orders.

Q.—Did you get any full speed again between that and the collision?
A.—No sir.

Q.—Never going full speed after you first started? A.—No sir.

Q.—Was there a telegraph on the bridge the same as the one in the engine room? A.—Yes sir.

Q.—If the indicator on the bridge is put to a certain order that shows down in the engine room? A.—Yes sir. 30

Q.—Is there a bell that rings to call your attention at the same time?
A.—Yes sir.

Q.—Just a tinkle? A.—Yes sir.

Q.—That calls your attention and then you look at the telegraph to see what the order is? A.—Yes sir.

Q.—Do you repeat that back to the bridge? A.—Yes sir, it is answered back from our telegraph down below up to the bridge.

Q.—Who did you have in the engine room with you? A.—The second engineer and the fourth engineer and a donkeyman. 40

Q.—Who was operating the engines? A.—The second engineer—I was looking with the engineer—I stayed alongside of him.

Q.—What was the fourth engineer doing? A.—Marked the orders from the bridge.

Q.—Marked them down? A.—Yes sir, in a scrap log.

RECORD. Q.—What was the donkeyman doing? A.—Answering the orders—repeated orders from the bridge.

In the Exchequer Court of Canada, Nova Scotia Admiralty District.
Q.—Did he repeat them by means of your engineer room telegraph?
A.—Yes.

Q.—There was no speaking tube? A.—No sir.

Q.—What has become of that scrap log? A.—Our scrap log was down below in the engine room and we lost it when the engine room got full of water sir.

Q.—It is down there yet? A.—Yes sir.

Q.—Coming down to the time just preceding the collision, what orders did you get shortly before the collision? A.—first we got stop and full speed astern. 10

Q.—Did you get full speed astern more than once before the collision?
A.—Yes sir, we got it twice before the collision.

Q.—Which came first? A.—Stop first.

Q.—And then full astern? A.—Yes sir.

Q.—Immediately afterwards? A.—Stop and full speed astern again.

Q.—Did you feel the shock of the collision? A.—Yes sir, very lightly.

Q.—When did that come in respect to the various orders that you told us about—the shock of the collision? A.—It was after we got full speed astern. 20

Q.—The first or second time? A.—The second time.

Q.—You had stop followed by full speed astern then stop and another full speed astern and then the collision? A.—Yes sir.

Q.—Is that right? A.—Yes sir.

Q.—How long were you reversed under the first order to go full speed astern? A.—I could not say definitely.

Q.—Give us some idea? A.—Maybe between 1 and 2 minutes—the last reverse. 30

Q.—The first reverse? A.—Perhaps it was a longer time the first reverse.

Q.—A little longer than 1 or 2 minutes? A.—Yes sir.

Q.—Then you got stop—did the next reverse order come immediately after stop? A.—It was several minutes between the two reverses.

Q.—Several minutes between the two reverses? A.—Yes sir.

Q.—As long as 4 or 5 minutes do you think? A.—I cannot say definitely how long a time it was.

Q.—A substantial time? A.—3 or 4 minutes—I cannot say definitely how long a time it was. 40

Q.—When you got the second full speed astern; what did you get that twice? A.—I got the orders repeated twice.

Q.—The second one? A.—Yes sir.

Q.—Did you take any meaning from that? A.—I understand there must be something wrong—I have to hurry up and get full force on.

RECORD. Q.—You understood it was a hurry up order? A.—Yes sir, and I did so.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—Did you take any notice of any whistles that morning? A.—Yes, when they reversed the last time, just after I got the order I heard three blasts from our own vessel.

Q.—Three short blasts? A.—Yes sir.

Q.—On your whistle? A.—Yes sir.

No. 30.
Evidence of
Lewis
Skarre,
Direct-Ex-
amination,
January
21st, 1918.
Continued.

Q.—Were those the first whistle blasts you noticed that morning? A.—That was the first blast I noticed.

Q.—Could there have been other blasts from your steamer earlier than that that you did not notice? A.—Yes sir, I did not pay any attention to them.

Q.—This one you happened to notice because it came with the reverse order? A.—Yes sir.

Q.—I suppose going out of the harbour as you were, you did not expect to get stop and reverse? A.—I cannot say.

Q.—You would not be looking for an order of that kind, to stop and reverse when you were going down the harbour? A.—No sir.

Q.—You would expect to go right ahead? A.—Yes sir.

Q.—That called your attention—you saw that there was something out of the ordinary? A.—There was something wrong when I got a repeated order.

Q.—Did you notice any whistles from any other ship? A.—No sir.

Q.—Down below with the noise of the machinery you would not hear them? A.—No sir, I did not hear them.

Q.—Can you tell whether your ship was going ahead through the water or back through the water at the time you collided? A.—When she goes ahead the engine goes ahead.

Q.—You told us you got a reverse order twice repeated? A.—Yes sir.

Q.—Shortly before the collision? A.—Yes sir.

Q.—Could you tell from the engine room whether your ship was going ahead or astern through the water at the moment of the collision? When your steamer is going ahead through the water and you reverse your propeller you can notice a difference between when she is going ahead through the water and actually going back through the water? A.—Yes sir.

Q.—How can you tell that? A.—The engines make more revolutions when they are going astern through the water.

Q.—Than when they are going ahead? A.—Yes sir.

Q.—Can you tell us from that whether your ship was going ahead or astern when she struck the other ship? A.—She must be laying quite stopped.

Q.—When the two ships came together? A.—Yes sir.

Q.—Do you mean that she was then motionless in the water or going very slowly through the water? A.—The engine run very fast.

Q.—At the time you struck? A.—Yes sir.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 30.
Evidence of
Lewis
Skarre,
Direct-Ex-
amination,
January
21st, 1918.
Continued.

Q.—So that she was either stopped or going astern? A.—Yes sir.

Q.—Is that what you mean? A.—Yes sir.

Q.—After the collision do you know what orders you got? A.—Yes, we got several orders, full speed ahead and full speed astern, and when the explosion happened we were on half or slow speed ahead.

Q.—At the time of the explosion? A.—Yes sir.

Q.—How many orders do you think you got between the collision and the explosion? A.—I could not say—there were many orders.

Q.—Quite a number of orders? A.—Yes sir.

Q.—Did you notice the time of the collision? A.—The fourth engineer noticed it. 10

Q.—Did you find out what the time was? A.—I was standing alongside the engine looking after the working right away—I did not notice the time.

Q.—Who was? A.—The fourth engineer marked it down.

Q.—Did you remain in the engine room all the time until the explosion?

A.—Yes sir.

Q.—When the explosion happened you were injured? A.—Yes sir.

Q.—Hit on the head by a piece of iron or something? A.—Yes sir.

Q.—After that you didn't know very much? A.—No sir. 20

Q.—What was the speed of your ship? A.—Between 10 and 11 knots.

Q.—Full speed? A.—Yes sir.

Q.—Light or loaded? A.—It was light.

Q.—That day? A.—Yes sir.

Q.—Would she do better than 10 or 11 knots when she was light like that? A.—Not since I have been on board—the most we got was 10½ to 11.

Q.—That was the most you ever got? A.—Yes sir.

Q.—How long did you run full speed after you started? A.—I can't 30
not tell you how long.

Q.—From the anchorage you started away at full speed? A.—Not a very long time.

Q.—Did you get the ship going through the water at full speed? A.—No sir.

Q.—Not long enough for that? A.—No sir.

Q.—Can you give us any estimate of the highest speed that your ship attained between the time she left the anchorage and the collision?

A.—I know it could not be more than 3 or 4 miles.

Q.—What is her half speed? A.—6 or 7 miles. 40

Q.—Between the anchorage and the collision were you going slow at all? A.—Yes sir, slow and half speed.

Q.—That is slow one time and half speed another time? A.—Yes sir, and slow again.

Q.—The day before the collision you expected to sail did you?

RECORD. A.—Yes, I got orders from my captain to make the engines ready for four o'clock in the afternoon.

In the Exchequer Court of Canada, Nova Scotia Admiralty District. Q.—That would be in the afternoon on the 5th of December?

A.—Yes sir.

Q.—You were coaling in the Basin? A.—Yes sir, he said he would get the coal in by 4 o'clock.

Q.—By four o'clock? A.—Yes sir.

No. 30. Evidence of Lewis Skarre, Direct-Examination, January 21st, 1918. Continued. Q.—As a matter of fact the coal did not come? A.—Not before 3 o'clock.

Q.—You did not get your coaling finished? A.—Not before 5.30. 10

Q.—Then it was too late to come out? A.—The pilot came on board and he said to the captain it was too late to go out that night.

Q.—Had you steam up? A.—Yes sir and the engine ready for 4 o'clock.

Q.—The pilot went ashore again that afternoon? A.—Yes sir.

Q.—And came back again the next morning? A.—Yes sir.

Q.—How did he come back—what kind of a vessel or boat did he come in? A.—In the morning?

COUNSEL: Yes.

A.—I did not see the pilot come on board at all. 20

Q.—Do you know what kind of a boat he came in on the afternoon of the 5th? A.—Some small steamer—I would not say for sure. I would not say whether it was a motor boat or steamer for sure—it was a small vessel he came aboard on.

BY MR. BURCHELL, K. C.

Q.—You told us before the collision your engines were put at full speed astern twice? A.—Yes sir.

Q.—With some minutes in between? A.—Yes sir.

Q.—After the first reverse and between the second reverse how were the engines? A.—Stopped. 30

Cross-Examination, by Mr. Mellish, K. C. BY MR. MELLISH K. C. (CROSS EXAMINATION)

Q.—Do you remember the next order that you received after full speed ahead, after leaving the anchorage? A.—I cannot remember.

Q.—What it was, not how long it was after that you got the next order. How long after leaving the anchorage? A.—I cannot remember that.

Q.—Have you any idea how long it would take a ship to work up to full speed ahead through the water—supposing you start off from your anchorage at full speed, light ship, how long would it take you to work up? A.—It is difficult to say that when there was no straight course.

RECORD. Q.—Supposing it was a straight course? A.—I don't know the ship so much—I cannot give any idea of that.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.
Q.—Have you been on similar ships—some ships like that? A.—Not such big ships.

Q.—I suppose the bigger the ship the longer it takes? A.—I cannot say that.

No. 30.
Evidence of
Lewis
Skarre,
Cross-Ex-
amination,
January
21st, 1918.
Continued.
Q.—A little motor boat you can get her up to full speed almost at once? A.—Yes sir.

Q.—The bigger the ship the longer it takes to get her full speed through the water? A.—I cannot say.

Q.—What is the horse power of the engines? A.—Ordinarily what we use is between 2400 and 2500.

Q.—How many engines are there? A.—One.

Q.—You don't know then what orders you got nor when you got the orders between full speed ahead and full speed astern? A.—I know there was slow and half speed.

Q.—And what else? A.—Slow and half speed again—several orders.

Q.—Slow and half speed several times? A.—Yes.

Q.—As though your ship was making some manoeuvres? A.—I don't know.

Q.—Have you any idea what you should be getting these orders slow and half speed and slow and half speed, for? A.—I cannot give you any idea.

Q.—Is it usual for you to get the order full speed ahead leaving the harbour? A.—Leaving the anchorage.

Q.—Is it usual for you to get the order full speed ahead right at once leaving a harbour—is that the order that you usually get? A.—No.

Q.—What order do you usually get when you are leaving a port? There are different orders.

Q.—You have been to sea a long time? A.—Yes sir.

Q.—And you know when you are leaving a harbour what orders you usually get—it is not usual for you to get an order full speed ahead right away is it? Is it usual for you to start with your engines at full speed ahead—in your experience is that the usual way? Whether you are at anchor in a harbour or not is it usual when you start out to get the order full speed ahead—I am asking you as a seaman whether that is so—perhaps you cannot tell? A.—I cannot understand you sir—what you mean.

Q.—Supposing you are anchored in a harbour instead of being up at a dock or pier—you leaving the harbour and you go to sea—would you expect the captain to give you the order, as chief engineer, when he starts, of full speed ahead. Did you ever get that order before in leaving a harbour—the first time? A.—Yes sir.

Q.—In a harbour, leaving a harbour? A.—Yes.

Q.—Where? A.—Sometimes we are anchored in the Downs.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 30.
Evidence of
Lewis
Skarre,
Cross-Ex-
amination,
January
21st, 1918.
Continued.

Q.—When you anchor in the Downs—what is that? A.—Over in England. Many times you get full speed ahead.

Q.—If you are anchored in a channel you might also get the order? A.—Yes sir.

Q.—If you were anchored in the harbour would you expect to get that order—after you got the order full astern the first time what was your next order? A.—Stop.

Q.—What was the next order? A.—Full speed astern.

Q.—And that was the last order you got? A.—No.

Q.—Then came the collision? A.—Yes sir.

Q.—You had full astern, stop and full speed astern again? A.—Yes

sir.

Q.—You are clear of those three orders—that is the succession of those orders? A.—Yes sir.

Q.—Full astern? A.—Yes sir.

Q.—And stop? A.—Yes sir.

Q.—And full astern again? A.—Yes sir.

Q.—When you got the order stop, your vessel must have been going ahead then? A.—Yes she must have been going ahead.

Q.—And then you got the order full astern the second time?

A.—Yes sir.

Q.—Then you got no more orders before the collision? A.—No sir.

Q.—How long were your engines at stop do you imagine? A.—Between the two reverses?

Q.—Yes, how long were they stopped? A.—I could not say.

Q.—Your ship would be going ahead any way while the engines were stopped? A.—I was not on deck—I could not tell.

Q.—You told us you could tell from the working of your engines?

A.—Yes sir.

Q.—Because when you reversed the second time the ship was going ahead then? A.—Yes sir, they were going ahead when they reversed.

Q.—How long were you reversed the second time before the collision?

A.—I cannot give any time.

Q.—Was it a long time or short time? A.—Only a short time.

Q.—That is the second time you reversed? A.—Yes sir.

Q.—Only a short time? A.—Yes sir.

Q.—Perhaps not a minute? A.—I could not say anything about the time for that—I would not say for sure any time.

Q.—It was not long? A.—No sir.

Q.—Was it as long as you reversed the first time? A.—About the 40 same—I would not say it was so long; but it was not far off.

Q.—I suppose you were not reversed very long the first time? A.—A couple of minutes?

Q.—You think it was a couple of minutes? A.—Yes sir.

Q.—Do you mean a couple of minutes? A.—Yes sir.

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- RECORD. Q.—That you were reversed the first time? A.—One to two minutes.
- In the Exchequer Court of Canada, Nova Scotia Admiralty District.* Q.—Have you ever taken your watch to realize how long a minute is? A.—Yes sir many times.
- No. 30. Evidence of Lewis Skarre, Cross-Examination, January 21st, 1918. Continued.* Q.—You say you reversed from one to two minutes the first time? A.—Between one and two minutes.
- Q.—How long were you reversed the second time? A.—I cannot say.
- Q.—Were you reversed that long the second time? A.—No, it was not so long the second time. 10
- Q.—Why did you not get out earlier that morning—why did you wait so long to leave your anchorage? A.—I could not tell you.
- Q.—Do you know the place, the gates, where you come through into the harbour? A.—No, I don't know that sir.
- Q.—You know there are such things—you know there is a place where you have to pass through on the other side of George's Island—you must go through it, and at certain times you cannot get through? A.—Yes sir.
- Q.—You know that your language is Norwegian? A.—Yes sir.
- Q.—And you know English pretty well? A.—Yes sir. 20
- Q.—You can speak better in your own language? A.—Yes sir.
- Q.—You would be more free in your own language? A.—Yes sir.
- Q.—Did you know or did you understand from the captain, that you could only pass through this gate at certain hours of the day? A.—No.
- Q.—You did not understand that? A.—No sir.
- Q.—I believe it is true that there are certain hours—it may be that this ship was in a hurry to catch this gate.
- (TO WITNESS): Do you know how your ship was heading at the time of the explosion? A.—No sir.
- Q.—Where was the chief injury to your ship—which side of your ship was injured the most, the starboard or port side? A.—I cannot say.
- Q.—You have seen the ship? A.—I have seen the damage on deck.
- Q.—Did you see the damage to the hull? A.—and some damage to the hull.
- Q.—On which side was this damage on the hull? A.—Just a small hole in the starboard side outside.
- Q.—Are there not several small holes on the starboard side—are there not a good many small holes in the hull? A.—Yes sir.
- Q.—Are there any on the port side? A.—I have not been looking on the port side. 40
- Q.—You did not look much at this boat? A.—No sir.
- Q.—After the accident were you down in the fore peak of your vessel to see how she was injured? A.—No sir.
- Q.—Did not look at the frames inside? A.—No sir.
- Q.—After the explosion—after you went ashore, did you examine your vessel at all? A.—No, just on deck.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

*No. 30.
Evidence of
Lewis
Skarre,
Cross-Ex-
amination,
January
21st, 1918.
Continued.*

Q.—You have not been to see her since? A.—No sir.

Q.—You were not on board her very long? A.—Just a short time.

Q.—You did not regard her as the old homestead, I suppose?

A.—No sir.

Q.—I don't suppose you looked at her port side at all, did you?

A.—No sir, it is inside to shore. I only looked on the starboard side.

Q.—You cannot tell very much about it? A.—No sir.

Q.—On deck did you see which way the deck hamper was blown?

A.—It was twisted around—I could not say which way it was blown.

Q.—Twisted every way? A.—Yes sir.

10

BY MR. BURCHELL, K. C.

Q.—What kind of propellor have you? A.—Right handed.

Q.—Not twin screw—one screw? A.—Yes sir, one screw.

Q.—These holes that you say in her you just saw from passing up in the stream—do you know whether they were caused by the explosion or by the collision? A.—No sir, the damage I noticed was about amidships on the ship.

Q.—It may have been caused by the explosion? A.—Yes sir.

Q.—You only saw them passing up the channel in a steamer, roughly?

A.—Yes sir.

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By Captain Demers. BY CAPTAIN DEMERS:

Q.—You were down in the engine room when you began to warm up the engines? A.—Yes sir.

Q.—You remained there until the ship left? A.—Yes sir.

Q.—You were down there until the time of the actual collision?

A.—Yes sir.

Q.—After warming up you got the order standby? A.—Yes sir.

Q.—The next order was full speed ahead? A.—Yes sir.

Q.—Was it a general way of starting full speed ahead? What kind of anchors did you have—did the anchors go right into the hawse pipe, or how? A.—I don't know what kind of anchors they used this time—we have two kinds on the ship.

Q.—Do you know what kind it was on the port bow? A.—No, I could not tell you.

Q.—Have you been on the forecastle head at any time since you have been on that ship? A.—Yes sir.

Q.—Did you notice if the port anchor is stockless, or is an old fashioned anchor? A.—I have not noticed that.

Q.—You cannot give me any idea how the anchor is shaped at all? No sir.

Q.—The first order after standby was full ahead? A.—Yes sir.

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- RECORD. Q.—What was the next order? A.—I would not say whether it was half speed or slow.
- In the Exchequer Court of Canada, Nova Scotia Admiralty District.*
- No. 30. Evidence of Lewis Skarre, Cross-Examination, January 21st, 1918. Continued.
- Q.—You are not sure? A.—No sir.
- Q.—You could not tell the time that elapsed between the full speed or half speed, or slow speed? A.—No sir.
- Q.—You were watching the engines and when your ship goes full speed through the water there is a certain amount of turns, and assuming that indicates to you that your ship is going through the water—first you start your engine full speed ahead? A.—Yes sir.
- Q.—Before your ship gets headway it works hard? A.—Yes sir. 10
- Q.—When your ship attains her full speed the engines work easily? A.—Yes sir.
- Q.—How was it going when you got the order half or slow speed? A.—Easy.
- Q.—It indicated to you that it was gathering speed through the water? A.—I did not take any notice.
- Q.—As an engineer you are supposed to take notice of those things though? A.—I noticed she was not performing the number of revolutions that was necessary to go full speed on?
- Q.—What is the number of revolutions? A.—55. 20
- Q.—11 or 10 knots? A.—Between 10 and 11.
- Q.—At the time you got this order half speed or slow, how many revolutions were you going? A.—Half speed.
- Q.—How many revolutions is that—55 is full speed, how many revolutions was she doing at the time? A.—About 40 is half speed.
- Q.—Is that the number of revolutions that was being done at the time you got the order, either of half or slow speed? A.—We did not test the revolutions.
- Q.—Have you not got a governor? A.—Yes, I did not notice it.
- Q.—Could you not give an idea whether it was 2, 3, 4 or 5 minutes, 30 approximately between the full speed order until the next order? A.—Could not be more than that.
- Q.—More than what, five minutes? A.—5 or 6 minutes.
- Q.—5 or 6 minutes? A.—I could not say that for sure.
- Q.—It would be less than 4 minutes or more than six, which is it? A.—It is difficult to say the times.
- Q.—I give you a margin of a couple of minutes? A.—I cannot say anything for sure.
- Q.—For that length of time that your ship was going on the first order full speed, and she had time to get full speed, to go about 10 or 11 knots? 40 A.—Not at that time.
- Q.—Not in that five minutes? A.—Not in that time.
- Q.—What rate of speed would you say she would get up to in that five minutes? A.—6 or 7 knots.

RECORD. Q.—You were going 6 or 7 knots—then you got the order, you don't remember whether it was half speed or slow? A.—I cannot remember that.

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District.

Q.—How long did you go on that order, whatever it may have been, before you got the next order? A.—A very short time—when I got the order slow and just put the engines slow, and I got another order again.

Q.—What was the other order? A.—I cannot remember which order it was.

Q.—Was it stop? A.—No sir, after full speed it was half or slow.

No. 30.
Evidence of
Lewis
Skarre,
Cross-Ex-
amination,
January
21st, 1918.
Continued.

Q.—After this order—what was the next order, following the second order? A.—Stop.

Q.—Between the slow and half speed I suppose you got stop?

A.—Yes sir.

Q.—Shortly afterwards? A.—Yes sir

Q.—At that time did you hear any whistles at all? A.—No sir.

Q.—How was it you happened to hear the three whistles when you got full astern? A.—We got stop and full speed astern and stop and full speed astern again, and then I heard the three whistles.

Q.—The three whistles were sounded at the last full astern? A.—Yes sir.

Q.—You never heard a two blast whistle? A.—I may have heard it; but I did not notice it.

Q.—You could hear it plainly in your engine room if it was sounded?

A.—Yes sir.

Q.—You could hear it plainly? A.—Yes, from our steamer.

Q.—Immediately after the collision what order did you get, the moment the impact took place—the moment your ship struck the Mont Blanc or the other vessel struck you, what was the first order you got?

A.—Still reversing astern.

Q.—Going astern at the time the collision happened? A.—Yes sir. 30

Q.—And still going astern after the collision? A.—And stop.

Q.—How long after the collision did you stop? A.—When the collision happened we were reversing at that time and stopped.

Q.—Do you mean to say that your ship was going astern or the engines astern? A.—The engine was going astern.

Q.—How long after the collision did you get the order stop? A.—Just a short time after.

Q.—Do you suppose the two vessels parted from each other at the time you got that order stop? A.—That must have been it.

Q.—Does your ship not go 13 knots an hour at all? A.—I never heard 40 she did.

Q.—Did you have any bad coal? A.—Yes, not so bad now.

Q.—By the working of your engines what speed were you going by the time you got the reverse order full speed astern, the first one? A.—It could not be over 3 or 4 knots.

RECORD.

*In the
Exchequer
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No. 30.
Evidence of
Lewis
Skarre,
Cross-Ex-
amination,
January
21st, 1918.
Continued.

Q.—You must remember you started full speed and you said that by the 5 or 6 minutes your ship gathered about 6 or 7 knots—immediately after you got stop, after the second order? A.—Yes.

Q.—Your ship did not have time to reduce her speed from 7 to 4 knots in that interval of time that elapsed? A.—There were different orders.

Q.—They all followed one another without any interval of times—there was no question of minutes between the last few orders—one followed the other immediately after? A.—When we got the order we put the engine to that order and we got the next order.

Q.—Hard time to put the engine to the first order until you got the second order? A.—Yes sir. 10

Q.—Your ship did not lose much speed then? A.—I could not tell you that.

Q.—If your ship is going 7 knots through the water and you got an order to stop, and immediately after full speed astern, and immediately after stop and then full astern again, your ship is still going full ahead—your engines have not had any influence on your ship to stop her speed through the water. When you got stop and reverse order the first time your ship must have been going still 6 knots through the water—was she going that 6 knots instead of 3 or 4 as you say now? As an engineer you are watching every movement of the engines? A.—Yes sir. 20

Q.—If the steam is reduced it does not take you long to go and call down the fireman. I know from experience that engineer can stand on the deck and if there is any little thing goes wrong he immediately detects it? A.—Yes sir.

Q.—When your ship is diminishing speed you can notice it by the engine movement? A.—Yes sir.

Q.—The time you got stop your engines were going about the same way without any resistance at all, as when she was going 6 or 7 knots?

A.—As soon as the engine is stopped the speed is going down. 30

Q.—Not right away, the ship has got headway still? A.—Yes sir.

Q.—The speed does not diminish right away as soon as you stop? A.—No sir.

Q.—You got an order stop and an order very shortly afterwards full speed astern? A.—Yes sir.

Q.—Immediately afterwards you got what? A.—Stop.

Q.—Between the first order stop and the second order stop what time elapsed do you suppose, is it a question of seconds or minutes? A.—I cannot say whether it is a long time—several minutes between the two astern orders. 40

Q.—It was only at the last full speed astern you heard the three whistles? A.—Yes sir.

Q.—Immediately after the collision took place? A.—Yes sir.

Q.—A question of seconds? A.—I cannot say how long it was after we reversed that the collision happened.

RECORD*

*In the
Exchequer
Court of
Canada,
Nova Scotia
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District.*

No. 30.
Evidence of
Lewis
Skarre,
Cross-Ex-
amination,
January
21st, 1918.
Continued.

Q.—You had time to get your machinery in gear? A.—Yes sir, good time to get the engine up to full speed astern before the collision.

Q.—How fast was your ship going at the time, when the collision took place? A.—What I could see on the engines she was not going ahead at all.

Q.—Then your screw was working easy? A.—It was working very fast.

Q.—Supposing your ship was going 5 or 6 knots through the water would your engines work harder still going full astern? A.—My engines will work more slow if the ship is going ahead.

Q.—You said she was stopped when you went full astern the second time? A.—Yes sir.

Q.—How hard was your screw working at the time? A.—It was not working hard. We got up to very fast revolutions just after we started.

Q.—How many revolutions do you think you were doing at that time?

Q.—More than 60 I believe.

Q.—More than you do full ahead? A.—Yes sir, more than full force.

Q.—You said there was not much shock when the collision took place? A.—It was very light.

Q.—You don't know how far your ship got into the Mont Blanc? 20

A.—No sir.

Q.—You remained in the engine room until you had hit the other ship?

A.—Yes sir.

Q.—Were you in the engine room when the explosion took place?

A.—Yes sir.

Q.—You did not come up on deck? A.—No sir, I did not see the French steamer at all.

Q.—Did you send any engineer to see what was the matter? A.—The third engineer came down and told me there was a collision.

Q.—Did you think there was a collision when you felt the shock? 30

A.—I thought she was going ashore.

Q.—That is the way it felt? A.—The third engineer came down and told me there was a collision with a French steamer.

By Captain
Hose. BY CAPTAIN HOSE:

Q.—Do I understand from you that all the various orders that you did get on the telegraph were entered at the time in the engine room log—they were all registered by the fourth engineer? A.—Yes, all put in.

Q.—You said that the final orders you got were stop, full astern, stop, full astern? A.—Yes sir.

Q.—What was your telegraph at before that first stop—had you been 40 running at half speed then? A.—I cannot remember sir.

Q.—Did you notice in your engine room if the steering engines is put to hard astarboard or hard aport—can you notice that? A.—I cannot notice that in the engine.

RECORD. BY CAPTAIN DEMERS:

*In the
Exchequer
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Canada,
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District.*

Q.—Where is the steering gear engine? A.—Right aft on the ship.
Q.—The engines? A.—Yes sir.
Q.—You cannot see them? A.—No sir.
Q.—You cannot hear the sound? Q.—No sir.

No. 30.
Evidence of
Lewis
Skarre,
Cross-Ex-
amination,
January,
21st, 1918.
Continued. BY CAPTAIN HOSE:

Q.—Would there be anybody on watch in the steering engine room?
Any oiler or anybody on watch in the steering engine room on watch
coming out of the harbour? A.—There is an officer on deck to look
after the steering gear going out.

10

By Captain Demers. BY CAPTAIN DEMERS:

Q.—Who attends to the steering gear before the ship leaves? A.—The
second mate.

Q.—Does the engineer look after that? A.—Yes, the second engin-
eer was looking after the steering gear too. The second engineer was with
the second mate moving up the steering gear before they left the anchorage.

By Mr.
Burchell
K. C.

BY MR. BURCHELL K. C.:

Q.—Mr. Mellish asked you about the full speed ahead when leaving a
harbour—in leaving anchorage is it usual to start out full speed ahead?
A.—Yes sir.

20

AND FURTHER DEPONENT SAITH NOT.

J. T. ROWAN.

Official Reporter.

MR. BURCHELL K. C.:

I think it is fair to myself and to the wheelsman of the Imo, that I should
state what transpired since the last information I gave you before the
adjournment of the Court in December.

HIS LORDSHIP:

He was in the hospital last time?

RECORD. MR. BURCHELL K. C.:

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Yes and the last letter I read to the Court was the one from Major McCleave, in which I was informed by Major McCleave that there was no charge against this man, that it was a case of mistaken identity and that a military guard would not be maintained over him any longer.

Mr. Henry received a letter the same as myself, and Mr. Henry wrote a letter in reply on the day the Court adjourned, which was as follows: (Letter to be handed into Court, or rather copy of same).

And then on Sunday after the investigation was closed I wanted to see this man and I telephoned to the hospital and the officer in charge told me I could see him, and I went up and the officer went with me, Captain Carney, and he told me that he was confined in a room by himself, and I started to go through there into the room when a man with a bayonet grabbed me by the shoulder and told me I could not get in; but I said I had orders from Major McCleave that Mr. Henry or myself could get in. The man could not let me in he said. 10

I called up General Benson, after Mr. Henry said that his phone was out of order, he could receive but could not send messages. General Benson was very much displeased with the matter and he telephoned Captain Carney that I should be allowed to see this man right away. 20

I eventually got in, my Lord, and found this man confined in a dungeon, the glasses had been broken, and it was pitch dark; but they had an electric light—they had an inside guard, a man with a bayonet standing right at his head.

The man was fast becoming sullen and morose with the treatment he was receiving. Neither then, my lord, not at any other occasion on which I have seen him, previous to that, could I get a story from him. He was continually talking about his home life.

I wrote General Benson on the Monday and I have the letter here, which I think I should place on the files of the Court. 30

As a result of this letter the same day General Benson at once issued his own personal orders that this man should be sent to the general ward, and the man brightened up after that and became very much different and ten days ago General Benson reported to me that the man was in a fit state to leave the hospital, and after I conferred with Mr. Henry about the matter, we had the man placed in the Sailor's Home in this city. Up to that time I have not been able to get any story from the man.

RECORD. I think the matter should be put before the Court my Lord, to show the way that this Norwegian Sailor has been treated.

*In the
Exchequer
Court of
Canada,
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District.*

HIS LORDSHIP:

It is to bad that the man was ill treated as it appears he has been ill treated.

No. 31.
Evidence of
John
Johansen,
Direct-Ex-
amination,
January
21st, 1918,
by Mr.
Henry K. C.

No .31.

DEPOSITION OF JOHN JOHANSEN.

On this twenty-first day of January in the year of our Lord one thousand and nine hundred and eighteen, there personally came and appeared

JOHN JOHANSEN.

10

WHEELSMAN, OF THE S. S. IMO BEING CALLED AS A WITNESS AND DULY SWORN DOTH DEPOSE AND SAY AS FOLLOWS:

EXAMINED BY MR. HENRY K., C.:

Q.—How old are you? A.—24.

Q.—You were born where? A.—Sandjeford.

Q.—In Norway? A.—Yes sir.

Q.—Have you been going to sea long? A.—Since I was 14.

Q.—You have not been all the time at sea? A.—No off, and on.

Q.—You have lived in the United States part of that time?

A.—Yes sir.

Q.—How long? A.—A matter of about 5 years.

Q.—During that time were you in the American Navy? A.—In the United States Engineering Department.

Q.—Did you serve on one of the ships? A.—Yes sir.

Q.—The Absecon? A.—Yes sir.

Q.—That is owned by the U. S. Government? A.—Yes sir.

Q.—That was when? A.—Last March.

Q.—How long were you on board of her? A.—Between 3 and 4 months.

Q.—What was your position on shore? A.—Quartermaster.

Q.—What were your duties as quarter master on board of that ship?

A.—My duties on board were steering at sea and going watches at the dock.

Q.—When you were at sea your duties were solely steering?

A.—Nothing but steering.

30

RECORD.

In the
Exchequer
Court of
Canada,
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District.

No. 31.
Evidence of
John
Johansen,
Direct-Ex-
amination,
January
21st, 1918.
Continued.

Q.—You were at the wheel of the Imo the morning of the collision?

A.—Yes sir.

Q.—From the time she left her anchorage? A.—Yes sir.

Q.—You were injured in the explosion I understand? A.—Yes sir.

Q.—Where were you steering, what part of the ship were you steering in? A.—In the bridge.

Q.—Is there a wheelhouse? A.—Open bridge.

Q.—Who else was on the bridge with you? A.—The captain and the pilot.

Q.—No other officer? A.—No sir.

Q.—When the explosion happened where did you go? A.—I could not exactly say.

Q.—When you came to where did you find yourself? A.—Somewheres about the smoke stack.

Q.—Everything was pretty well broken up about that part of the ship?

A.—I could not say much about it.

Q.—You were at the wheel at the moment of the explosion? A.—Yes sir.

Q.—And you were injured and I suppose you were unconscious for a time? A.—I was.

Q.—Were you covered up with the debris or material when you came to your senses? A.—There was a lot of wreckage laying about.

Q.—You got out of that? A.—Yes sir.

Q.—Without assistance? A.—No assistance.

Q.—You got down on the deck? A.—Yes sir.

Q.—Your eyes were affected by the explosion? A.—My right eye.

Q.—Pretty nearly blinded? A.—Coming a little better now.

Q.—At the time? A.—I could not see at all at the time.

Q.—Your leg was injured? A.—My leg was injured.

Q.—Then you managed I think to get up on the forecastle deck eventually where some of the men were? A.—Yes sir.

Q.—Did anything happen to you up here? A.—I became unconscious again.

Q.—And you next found yourself on the warship? A.—Yes sir.

Q.—Coming back to the time when you left the Basin can you tell me whether Captain From spoke English or not? A.—Yes sir, he spoke good English.

Q.—Who took charge of the ship going out that morning? A.—The pilot.

Q.—From whom did you get your orders? A.—From the pilot.

Q.—None from the Captain at all? A.—No sir.

Q.—Did the captain speak to you at all going out? A.—He did not speak to me personally.

Q.—Did he ever repeat to you any orders given to you by the pilot?

A.—He would if the pilot was too far away from me to hear him.

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30

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RECORD.

*In the
Exchequer
Court of
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No. 31.
Evidence of
John
Johansen,
Direct-Ex-
amination,
January
21st, 1918.
Continued.

Q.—Who was operating the telegraph? A.—The Pilot.

Q.—What side of the bridge was he on? A.—The port side.

Q.—Where is the whistle cord? A.—On the port side alongside the telegraph.

Q.—Any whistles that were blown were blown by whom? A.—The pilot.

Q.—Could you see the signals on the telegraph from where you were?

A.—No sir.

Q.—You don't know what signals were given to the engine room?

A.—I could not say sir. 10

Q.—Where was your ship anchored in Bedford Basin? A.—On the western shore.

Q.—Is that point marked X on the chart M. B. R. 5, the place where you were anchored, the point X near the letter P on the chart? A.—Yes sir.

Q.—Going from your anchorage to the narrows could you steer a straight course down the Basin? A.—No sir.

Q.—Why not? A.—To many ships in the way.

Q.—You had to go around them? A.—A zig zag through them.

Q.—How about your speed going through those ships? A.—Quite 20 slow.

Q.—What would you say about the speed that you were making going down through the ships? A.—About two or three miles, I could not exactly say sir.

Q.—How many boats did you have to pass going down to the Narrows? A.—About 7 or 8 boats, as far as I can recollect.

Q.—What kind of a boat is the Imo to steer? A.—Good boat.

Q.—She was light that morning and would steer quicker and easier on that account? A.—It did not seem to make much difference.

Q.—Did you meet any moving steamers in the Basin? A.—Not in 30 the Basin.

Q.—Did you meet any before you met the Mont Blanc that morning? A.—Met another steamer about the narrows.

Q.—Where was she, coming in? A.—Yes sir.

Q.—What side of her did you pass? A.—On the port side of her.

Q.—Passed port to port? A.—Yes sir.

Q.—Do you know what she was? A.—I saw her flying an American flag.

Q.—An American tramp? A.—Yes sir.

Q.—What was the condition of the weather in the narrows that morning? 40
A.—Quite hazy.

Q.—How was it in the Basin? A.—Up in the Basin it was clear.

Q.—In the narrows it was hazy? A.—Yes sir.

Q.—Was it a low haze? A.—Low haze.

Q.—On the water? A.—Yes sir.

RECORD. Q.—What was the condition at the place of the collision, was it clear or hazy there? A.—Clear there.

*In the
Exchequer
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No. 31.
Evidence of
John
Johansen,
Direct-Ex-
amination,
January
21st, 1918.
Continued.

Q.—The haze was only in the narrows? A.—Yes sir.

Q.—Which side of the narrows did you come out from, the western or eastern or middle—as you came into the narrows were you on the western side or the eastern or middle? A.—Just about the middle.

Q.—Did you have to turn to come down the channel when you got to the narrows or were you headed down the channel before you got to the narrows? A.—We were just about on a straight course to the narrows.

Q.—That is to say the turning you had to use out of the Basin you did 10
in the Basin? A.—Yes sir.

Q.—You came pretty well straight into the narrows? A.—Yes sir.

Q.—This haze that was on the water would that perhaps have prevented another ship from seeing your hull even though they saw your masts? A.—I think it would.

Q.—That is at some distance away? A.—Yes sir.

Q.—If she was a mile down the harbour she might be able to see your masts and not see the hull? A.—Yes sir.

Q.—Were there any whistles exchanged between the American ship and your steamer? A.—Yes sir. 20

Q.—Can you tell us what they were? A.—No.

Q.—You cannot? A.—No sir.

Q.—How is it you cannot tell us that? A.—I was not paying much attention to it? A.—Did you hear any conversation between the American ship and your pilot? A.—Yes sir.

Q.—What was it? A.—The pilot or whoever it was on the American ship said to keep a good look out that there was another ship coming behind.

Q.—The pilot on the other ship? A.—That is what I think.

Q.—Called out to you to keep a good look out that there was another 30
ship was coming behind? A.—Yes sir.

Q.—What did you next see? A.—A tug boat.

Q.—Did she have anything behind her? A.—Yes sir, two scows.

Q.—Were the scows abreast each other? A.—Behind each other.

Q.—Did you find out the name of that tug boat? A.—I learned her name afterwards—the Stella Maris.

Q.—Where was she? A.—Up in the channel then.

Q.—Which way was she heading? A.—Cross to Dartmouth.

Q.—What part of the channel was she in? A.—About the middle 40
of the channel, a little on the Halifax side.

Q.—Going up towards the Basin? A.—At the time when I saw her she was heading right across—not quite, but a little towards the Basin.

Q.—Could you tell which way she was bound? A.—No sir.

Q.—What made you notice this tug—anything? A.—I took more notice of her after some whistles were exchanged.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
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District.*

No. 31.
Evidence of
John
Johansen,
Direct-Ex-
amination,
January
21st, 1918.
Continued.

Q.—What whistles did you hear? A.—I could not exactly say what whistle was blown.

Q.—There was a whistle blown on your ship? A.—Yes sir.

Q.—Who blew it? A.—The pilot.

Q.—You don't know what whistle it was? A.—No sir.

Q.—There was some whistle blown on your ship? A.—Yes sir.

Q.—Was it that attracted your attention? A.—Yes sir.

Q.—And you looked down the harbour and saw a tug ahead of you?
A.—Yes sir.

Q.—You were not told whether the whistle was intended for the tug or 10
not? A.—No sir.

Q.—Did the tug blow any whistle? A.—Not as I noticed.

Q.—Did she change her course at all? A.—She pulled back towards
the Halifax side again.

Q.—Where the tug was how was the weather? A.—Quite clear.

Q.—How far away was she from you at the time this whistle was blown?

A.—I could not say.

Q.—Was she five miles or half a mile? A.—Not over five miles.

Q.—Give us some idea. A.—I could not say any distance.

Q.—She was more than 100 yards? A.—I have no idea sir. 20

Q.—And about that time did you look down the harbour to see what
was ahead of you down there? A.—I was looking straight down.

Q.—What did you see? A.—I saw several ships down the harbour.

Q.—What ships did you see? A.—The ship I noticed was this man
of war—the first I noticed.

Q.—Did you find out which man of war it was? A.—I knew after-
wards it was the High Flyer.

Q.—Did you see any other steamer near her? A.—I saw another
steamer right abreast of her almost.

Q.—On which side of her? A.—On the port side of the High Flyer. 30

Q.—The High Flyer was heading down the stream? A.—I could
not say exactly—she was heading towards us.

Q.—Was she on the Dartmouth or Halifax side of the High Flyer?
A.—The Dartmouth.

Q.—How was she with regard to up and down the harbour, above or
below the High Flyer? A.—It looked to me as if she was right abreast
of her sir.

Q.—Headed up the harbour? A.—Yes sir.

Q.—Was that the ship with which you afterwards collided? A.—Yes
sir. 40

Q.—That was the Mont Blanc? A.—Yes sir.

Q.—Could you tell whether she was moving or not? A.—Not at that
time.

Q.—Did you pass this tug boat? A.—Yes sir.

Q.—She went up above? A.—Yes sir.

RECORD.

In the
Exchequer
Court of
Canada,
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No. 31.
Evidence of
John
Johansen,
Direct-Ex-
amination,
January
21st, 1918.
Continued.

Q.—How were you going at the time you passed the tug boat, what speed? A.—Very slow.

Q.—From the time you saw the tug boat and that whistle was blown that you told us about, what steering orders did you get, from either the pilot or the master? A.—Steady on a little port.

Q.—Did you get any starboard order at all? A.—No sir.

Q.—When you get a port order which way does your ship's head go? A.—To starboard.

Q.—When you get an order to starboard that means the ship's head is to go to port—the same as the English ships? A.—Yes sir. 10

Q.—Were there any whistles exchanged between your ship and the Mont Blanc? A.—Yes sir.

Q.—Can you tell us what they were? A.—No sir.

Q.—You were not paying attention to the whistles? A.—No sir.

Q.—After she was seen did you get any order to change your helm, after you saw the Mont Blanc coming up? A.—Not unless I got a port wheel order.

Q.—How far was the Mont Blanc away from you when you got that order? A.—I could not say.

Q.—Half a mile or a quarter of a mile? A.—I could not say. 30

Q.—Were you very close? A.—No sir, not at that time.

Q.—Can you give us any blast signal that you heard from either of these ships before the collision? A.—I can.

Q.—Tell us any one that you do know about? What is the first signal you can tell us about? A.—The two blast signal from the French boat.

Q.—How far were the vessels apart then? A.—Quite close then.

Q.—A matter of hundreds of yards? A.—I could not say exactly the distance; but she was pretty close.

Q.—When you got that two blast signal from the other ship what was the relation between the ships as to the way they were heading,—were they heading so as to come together? A.—Yes sir. 30

Q.—Which was going to strike the other? A.—At that time it looked to me as if the Frenchman was going to run into us.

Q.—On which side of you? A.—On our port side.

Q.—The Frenchman at that time was nearer the Dartmouth side than you were? A.—Yes sir.

Q.—He was on that side? A.—Yes sir.

Q.—Had he changed the ship's course prior to that? A.—Yes sir.

Q.—Which way? A.—Towards us.

Q.—He gave a two blast signal; but before that he had already changed his course to come to port? A.—Yes sir. 40

Q.—Did he give any signal when he changed his course to come to port? A.—He blew the two blast signal just as he changed.

Q.—Did you give any signal at that time? A.—I know we blew a one blast signal just a second before.

RECORD. Q.—You blew a one blast signal before the two blasts from the other boat? A.—Yes sir.

*In the
Exchequer
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Canada,
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District.*

Q.—How long before? A.—Just a second before.

Q.—They were practically together? A.—I understood it was an answer to our signal.

Q.—Did you hear any two blast signal from your ship before you heard this one blast signal? A.—No sir.

Q.—You did not notice, is that it? A.—No sir.

Q.—I understand that when the Mont Blanc changed her course, following this two blast signal, she was then headed to hit you on the port side? 10

A.—Yes sir.

Q.—Did you blow any signal after the two blast signal from the Mont Blanc? A.—Yes sir.

Q.—What was that? A.—Three blasts.

Q.—Do you know whether your ship was astern or not? A.—I could not tell that.

Q.—Do you know whether there was a signal given to your engine room?

A.—I could not tell that either.

Q.—How long before the collision was that three blast signal blown?

A.—Just a second before. 20

Q.—Did the reversing of your engines, if they were reversed, have any effect upon the motion of your ship at all? A.—Not under slow speed.

Q.—Then the next thing was the collision? A.—Yes sir.

Q.—And you struck the Mont Blanc on which side? A.—Starboard side.

Q.—Pretty well forward? A.—Yes sir.

Q.—And the fore hatch, was it? A.—About the fore part of the fore mast.

Q.—Did you feel the shock of that blow at all? A.—No sir.

Q.—Did not feel it at all? A.—No sir. 30

Q.—Not at all? A.—I could feel something like a little twist.

Q.—As if the bow was twisted? A.—Yes sir.

Q.—Did you hear any noise from it? A.—No sir.

Q.—How far did your ship penetrate into the side of the Mont Blanc? A.—I could not exactly say but it was very little.

Q.—Did your ship back away from the Mont Blanc? A.—A little way.

Q.—You could see the side of the Mont Blanc? A.—Yes sir.

Q.—Could you see the cut that was made in her side? A.—Yes sir.

Q.—How wide was it? A.—I could not exactly say how wide it was; 40 but it looked to me to be about 3 or 4 feet wide.

Q.—Could you tell me about the depth of it? A.—Just about down to the water line.

Q.—And up to the rail? A.—Yes sir.

No. 31.
Evidence of
John
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amination,
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Continued.

RECORD.

Q.—Could you tell how deep it went into the hold? A.—No sir, I could not see.

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John
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Continued.

Q.—How long was it after the collision before you noticed the fire on the Mont Blanc? A.—I noticed the fire as soon as I saw the hold.

Q.—There was fire there as soon as you backed away—you saw the fire on the Mont Blanc then? A.—Yes sir.

Q.—What part of the Mont Blanc was that fire in, with respect to her height? A.—Almost right in the hold.

Q.—Down pretty well near the water line? A.—Yes sir.

Q.—Was the fire big when you saw it? A.—No sir, very low. 10

Q.—Gradually got bigger? A.—Yes sir.

Q.—And eventually got up over the deck? A.—Yes sir.

Q.—Did you change your course for the tug boat at all—the one you met, the Stella Maris? A.—No sir.

Q.—You told us the tug boat changed her course? A.—Yes sir, we did not change.

Q.—Can you give us an estimate of the speed that you were making coming down the channel, after passing the tug boat, or after you saw the tug boat? A.—I could not say exactly; but I would judge about 1 or 2 miles. 20

Q.—1 or 2 miles an hour? A.—Yes sir.

Q.—When a ship is going as slow as that can you tell by the feel of the vibration whether her engines are reversed or not? A.—No sir, I can tell if she is going at a fast speed and then reversed.

Q.—Could you tell whether she actually got sternway on her, whether she was going astern through the water before the collision? A.—I could not tell whether she had sternway; but I could tell she was not going ahead.

Q.—Your idea is that at the moment of the collision the Imo was still in the water? A.—Practically still. 30

Q.—Whereabouts with respect to the centre of the channel did this collision take place? A.—A good deal on the Halifax side.

Q.—At the moment of the collision can you tell us any object on shore that your vessel's head was pointed to? A.—At that time I did not know the name of it; but I know it was somewhere around the Sugar Refinery.

Q.—That is the one that was blown down at Richmond? A.—Yes sir.

Q.—Your vessel's head at the moment of the collision was pointing towards the Sugar Refinery? A.—Yes sir.

Q.—Did you receive an order at the time that you heard the one blast signal on your boat—did you get an order from the captain or the pilot then? A.—Not at that time. 40

Q.—When you blew the one whistle on your boat you got an order for port helm? A.—Yes sir.

Q.—From the pilot? A.—Yes sir.

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Evidence of
John
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Continued.

Q.—Was it hard apart? A.—No sir port a little.

Q.—Did you do that? A.—Yes sir.

Q.—And then steadied? A.—Yes sir.

Q.—After you changed your course, how much did your vessel's course change under that port helm? A.—Very very little.

Q.—How long did you think elapsed between that port helm order and the collision? A.—I cannot exactly say; but it was very little time.

Q.—Did you hear a three blast signal from the Mont Blanc before the collision? A.—Yes sir.

Q.—You heard them give a three blast signal? A.—Yes sir. 10

Q.—That would be just before the collision? A.—Yes sir.

Q.—Was that the last signal given before the actual collision?

A.—That is all the signal I heard given.

Q.—Did you watch the Mont Blanc from the time you saw her down by the warship until the collision? A.—I watched her.

Q.—Did you make any estimate of the speed at which she was coming up the Harbour? A.—I did not.

Q.—You cannot tell us how fast she was coming? A.—No sir.

Q.—With reference to the middle of the channel how was this French ship coming—what part of the channel? A.—I think a little on the 20 Dartmouth side.

Q.—You were going down a little on the Halifax side of the centre? A.—Yes sir.

Q.—Now when the pilot blew the three blast whistle from your ship did he give you any order, at that time? A.—Yes sir.

Q.—What was that? A.—Starboard.

Q.—Starboard or hard astarboard? A.—Hard astarboard.

Q.—Did you carry that order out? A.—Yes sir.

Q.—At the moment of the collision you were under a hard astarboard helm? A.—Yes sir. 30

Q.—And your engines were reversed at the moment of the collision? A.—I could not tell.

Q.—The order had been given? A.—Yes sir.

Q.—You saw the boats put out from the other ship? A.—Yes sir.

Q.—After the collision? A.—Yes sir.

Q.—Did either of the boats pass close to your ship? A.—Yes sir, the boat put over on the starboard side passed right by us.

Q.—Did they call out to you or say anything to you as they passed? A.—No sir.

Q.—You did not hear any? A.—Nothing that I heard. 40

Q.—At the time of the collision the Mont Blanc must have been heading toward the Halifax shore? A.—She was.

Q.—Did she continue to move through the water after the collision? A.—Yes sir.

Q.—Which way? A.—Right into the pier.

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Continued.

Q.—Towards Halifax? A.—Yes sir.

Q.—Could you tell whether her engines were going ahead or astern at the time of the collision? A.—No sir.

Q.—Did you notice her after the collision—how her engines were going?

A.—Yes sir.

Q.—Which way? A.—Ahead.

Q.—How long was she going ahead? A.—Until she struck the pier.

Q.—The engines were going ahead? A.—Yes sir.

Q.—The propellor was turning? A.—Yes sir.

Q.—Until she struck the pier? A.—Yes sir.

Q.—You are sure of this? A.—Yes sir.

Q.—Did you notice the time the collision was—did you have a clock near you? A.—I had a clock but I did not notice the time.

Q.—Had the Mont Blanc struck the pier any considerable length of time before the explosion? A.—Yes sir.

Q.—She lay there for some minutes before she blew up? A.—Yes sir.

Q.—Do you know what the pilot was trying to do with your ship, between the collision and the explosion? A.—Yes sir.

Q.—What? A.—Trying to turn around and go back.

Q.—Into the Basin? A.—Yes sir.

Q.—How do you know? A.—I heard the pilot and the captain talking about it.

Q.—Did he give you orders for that purpose in order to get turned around? A.—Yes sir, starboard and port.

Q.—He did not attempt to go around in a curve—he was backing and going ahead? A.—Yes sir.

Q.—In order to get turned around? A.—Yes sir.

Q.—At the moment of the collision was your bow swung around at all to the westward. As I understood you struck the Mont Blanc on the starboard side? A.—Yes sir.

Q.—You were going ahead for the Sugar Refinery? A.—Yes sir.

Q.—Heading for there? A.—Yes sir.

Q.—Did the collision have any effect in swinging your head further to the northward? A.—Yes sir.

Q.—It did? A.—Yes sir.

Q.—Did the two vessels come pretty well side by side? A.—Yes sir.

Q.—After the collision you were heading pretty well to the Halifax shore? A.—Yes sir.

Q.—Then in order to get back up to the Basin you had only to swing four or five points further to the northward? A.—Yes sir.

Q.—You were heading pretty well west? A.—We were almost right across the channel.

Q.—You had to turn at right angles? A.—Turn to starboard.

Q.—About four points—would it be,—or 8 points? A.—Yes sir, about that.

10

20

30

40

RECORD. Q.—A right angle? A.—Yes sir.

In the Exchequer Court of Canada, Nova Scotia Admiralty District.
Q.—And I understand then that for something like 15 or 20 minutes the pilot was trying to get the Imo turned around so that she could go back in the Basin? A.—Yes sir.

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Evidence of John Johansen, Direct-Examination, January 21st, 1918. Continued.
Q.—All he had to do was to swing her on a right angle? A.—Yes sir.

Q.—And in order to do that he backed and went ahead and gave different starboard and port orders for the helm? A.—Yes sir.

Q.—At the moment of the explosion which way were you heading? A.—We were heading a little out.

Q.—Towards the sea? A.—Yes sir.

Q.—Then he had given up the idea of going up in the Basin? A.—Yes sir, he changed that.

Q.—What was his idea then? A.—Turn around and go out to a place where he had more room.

Q.—Did he change his mind because he had an idea there was danger of an explosion? A.—No sir.

Q.—Did this fire on the Mont Blanc make you think there might be an explosion? A.—Yes sir.

Q.—You thought so? A.—Yes sir.

Q.—You did not hear the captain and pilot saying anything about that? A.—No sir, did not mention anything about an explosion. They said she must have some kind of explosive in her; but they thought it might be gasoline or kerosene, or something like that. That is what he said.

By Mr. Burchell, K. C.

BY MR. BURCHELL K. C.:

Q.—You said to Mr. Henry that you passed the American ship port to port—do you remember that very well? A.—Yes sir.

Q.—Do you think it was port to port? A.—Starboard to starboard.

Q.—You were mistaken when you said port to port? A.—Yes sir, starboard to starboard—on the starboard side.

Q.—Was she on the Halifax side or Dartmouth side? A.—Halifax side.

Q.—Now this haze that you referred to, you said that possibly a ship might see the top of your masts and could not see the hull—could you see the top of the hill there coming through the narrows? A.—Yes sir; but I could not see the beach.

Q.—You said your ship was a good steering ship? How is your ship with regard to turning? A.—Very slow in turning.

Q.—What do you mean by slow in turning? A.—Takes a long circle to turn.

Q.—This tug that you afterwards found to be the Stella Maris—did you tell us what she was towing? A.—She had two scows in tow.

Q.—One behind the other? A.—Yes sir.

Q.—Fairly long tow or a short tow? A.—Long tow.

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Evidence of
John
Johansen,
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amination,
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Continued.*

Q.—Long line? A.—Yes sir.

Q.—When did you first think there was any danger of collision between the two ships? A.—I never thought there was any danger before I saw the Mont Blanc turning right-against us—right across our bows.

Q.—Just previous to that how were the ships going in relation to each other? A.—Before she started turning she was going in a clear direction, passing each other.

Q.—How would you pass? A.—Port to port.

Q.—How were you heading? A.—Towards the Sugar Refinery.

Q.—How was the Frenchman heading? A.—Down towards the 10 Narrows.

Q.—What happened then? A.—She changed her course and come right across our bows.

Q.—Did she blow any signal then—when she was turning? A.—Just as she started to turn she blew the two blast signal.

Q.—Was there anything said on your bridge at that time—did the pilot say anything?

A.—He hollered out to the captain “here is going to be a collision”.

Q.—What did he do? A.—He blew the three blast signal.

Q.—And gave you an order? A.—Yes sir, to hard astarboard my 20 wheel.

Q.—All done at once? A.—In a very short time.

Q.—As soon as you saw the other ship turn? A.—All done in one short second.

Q.—When the French ship was coming up towards you, before she changed to cut across your bows in this way, how was the French ship with relation to the channel? A.—A little on the Dartmouth side, very little—almost in mid channel.

*Cross-Ex-
amination,
by Mr.
Mellish,
K. C.*

BY MR. MELLISH K. C.:

Q.—When you first saw what turned out to be the Mont Blanc after- 30
wards, Mr. Johansen—how did she bear from your ship, on which of your bows did she bear—was she on your starboard or port bow? A.—She was on our port bow.

Q.—That is when you first saw her? A.—Yes sir.

Q.—That was the time that you saw the High Flyer too? A.—Yes sir.

Q.—On which bow was the High Flyer? A.—On the port bow.

Q.—The High Flyer was on your port bow too? A.—Yes sir.

Q.—And on which bow was the Stella Maris? A.—On our starboard bow. 40

Q.—So you were heading then towards the Sugar Refinery? A.—Yes sir.

Q.—That is when you first saw the Mont Blanc? A.—Yes sir.

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Evidence of
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Johansen,
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amination,
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Continued.
- Q.—And after you came through the Narrows you were pretty well over to the Dartmouth side? A.—As we came through the Narrows.
- Q.—And then you turned towards the Sugar Refinery? A.—We kept almost in the mid channel coming through the Narrows.
- Q.—How did you get around with your head to the Sugar Refinery? A.—As I understand, turning with the channel, turning in the same direction as the channel.
- Q.—You know where the Sugar Refinery is—when you first saw the Mont Blanc you tell me you were heading for the Sugar Refinery. I want to know how you got in that direction? A.—With the port wheel. 10
- Q.—Did you get the order to port—then you must have got the order with the starboard wheel, you mean starboard? A.—Port wheel, port helm goes to starboard.
- Q.—Your ship goes to the right on her port helm? A.—Yes sir.
- Q.—You got the order then to port? A.—Yes sir.
- Q.—Before you saw the Mont Blanc you got the order to port? A.—Yes sir.
- Q.—Hard aport? A.—A little port.
- Q.—Port enough to swing you around, your head to the Sugar Refinery? A.—Yes sir. 20
- Q.—Did you give any signal when you got that order? A.—I could not say about the signals.
- Q.—You heard a signal from your vessel—what was the signal? A.—I could not say.
- Q.—If there was any signal it should have been one blast? A.—If there was one.
- Q.—You have no doubt that there was a signal? A.—I could not tell—they change the signals, I never pay any attention to them.
- Q.—Coming out of the Harbour if he changes his course he blows a signal you know the rule of the road? A.—Yes sir. 30
- Q.—You have no doubt that he blew some whistle? A.—He blew some whistles.
- Q.—He ported the helm and headed towards the Sugar Refinery. This is the Sugar Refinery here on this large plan. (M. B. R. 17). A.—Yes sir.
- Q.—I suppose the Mont Blanc must have been pretty fine on your port bow? A.—She was almost up by the High Flyer.
- Q.—They were both on your starboard—it would very be fine on your starboard, about a point? A.—On my port bow.
- Q.—They were down here—you know where the Dock Yard is, the Dry Dock? A.—Yes sir. 40
- Q.—They were laying off here somewhere—they were on your port bow? A.—Yes sir.
- Q.—Have you any idea how far you were away from the Mont Blanc then? A.—No sir.

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Evidence of
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Johansen,
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amination,
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Continued.

Q.—Have you passed the Stella Maris? A.—No sir.

Q.—Then she was on your starboard bow—the Stella Maris?

A.—Yes sir, Stella Maris was on the starboard bow.

Q.—And you were about mid channel? A.—A little on the Halifax side.

Q.—How did you pass the American? A.—Starboard to starboard.

Q.—Why did you pass her on the wrong side? A.—I don't know.

Q.—It is the wrong side? A.—That I could not say—I don't know the rules or regulations of this harbour.

Q.—Don't you know the rules of the road in a narrow channel? 10

A.—I do.

Q.—What is the rule? A.—Always keep to your starboard side.

Q.—That is the vessels pass port to port? A.—Yes sir.

Q.—You don't know why that rule was not observed by you this time?

A.—No sir.

Q.—Was the American vessel a big vessel? A.—Not very big to my knowledge.

Q.—As big as the Imo? A.—I don't think so.

Q.—A large steamer? A.—A medium sized tramp.

Q.—She was nearer to the Halifax side than you were? A.—She 20 must have been.

Q.—How long before this was it that you had met the American vessel?

A.—I could not say how long it was exactly.

Q.—Was it long or did you meet her in the Narrows here at all—was it up in the Basin? A.—Somewheres about the Narrows. I could not exactly see the shore where it was.

Q.—Do you mean to say, Mr. Johansen that it was so hazy that morning that you could not see the shore? A.—I could see the hill.

Q.—You could see the shore? A.—I could not see the shore.

Q.—It was so hazy you could not see the shore coming through the 30 narrows? A.—No sir.

Q.—Understand me? A.—I understand—I could see the land; but I could not see the shore.

Q.—The shore? A.—That means the beach.

Q.—You could not see it that morning coming through the narrows it was so hazy? A.—No sir.

Q.—The beach? A.—No sir.

Q.—It must have been very hazy? A.—Yes sir, it was.

Q.—Very thick? A.—It was.

Q.—The narrows there are not half a mile wide? A.—I don't know. 40

Q.—You could not see a quarter of a mile there? A.—I could not say how far it was.

Q.—Could you see the shore at the time you saw the Mont Blanc?

A.—Yes sir.

RECORD. Q.—You could see it plainly then, everything was clear then?

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A.—Yes sir.

Q.—You had come out of the fog then? A.—Yes sir.

Q.—Perhaps that is the reason you did not see her sooner, on account of the fog? A.—I might have seen her but I did not know which one it was.

Q.—You recollect that your vessel blew one blast—you remember that—that was the last blast she blew before the three blast? A.—As I can remember.

Q.—You remember the three blasts—then you remember one blast before that? A.—Yes sir.

Q.—And before that your memory stops—you don't remember a vessel blowing two blasts at all on any occasion? A.—No sir.

Q.—And you say that the one blast from the Imo was answered by two blasts immediately? A.—Yes sir.

Q.—From the Mont Blanc? A.—Yes sir.

Q.—And that was the time she came to starboard? A.—She had started to turn before.

Q.—Had she started before she blew the two blasts or did she blow the two blasts at the time she started to turn? A.—She blew the two blasts after she started to turn.

Q.—You say that she had starboarded before she blew the two blasts—that is what you say now? A.—She was changing her course before she blew the two blasts.

Q.—How long before she blew the two blasts had she been changing her course to port? A.—She changed her course to starboard.

Q.—To port? A.—Coming toward us.

Q.—You say she was changing her course to port before she blew the two blasts? A.—Yes sir.

Q.—How long had she been changing her course to port before she blew the two blasts? A.—I could not say.

Q.—She blew the two blasts first immediately after you blew the one blast? A.—Yes sir.

Q.—When you saw her changing her course to port why didn't you blow one blast and change your course to starboard? A.—I don't know.

Q.—You must have been changing your course to starboard after she changed her course to port? A.—Yes sir.

Q.—You changed your course to starboard after she changed her course to port? A.—Yes sir.

Q.—Would you please put these ships together, place them as you saw them, roughly—as you think you saw them first. When they came in sight when you first saw them. I just want you to think about it and do it a little carefully. A.—It depends on which way you want me to do it.

Q.—You said you saw her on your port bow—this is the Mont Blanc—the distance we cannot give that; but by the number of points, if she was on your port bow at all, show it there?

No. 31.
Evidence of
John
Johansen,
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Continued.

RECORD. HIS LORDSHIP:

*In the
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Put it on the chart Mr. Mellish.

BY MR. MELLISH K. C.:

No. 31.
Evidence of
John
Johansen,
Cross-Ex-
amination,
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Continued.

Q.—You have seen this chart before, (M. B. R. 17)—you have seen one like it? A.—Yes sir.

Q.—Put the models on this plan here the way they were when you saw the vessels first? A.—Where was the High Flyer.

Q.—She was laying here somewhere. A.—If you keep the High Flyer about here, the Mont Blanc would be about here.

Q.—This is the Sugar Refinery;—put your vessel where you think she was? A.—This is the time I saw the Mont Blanc. 10

Q.—Were you not heading for the Sugar Refinery at the time you saw the Mont Blanc—you think that is the distance they were? A.—Yes sir.

Q.—You saw her any way off the High Flyer and you were up there? A.—Yes sir.

(IMO IS MARKED "X" AND MONT BLANC IS MARKED "Y" OUTLINED IN PENCIL).

Q.—Would you show the ships at the time you thought there was going to be a collision—at the time that there was danger of a collision? 20

A.—That is about the position.

Q.—Is that the time you thought there was going to be danger? A.—I think it was sir.

Q.—Do you understand this chart—you have examined this chart before? A.—Yes sir.

Q.—This is the shore line and that is the pier? A.—Yes sir.

Q.—You say they were in that position in the harbour when you thought there was danger? A.—Yes sir.

Q.—We will mark this in ink?

(COUNSEL OUTLINES IN INK MODELS AS PLACED IN POINTS INDICATED BY WITNESS AND MARKS THEM WITH THEIR RESPECTIVE NAMES) 30

Q.—Would you show how the ships came together now—

(WITNESS DOES AS DIRECTED BY COUNSEL)

Q.—Your ship never moved? A.—I could not notice her moving.

Q.—You say the collision took place that close to pier six? A.—That is about it.

RECORD

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Evidence of
John
Johansen,
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amination,
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Continued.

Q.—Do you deliberately say that the collision took place in that position—that close to pier six? A.—Yes sir.

Q.—That is compared with this side? A.—Yes sir.

Q.—According to your judgment? A.—Yes sir.

Q.—From the time you thought there was going to be a collision then until the collision took place, in your judgment your ship did not move any? A.—No sir.

Q.—When was it you thought there was going to be a collision?

A.—When I saw the Mont Blanc turning.

Q.—When you saw her turning what was the use of you making any manoeuvres then, or did you make any? A.—I got a starboard wheel after the three blasts. 10

Q.—Did your ship move? A.—I could not tell.

Q.—You starboarded your wheel and went full speed astern? A.—I don't know whether we went full astern or not.

Q.—You blew three blasts? A.—Yes sir.

Q.—Before that you had ported your wheel? A.—Yes sir.

Q.—Show the position of the ships just before you ported your wheel? A.—The position there would be so very little different that I could not see any change. 20

Q.—I wish to call your attention to the evidence of Bjonnas? A.—I don't know his name.

Q.—He is the second mate of the Imo—you know the man? A.—Yes sir.

Q.—Was he on watch that morning? A.—We were all on watch.

Q.—He says in his evidence on page B. 35, first the Imo blew two blasts, immediately after one—you remember the one blast; but you don't remember the two from the Imo? A.—Yes sir.

Q.—He says the one blast from the Imo was answered by one from the Mont Blanc—your recollection is that it was answered by two from the Mont Blanc? A.—It depends on what time it was. 30

Q.—Explain that? A.—It depends on what time they exchanged those signals.

Q.—Do you remember they exchanged signals more than one time? A.—Several times.

Q.—Was there any other time than that you have spoken of?

A.—There were several signals exchanged that I did not pay attention to.

Q.—Bjonnas says this: I will read it to you— “A.—First the Imo “blew two, immediately after one.

“Q.—From which ship? A.—From the Imo, and then it was answer- 40 “ed with one.

“Q.—From the Mont Blanc? A.—Yes sir.

“Q.—They were short blasts? A.—Yes sir.

“Q.—What after that? .—Right after the Imo blew three blasts and “the Mont Blanc answered with two.

RECORD.

*In the
Exchequer
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Evidence of
John
Johansen,
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amination,
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Continued.

“Q.—Then what happened? A.—He says after that he saw the
Mont Blanc on the port bow.
“Q.—After she blew the three blasts? A.—Yes sir.
“Q.—Saw the Mont Blanc on the port bow and what happened—did
the two vessels come together? A.—He says the Imo took the Mont
Blanc on the port bow then”.

TO WITNESS:

Q.—You said that the one blast of the Imo was followed by two blasts
from the Mont Blanc? A.—Yes sir.

Q.—That is according to your recollection? A.—Yes sir. 10

Q.—There was three blasts blown on the Imo? A.—Yes sir.

Q.—Did you hear any answer to that? A.—Three from the Mont
Blanc.

Q.—You are sure of that? A.—Yes sir.

Q.—This witness says there were two from the Mont Blanc answered
by three—you did not notice a two blast signal from the Imo at all?
A.—No sir.

Q.—How long have you been going to sea? A.—Since I was 14.

Q.—You are an expert helmsman? A.—I am an expert seaman.

Q.—If your vessel found it necessary in coming out of the Basin to turn
to starboard, to turn the ship's head to starboard, the appropriate signal
for that would be one blast—as a seaman you could answer that? 20

A.—Yes sir.

Q.—And not two blasts? A.—Not two blasts.

Q.—When you saw the Stella Maris how did she bear from you—when
you saw her first? A.—When I first saw her she was crossing the chan-
nel.

Q.—And on your starboard bow—the Stella Maris? A.—She was
almost about right ahead of us.

Q.—You did not change your course for her? A.—No sir. 30

Q.—She turned in then towards the Halifax shore, closer then you were?
A.—She changed her course and came back towards the shore again.

Q.—She was heading towards the Dartmouth side when you saw her
first, and then she came in closer towards the Halifax side than you were?
A.—She had to be.

Q.—When you met the Stella Maris then you passed her on your star-
board hand? A.—Yes sir.

Q.—You gave the Stella Maris no whistle at all, or did not intend to?
A.—There was a whistle blown but I don't know for which.

Q.—None blown for her? A.—I don't know. 40

Q.—When you saw the Stella Maris first she was on your port?
A.—Almost straight ahead.

RECORD. Q.—It is a wonder she did not keep on crossing over to her own side of the channel? A.—I could not say sir.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—Unless you gave her a whistle that you were going there?

A.—There were whistles blown.

Q.—You don't know whether a two blast signal was given by him or not?

A.—I could not say.

Q.—An incoming vessel the proper side of the channel is to go on the starboard side? A.—Yes sir.

Q.—And the outgoing vessel on the starboard side? A.—Yes sir.

Q.—And I suppose there is no necessity of any signals at all when each 10
keeps on her starboard side? A.—The rule is they blow the signal, to

make sure that the other vessel knows.

Q.—To let them know you are keeping on your own side? A.—Yes
sir.

Q.—If for any reason you had to blow a signal that you were going the
other way, that is that you had to take the port side, if you blew two blasts
you would take the port side of the channel, can you understand a vessel
coming out of a harbour blowing a two blast signal? A.—I do.

Q.—Tell me how? A.—If he blows a two blast signal he wants to
keep the boat that he blows for on her starboard bow. 20

Q.—That is the meaning of that? A.—If I blow a two blast signal
on my boat, and I saw a boat ahead of me I want to keep him on my star-
board bow.

Q.—That is right—that is you are going to cross ahead of him—that
is what that means—is it not? A.—I don't know.

Q.—You are going to cross ahead of the incoming vessel if you give him
two blasts—is that not right. Supposing you give a two blast signal to
the Mont Blanc that morning—I am not saying you did—assuming you
had, would that not mean that you were going to keep him on your star-
board bow? A.—Yes sir if we blew two blasts. 30

Q.—That you were going to cross ahead of him and go over on the Dart-
mouth side? A.—Yes sir.

BY MR. BURCHELL K. C.:

*Re-Ex
amination
by Mr.
Burchell,
K. C.*

Q.—Did you notice after passing the tug boat, or when you were passing
the tug boat did you notice anything about the speed of the Mont Blanc?
A.—I did.

Q.—Any remarks made about it on the bridge? A.—The pilot made
a remark she was coming pretty fast.

Q.—What did you notice? A.—I noticed it was so—I could see it.

Q.—At this time how was your boat going? A.—Very slow—barely 40
moving.

Q.—Did I understand you to say to Mr. Mellish that you changed your
course—you are speaking now of just before the collision—you changed

RECORDED.
in the
Evidence
Court of
Genesee
New Jersey
District
No. 11.
Evidence of
John
Johannson.
Re Ex
amination,
January
21st, 1878.
Comm. Serk.

your course to starboard after the Mont Blanc had changed to port—I have a note here that is what you said? A.—After the Mont Blanc changed her course towards us we kept on the port wheel—port helm.

Q.—What was the order given immediately you saw her turn just before the collision? A.—Port helm.

Q.—What signals were given on your ship—I want to get down right to the time of the collision—I am speaking of then? A.—That was starboard wheel—starboard helm.

Q.—That is when the Mont Blanc started to turn? A.—Just a moment before the collision. 10

Q.—When the Mont Blanc started to turn to port—tell us when in relation to the movements of the other ship did you get this hard astarboard helm? A.—After our pilot blew the three blasts he gave me an order hard astarboard.

Q.—How long after the three whistles? A.—Just immediately after.

Q.—Then you did not change your course to starboard after the Mont Blanc changed to port at that time? A.—We were laying under a port helm.

Q.—There was no change made to starboard after the Mont Blanc started to swing across your bows to port? A.—I could not notice the 20 ship changing except we were laying under a port helm.

Q.—Leaving anchorage in the upper part of the Basin how was the weather that morning—was there haze? A.—The weather in the Basin was clear.

Q.—It got thick only when you got down towards the narrows?
A.—Yes sir.

By Captain
Demers.

BY CAPTAIN DEMERS:

Q.—You have been going to sea since you were 14? A.—Yes sir.

Q.—You are 24 now? A.—Yes sir.

Q.—Ten years at sea? A.—Yes sir. 30

Q.—How long did you work on shore out of that time? A.—I may have been a few months at a time.

Q.—When was it you worked ashore last time? A.—Winter before last.

Q.—Where was that? A.—New Jersey.

Q.—What were you doing? A.—Carpenter.

Q.—You seem to be a bright intelligent fellow—you don't intend to remain before the mast—are you studying navigation? A.—I have not started yet.

Q.—You call yourself an expert seaman? A.—Full experienced sea- 40 man.

Q.—Altogether you have been ashore only a few months out of the ten years? A.—Yes sir.

- RECORD. Q.—Always in steamers? A.—No sir.
- In the* Q.—In sailing ships? A.—Six years in sailing ships.
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.
- Q.—Four years in steamers? A.—Steamers and power boats.
- Q.—You had no wheelhouse on that bridge? A.—No sir.
- Q.—How far was the telegraph from the wheel? A.—A very short distance.
- Q.—How many feet? A.—I could not exactly say.
- No. 31. Q.—Thereabouts—an expert seaman can tell the difference between ten
Evidence of and five feet? A.—Yes.
John
Johansen,
Re-Ex-
amination,
January
21st, 1918.
Continued.
- Q.—As well as yards and miles—what distance is your telegraph from 10
the wheel on the Imo. I don't want you to give it to me by the inch?
- A.—It is very hard to say, about three or four steps sir.
- Q.—That would be about six feet? A.—Yes sir, about that—that
is about it.
- Q.—Make it 30 inches to the step? A.—I don't know.
- Q.—Were there two telegraphs? A.—Yes sir.
- Q.—One on port and one on the starboard side? A.—Yes sir.
- Q.—Situated well towards the wing of the bridge, the starboard and port
telegraphs? A.—The telegraphs is just in the middle of the side.
- Q.—Half way between the middle and the end of the bridge? A.—Yes 20
sir.
- Q.—How do you stand when at the wheel there? A.—Behind the
wheel.
- Q.—You said a little while ago that you did not notice what was rung on
the telegraph? A.—I could not see it.
- Q.—What was in the way? A.—There is like a wind shield on both
sides of the wing.
- Q.—Your wheel is at the back? A.—It is a little round like this (indi-
cating) on both sides of the wheel.
- Q.—The rail is about 2' 6' high? A.—About that. 30
- Q.—I know how the Imo is constructed—the dial of the telegraph is
above that? A.—No sir.
- Q.—Below that? A.—This wing shield I am talking about is merely
wood.
- Q.—It is higher up in the front? A.—The front is about 4 feet.
- Q.—You could hear the telegraph ring? A.—Sometimes I took no-
tice of it.
- Q.—Is it your intention to get a certificate? A.—I cannot do it any
more now.
- Q.—At the time you were on the Imo was it your intention to pass the 40
board? A.—Yes sir.
- Q.—Then I suppose you paid attention to all things around you to get
experience? A.—If I had a chance.
- Q.—At the wheel in clear weather, when everything is smooth you have
a pretty good chance to observe around you? A.—At the wheel I did
not have much chance.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 31.
Evidence of
John
Johanson,
Re-Ex-
amination,
January
21st, 1918.
Continued.

Q.—Did you have trouble to steer that ship? A.—She steers good.

Q.—You are a good helmsman? A.—When at the wheel in a harbour like that I attend to my wheel.

Q.—You have to watch ahead of you when at the wheel? A.—Yes sir.

Q.—Not use the compass? A.—Never use the compass in the harbour.

Q.—What was the position of your ship when you raised the anchor—heading down Bedford Basin? A.—Heading directly on shore.

Q.—When the anchor was hove up did you notice how the telegraph was put, whether she went full speed ahead or slow? A.—I could not say. 10

Q.—Could you tell that the ship was going full ahead by your wheel?

A.—No sir.

Q.—Did your vessel answer the helm much quicker going full speed ahead than at slow? A.—No sir.

Q.—How long have you been on that ship? A.—About 1½ or two months.

Q.—Were you quartermaster or able seaman? A.—This ship I was ordinary seaman, sailor.

Q.—Everybody steered? A.—Yes sir

20

Q.—No special quartermaster engaged? A.—No sir.

Q.—The ship had to turn around when the anchor was hove up—which way did you put your helm when you started from anchorage?

A.—Hard aport.

Q.—You were heading for the shore? A.—With the shore.

Q.—Up and down the shore? A.—About north and south.

Q.—Then you turned around? A.—Half way round, half circle.

Q.—You come to your course to get the passage? A.—Yes sir.

Q.—It took quite a while to make that circle? A.—Yes sir.

Q.—When you put your helm hard aport how quickly would the ship answer the helm? A.—It depends a whole lot on the speed. 30

Q.—I want to know how quickly your vessel turned around that time? A.—I could not say in length of time.

Q.—I understand that from the first one or two points it would be slow, for the first one or two; but as the ship gathered speed it would be faster. We will leave it until you got your ship headed for the entrance of the channel—how fast did your ship turn around, did it appear to you that she was going full speed ahead? A.—Coming quite nice.

Q.—She was drawing more aft than forward? A.—Yes sir.

Q.—She would turn quicker on the port helm? A.—Yes sir. 40

Q.—What kind of anchors did you have on that boat? A.—The old fashioned anchors.

Q.—With stocks? A.—Yes sir.

Q.—No Marten or patent anchors? A.—No, we lost that.

Q.—Before the collision? A.—Yes sir.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 31.
Evidence of
John
Johansen,
Re-Ex-
amination,
January
21st, 1918.
Continued.

Q.—The anchors you had on board, both sides, port and starboard, were old fashioned anchors—with big stocks? A.—Yes sir.

Q.—Do you know the chart? A.—I know some of them.

Q.—Do you know when you work, how to work a chart? A.—Some of them.

Q.—Do you understand that chart there? A.—Yes sir.

Q.—We will refer to the positions you have marked on that chart there as the positions of the ships when you first saw the *Mont Blanc*. Put the models there in the first position on that place there—where was the American ship you passed when you were in that position—had you passed the American ship when you saw the *Mont Blanc*? A.—Yes sir. 10

Q.—You had passed the American ship when you were in that position?

A.—Yes sir.

Q.—Which side did you pass her? A.—On the starboard side.

Q.—You were steering a course at the time towards the Sugar Refinery?

A.—We passed the American ship down in the narrows somewhere.

Q.—Had you seen the *Stella Maris* at that time when you were in that position? A.—Yes sir.

Q.—You had passed her? A.—No sir.

Q.—Where was the *Stella Maris* when you were in that position? 20

A.—She was out here.

Q.—Leaving the Halifax side? A.—Almost in the mid channel.

Q.—And close over to the other side? Crossing over there?

A.—Heading for the other side.

Q.—The line you got your ship on is the line of soundings—you mark that there—you know that is that line? A.—I would not say exactly what it means here; but I think it means the outside of a navigating channel chart.

Q.—Where would be the mid channel on that chart? A.—About here.

Q.—You were on the line of soundings when you got on the Halifax side there? A.—Yes sir. 30

Q.—You were close to the shore? A.—Close to the Halifax shore.

Q.—Are you any judge of distance at all? A.—No sir.

Q.—Can you tell 100 or 300 yards or so? A.—I would not say much about distances—it is pretty hard to say that.

Q.—What distance was the tug from you when you saw her first?

A.—I could not say.

Q.—You cannot tell the distance at all? A.—No sir.

Q.—Is your eyesight bad? A.—It is now.

Q.—Since the accident? A.—Yes sir. 40

Q.—Before it was alright? A.—Yes sir.

Q.—You could tell distances? A.—It is hard to tell distances on the water.

Q.—What distance were you from each other in the positions you place these vessels apart? A.—I could not say.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 31.
Evidence of
John
Johansen,
Re-Ex-
amination,
January
21st, 1918.
Continued.

Q.—Thereabout—a man who has been at sea for ten years could tell that? A.—I am sorry sir; but it is a thing I could not say at all.

Q.—You say you don't remember what signals were blown by your ship?

A.—I remember some of them.

Q.—When you saw that tug that was in mid channel that you pointed out a while ago, did your ship sound any signal at all? A.—Yes sir.

Q.—What signal? A.—I could not say whether it was one or two blasts.

Q.—Here you are a man who has an ambition to become an officer of a ship—those details always appeal to a man in a position like that? 10

A.—They would if a man was in a way where he had a chance to pay attention; but a man at the wheel he would not pay attention to the signals blown.

Q.—When a signal is blown it is generally by the order of the pilot? A.—Yes sir.

Q.—Because you said the pilot gave the orders and they transmitted by the master? A.—Yes sir.

Q.—If it was the intention of your ship to blow the whistle, on your ship then, the pilot would give the order? A.—The pilot blew the whistle. 20

Q.—There were no orders given—he simply executed the movement of blowing the whistle? A.—Steady helm is all I heard at that time.

Q.—He did not give any order about the whistles? A.—No sir.

Q.—He did it himself? A.—Yes sir.

Q.—How many blasts are you supposed to blow in that position? A.—It depends on who we were blowing for.

Q.—What signal did your ship give to the tug, according to the rules of the road—what should she give? A.—If it was blown according to the rules of the road it would blow one blast—if they intended to blow for the tug and wanted her to port back to shore again he would blow two blasts. 30

Q.—When you turned around leaving that pass where did you make your turn, on the Halifax or Dartmouth side? A.—After leaving anchorage.

Q.—In the Bedford Basin? A.—I could not say exactly whether it was Dartmouth or Halifax—it was the western shore.

Q.—When you came out of Bedford Basin after describing this half circle, you steered a straight course for a little while? A.—As long as we could.

Q.—Then you turned around on a port helm in order to take that narrow passage to come out of the Basin? A.—I turned on port helm when we left the anchorage. 40

Q.—Then you straightened up your helm steady for a while and then a port again? A.—I cannot say then what we did because we had to zig zag to pass the boats there.

Q.—When you made a turn to come out it was a port helm? A.—Yes sir.

RECORD. Q.—When you made that you had cleared all traffic—there were no vessels in the way to the narrows—when you entered the Narrows you had cleared all your traffic? A.—Yes sir.

In the Exchequer Court of Canada, Nova Scotia Admiralty District. Q.—You turned on the port helm? A.—I don't remember exactly whether we had port or starboard, as I can remember she came straight to the channel.

Q.—After you made the turn? A.—After passing the last boat.

No. 31. Evidence of John Johansen, Re-Examination, January 21st, 1918 Continued. Q.—You had to turn a little bit to starboard in order to get to the Narrows—what side of the Narrows were you on, the Dartmouth or Halifax side? A.—It is hard for me to say on account of the haze there. 10

Q.—We have been told it was clear and there was such a little haze there, you could see one or one and a half miles off—you could not see the beach? A.—Not in the Narrows.

Q.—Your eyesight was alright then? A.—Yes sir.

Q.—How far was the tug from you when you saw it? A.—A good way.

Q.—Clear at the time? A.—Yes sir.

Q.—And you saw the Mont Blanc? A.—Yes sir.

Q.—How far was the Mont Blanc from you then? A.—She was up near the High Flyer. 20

Q.—What distance was she from you? A.—I could not say.

Q.—Was it a mile? A.—I could not say whether it was one or two or three miles.

Q.—I don't want you to commit yourself; by saying a wrong distance, give me the distance as close as you can? A.—It is hard to say on the water any kind of a distance.

Q.—Everybody has their own idea about the distance? A.—Yes sir.

Q.—What is your idea? A.—I could not give an estimate.

Q.—It was clear at the time? A.—It was clear seawards.

Q.—From the time you first saw the Mont Blanc in that position until the collision how long an interval elapsed—can you tell the time, or don't want to tell? A.—I could not tell it. 30

Q.—It was clear at the time you saw that? A.—Yes sir.

Q.—The haze would be all gone? A.—We passed the haze then.

Q.—How long was it then? A.—I could not say because it was astern.

Q.—During that thick weather that you could not see the beach did you have a look out on? A.—That I don't know.

Q.—You don't know? A.—How do you expect a wheelsman to know that.

Q.—A wheelsman hears the orders from the officer to the man on the look out—if it was thick did you blow your whistle when it was thick—do you as a rule? A.—Yes sir. 40

Q.—Did you that morning? A.—Not that I know of.

Q.—From your bridge could you see the fore-castle head? A.—Yes sir.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 31.
Evidence of
John
Johansen,
Re-Ex-
amination,
January
21st, 1918.
Continued.

Q.—Was there a man on the look out on the fore-castle head? A.—We never put him there.

Q.—Where do you put him—in the crow's nest? A.—Yes sir.

Q.—Could you tell from where you were whether there was a man in the crow's nest? A.—No sir.

Q.—Do you know the whistles given according to the rules of the road? A.—I know them a little.

Q.—Do you study the rules of the road? A.—Not unless it was necessary.

Q.—In the Narrows there the one blast signal would mean what? 10
A.—For us to go to starboard.

Q.—Would it exactly mean to go to starboard, change your helm at the time or keep your starboard side? A.—If I blow a one blast signal for another boat.

Q.—When you blow one blast do you change your helm at the time? A.—I had a port helm on that.

Q.—When you ported the helm on that you were on the other side of the channel? A.—On the opposite side.

Q.—On the Halifax side? A.—Yes sir.

Q.—Did you port your helm still? A.—Yes sir. 20

Q.—Blow one blast? A.—I had a port helm.

Q.—Before you put the helm port were you not on the Halifax side? A.—Yes sir.

Q.—Why should you port your helm to go further on the Halifax side? A.—Because I got the order from the pilot.

Q.—I want to know the situation as it presented itself—do you know what reason? A.—I suppose to keep his right.

Q.—If you were on the Halifax side of the channel you were already on your right? A.—That is to go closer perhaps.

Q.—Was there a reason for it? A.—And maybe after she passed the 30
tug boat she had to get a little closer in to shore.

Q.—You passed the tug boat on the starboard side? A.—Yes sir.

Q.—You were away from the Halifax side at the time? A.—We were still on the Halifax side at the time.

Q.—The tug boats passed close to the Halifax side? A.—Yes sir.

Q.—Did you notice the number of whistles sounded by the Mont Blanc? A.—No sir.

Q.—Did you hear one blast of the Mont Blanc? A.—No sir.

Q.—Did you hear two blasts of the Mont Blanc? A.—Yes sir.

Q.—Did you hear three blasts of the Mont Blanc? A.—Yes sir. 40

Q.—How is it you did not notice one blast of the Mont Blanc if it was blown? A.—If she blew one blast I did not notice it.

Q.—Why? A.—Because that is her right to blow.

Q.—What would be the use of her blowing her signal if you don't notice it? A.—There is the pilot to notice it, not me.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 31.
Evidence of
John
Johansen,
Re-Ex-
amination,
January
21st, 1918.
Continued.

Q.—I am speaking of the position as it presented itself at the time—you said your ship was still in the water when the collision took place?

A.—Yes sir.

Q.—She did not answer her helm at all? A.—She would if you used the propellor.

Q.—Not using the propellor would your ship answer the helm?

A.—If she was moving ahead.

Q.—You had the order to port? A.—Yes sir.

Q.—Your ship was still in the water? A.—Yes sir.

Q.—Did your ship answer the helm? A.—I could not notice it. 10

Q.—You could tell by the bearing from the other vessel. I am dealing with an intelligent man when I ask these question, a man who intended to pass examination for an officer—what was the bearing of the Mont Blanc when you altered your helm, and if the bearing altered? A.—The bearing of the Mont Blanc at the time she was fair for the Basin.

Q.—On which side of the channel? A.—On the Dartmouth side.

Q.—The Mont Blanc was on the Dartmouth side when you got the order to port your helm? A.—Yes sir.

Q.—And your ship was still in the water? A.—Yes sir.

Q.—You were not on the Dartmouth shore? A.—I am saying I could 20 not tell whether the boat was going ahead or laying still, she was moving so slow I could not notice.

Q.—The helmsman is supposed to know whether a ship is moving, going ahead or slow, or stopped, by the answer of his helm? A.—I suppose sir, your idea of the wheel is that; but my idea is to watch the wheel.

Q.—You get an order to port your helm and you say the ship was still in the water and the Mont Blanc was on the Dartmouth side—what was the idea? A.—I could not tell.

Q.—If your ship was still in the water it is the bow of the Imo that ran into the Mont Blanc. there is no question of current there? A.—I don't 30 know about that.

Q.—Did the Mont Blanc run into the Imo? A.—Yes sir, as far as I could understand.

Q.—I don't see any marks on the Imo? A.—She run into us this way, she almost drifted sideways down on the Imo—the Imo is a heavy ship and the Mont Blanc also.

Q.—Which is the heaviest ship—the Imo was light and the Mont Blanc was loaded? A.—I could not tell—the Mont Blanc was deeply loaded.

Q.—There was no current there to drift the Mont Blanc on top of you? A.—Not as far as I know.

Q.—It is the Imo ran into the Mont Blanc then—if you were still in the water how would you manage to make a gash of three or four feet?

A.—I think the Mont Blanc come down on us, she was coming down pretty lively and striking the bow of our vessel it would cut a hole in it.

RECORD. Q.—How is it your stem is not damaged at all? A.—I don't know, perhaps our ship is strong on the stem.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.
No. 31.
Evidence of
John
Johansen,
Re-Ex-
amination,
January
21st, 1918.
Continued.

Q.—You noticed when the collision took place? A.—Yes sir.

Q.—Was it a right angle or a little bit on the port side of the Imo, across the starboard bow of the Imo? A.—A little on the Imo's port side.

Q.—The shock was not great? A.—Shock was very weak.

Q.—She ran alongside the Mont Blanc a little? A.—She was twisted around with the Mont Blanc when she was going ahead.

Q.—Was there a cant to starboard on the Imo just previous to the collision? A.—Not that I noticed.

Q.—She canted after the collision? A.—Yes sir.

Q.—That was the Mont Blanc going ahead? A.—Yes sir.

Q.—Could you notice the Mont Blanc machinery was going ahead? A.—I noticed by the current in the water.

Q.—That won't indicate the machinery is going? A.—Yes sir.

Q.—How could you tell—could you see her propellor? A.—No sir.

Q.—Could you see the churn of the water? A.—Yes sir.

Q.—Was she going ahead or astern? A.—Going ahead.

Q.—Appear to be churning the water very fast? A.—No sir.

Q.—When you got the order to port your helm what distance were you from each other at the time? A.—I could not tell the distance.

His
Lordship.

HIS LORDSHIP:

Q.—You can tell the ship's lengths, can you not give the ship's length? A.—It is pretty hard sir.

By Captain
Demers.

BY CAPTAIN DEMERS:

Q.—Supposing you had kept on the same course the Mont Blanc going up on the mid channel course, as you said she was, a little on the Dartmouth side, and you on the Halifax shore, how far would you have passed from each other? A.—I could not tell the distance between each other but it would be a safe distance.

Q.—So if you were to draw a line you could not tell me what distance you would pass from each other? A.—No sir.

Q.—The Mont Blanc was going fast through the water before the collision? A.—Yes sir.

Q.—How could you tell that? A.—I could see by the foam on the bow.

Q.—You saw there was a wave? A.—Yes sir.

Q.—Did you notice the Mont Blanc had a bluff or sharp bow? A.—Not a sharp bow.

Q.—It was bluff? A.—Yes sir.

Q.—The wave was high up? A.—No sir.

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40

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—She would make a wave even if she was going slow—being bluff?
A.—She was about as usual tramps used to be.

Q.—She was a seven knot boat—how much of a wave would she create going three knots—would she make that wave? A.—Yes sir.

Q.—That is what you saw—you saw a wave like that? A.—Yes sir.

BY CAPTAIN HOSE:

No. 31.
Evidence of
John
Johansen,
Re-Ex-
amination,
January
21st, 1918.
Continued.

Q.—Did you notice the Mont Blanc going in towards the shore after the collision? A.—Yes sir.

Q.—She went which side of that pier? A.—On the opposite side.

Q.—Down harbour side or up harbour side? A.—The upper harbour side.

Q.—Nearer the Basin? A.—Between the pier and the dry dock.

Q.—She had a pier on her starboard side? A.—Yes sir.

Q.—The Mont Blanc? A.—Yes sir.

Q.—Did you notice if she actually, when she went in, whether she hit the pier or whether she went in a little bit off the pier? A.—She went in a little bit off the pier.

Q.—How about her course—do you think her course was in line with the pier or at an angle? A.—Her course was almost in line with the pier

By Mr.
Burchell,
K. C.

BY MR. BURCHELL K. C.:

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Q.—When you came to after you found yourself down near the smoke stack, what condition were you in—were you wet? A.—Yes sir.

The water was pouring down on me there.

Q.—What were you trying to do? A.—Trying to swim.

Q.—Did you have a pair of gloves on? A.—Yes sir, and I tried to swim.

Q.—You were all wet? A.—Yes sir, the water was pouring down on me, then I thought I was over board.

MR. BURCHELL K. C.:

There has been talk of a tidal wave after the explosion, and I thought this might help to substantiate that story.

AND FURTHER DEPONENT SAITH NOT.

J. T. ROWAN,

Official Reporter.

COURT ADJOURNED AT 1.10 P. M. FOR LUNCH.

RECORD.

No. 32.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

HENRY B. DUSTAN, TERMINAL AGENT, C. G. R. UPON BEING CALLED AND DULY SWORN DOETH DEPOSE AND SAY AS follows:

EXAMINED BY MR. HENRY:

No. 32.
Evidence of
Henry B.
Dustan,
Direct-Ex-
amination,
by Mr.
Henry K. C.

Q.—You are the Terminal Superintendent of the Canadian Government Railways at Halifax? A.—Yes.

Q.—And have occupied that position for a number of years? A.—Yes.

Q.—On the morning of the 6th December, say between 8 and 9 or 8.30 and 9 where were you? A.—I was in my office between then and 5 to 9. 10

Q.—That office is where? A.—Foot of Cornwallis Street, head of new Pier 2.

Q.—Did you receive a telephone message from Richmond shortly before 9? A.—Yes.

Q.—From whom was it? A.—About 20 to 9 I received a telephone message from a man named William Lovett. He was Chief Clerk in the office at Richmond.

Q.—Recognize his voice? A.—Yes.

Q.—Tell you who it was? A.—Yes, he said this is Lovett talking; he said there is a steamer coming into the wharf on fire loaded with explosives and I don't know what I told him. 20

Q.—Did he say anything that there would likely be an explosion? A.—Yes he did; and likely, he said, the operator says there is likely to be an explosion.

Q.—Lovett was killed? A.—He died; he was injured and died a short time afterwards.

Q.—Did you attempt to go to Richmond? A.—I started at once to go there.

Q.—And you had to go from your office to the corner of Barrington and Cornwallis Streets? A.—Yes.

Q.—Catch a car? A.—I missed one and caught one five minutes afterwards. 30

Q.—And got as far as the North gate of the Dockyard? A.—Yes.

Q.—How long would you estimate elapsed from the time you got this telephone message until the explosion? A.—Not more than 15 minutes.

Q.—Was it as much as 15 minutes? Would you estimate it as long as that? A.—I think I would; I think it was 10 to 9 when he called me and about 5 minutes past 9 when the explosion took place; I looked at my watch afterwards and it was 5 past 9.

RECORD. Q.—You felt the explosion pretty severely in the car? A.—I did.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

BY MR. MELLISH:

Q.—Was it 9.05? A.—Yes, when I looked at my watch.

AND FURTHER THIS DEPONENT SAITH NOT.

No. 32.
Evidence of
Henry B.
Dustan,
Direct-Ex-
amination.
Continued.

R. ECCLES,

Official Reporter.

Mr. Burchell puts in a file of letters in reference to Johan Johansen, which is marked Exhibits M. B. E. 32 to 42 inclusive.

No. 33.
Evidence of
Aime
Le Medec,
Re-Ex-
amination,
by Mr.
Henry K. C.

No. 33.

AIME LE MEDEC, MASTER OF THE STEAMSHIP "MONT 10
BLANC," BEING RECALLED, DOTH DEPOSE AND SAY AS
FOLLOWS:—

By Mr.
Henry.

EXAMINED BY MR. HENRY:

Q.—How long since you took your examination for captain, seagoing?
A.—11 years.

Q.—In connection with that examination did you have to pass an
examination in English? A.—Yes sir.

Q.—In passing that examination what had you to do? What tasks were
set you? A.—We have to be received captain in French; we must know
some English; I don't speak very good English; I can understand 20
English of a pilot coming on board; it is not the first time I come in an
English port; I have been in Cardiff, Barry and New York, where I spoke
then good English because I was younger; we make a theme, English into
French; translation. Since my examination I had never spoken English;
I made trips to South America and I spoke Spanish and never spoke English
because I said I didn't speak English here, because I can't make me under-
stood; I know sufficient English to understand the pilot.

Q.—Can you read English to understand it? A.—I don't understand
the pronunciation.

Q.—You can understand an English newspaper? A.—Yes.

Q.—Do you know the usual nautical terms for the navigation of the ship?
A.—Yes, to starboard, to port, and for the engine perfectly.

RECORD. Q.—Will you give us first of all in French the marks on your telegraph?

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

A.—Stoppes; Attencion; Lantement; Deni Vitesse and Tout Vitesse, and the same thing going astern.

Q.—Give us this in English? A.—Stop; look out; slowly ahead; half speed and full speed; and astern slowly astern, half speed and full speed astern; starboard easy and steady for the helm, and port; also the same.

No. 33.
Evidence of
Aime
LeMedec,
Re-Ex-
amination.
Continued.

BY MR. MELLISH:

Q.—Some witnesses have said that after you left the Mont Blanc that the engines of the Mont Blanc were moving ahead; is that possible?

A.—No.

Q.—You understand? A.—Yes, I understand perfectly; the engines of the Mont Blanc were stopped.

Q.—You are positive of that? A.—Yes, they were.

By Mr.
Burchell.

BY MR. BURCHELL:

Q.—The pilot told us that he gave an order after the collision full speed ahead on the telegraph but it was not answered; is that right? A.—I don't understand.

Q.—The pilot in his evidence told us that after the collision, and after the ship got on fire, he gave an order to the engine room, full speed ahead?

A.—We have not put full speed ahead after the collision. The engine was stopped.

Q.—If the pilot said that, he was mistaken? A.—Yes.

Q.—The pilot says he did it with a view of forcing water into the hold? A.—The engine was not put ahead after the collision.

Q.—Did you speak to the engine room through the speaking tube after the collision? A.—No.

By the
Court.

BY THE COURT:

Q.—Did you have a speaking tube? A.—Yes.

By Mr.
Burchell.

BY MR. BURCHELL:

Q.—Did you speak, or did anybody, from the bridge after the collision speaking through a speaking tube to the engine room? A.—No.

By Captain
Demers.

BY CAPTAIN DEMERS:

Q.—You said the word attencion mark on your telegraph is the equivalent of Stand By in English? A.—Yes, look out.

Q.—Attencion is marked on the telegraph? A.—Yes.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 33.
Evidence of
Aime
LeMedec,
Re-Ex-
amination.
Continued.

Q.—This Stand By, this order, is given only to notify the engineers that their services will be required at a moment's notice? A.—Yes.

Q.—In reply to that question of Mr. Burchell about the pilot stating he had given the order to go full speed ahead in order to permit the water to enter into the gap, the hole made by the Imo to extinguish the fire, such was not the case? A.—Yes.

Q.—Was your ship still in the water when the collision happened; was she stopped in the water when the collision happened? A.—The engines were stopped.

Q.—But was your ship still going through the water? A.—It might 10 have had a little speed; she could have had a little speed.

Q.—That will account for the fact after the collision, after you left your vessel, all the crew—the ship went by herself to the wharf? A.—I could not see if she was near the wharf because of the smoke.

Q.—But it is shown the vessel reached the wharf? A.—Yes.

Q.—Then there must have been some way on but your machinery was not going at the time? A.—No.

Q.—Are you sure your engineer had left the engine room while the machinery was stopped? A.—Yes.

Q.—It was said this morning by one witness that the propellor was going 20 when you had left the ship? A.—No, never. Because our boats were to the stern of the bridge and when we left the ship if the engines were turning we must have been caught in the whirl but the engines of the Mont Blanc were stopped when we left it, certainly.

Q.—Your boat would be thrown off by the whirl of the waters when your engine would be going dead slow? A.—It depends if the engine was going ahead, the engine turning from the left to the right would put off the boat and if she had turned astern the boat would be caught by the whirl of the water and drawn in, and when we left the Mont Blanc we were obliged to push the boat with the oars. 30

Q.—When you left in your boat did you pass close to the Imo? A.—Yes, but not the one in which I was.

Q.—Is it only from your boat that the warning was given either with the arms or shouting? A.—From the two boats.

Q.—Was the warning given to the Imo? A.—There were one or two tugs and the Imo and after we passed astern, the poop of the Mont Blanc, we cried "Go away" in English.

Q.—Was that warning given to the two tug boats or the Imo? A.—Yes, and any in the neighborhood.

By Mr.
Burchell.

BY MR. BURCHELL:

Q.—When you got on the shore most of the men went up in the woods, but you and the pilot and another man stood on the railway track for a little while? A.—I don't know if the pilot stayed on the railway. I know that I stayed a moment. 40

RECORD.

In the
Exhibition
Court of
Canada,
New Scotia
Admiralty
District.

No. 33.
Exhibition of
Aime
LeMerie,
Rehearsal
Continued.

Q.—On the railway track? A.—Yes.

Q.—Was the mate there? A.—I could not tell you.

Q.—There was one other man with you? A.—The Chief Engineer, yes, I think.

Q.—You tried to talk to the pilot on the railway track? You were talking to the Pilot? A.—No, I don't remember. I think the pilot was near me, but I am not sure.

Q.—Were you not talking to the pilot for nearly five minutes after you got ashore? A.—I don't remember if he was near enough.

Q.—Do you remember holding up two fingers and saying two, two? 10
A.—I don't remember that.

Q.—You were pretty well excited on the shore? A.—No, I was never; I don't remember who was near me.

Q.—Do you remember talking to some people on the shore? A.—Yes, some people were on the shore; I had said to them to go out because the ship was to explode.

Q.—You said that as soon as you got ashore? A.—Probably; I could not say.

Q.—Is it true you stood for nearly ten minutes on the railway track? 20
A.—No.

Q.—How long did you stand on the railway track? A.—I don't know.

Q.—Where did you go after that? Run along the track or go up in the woods? A.—Along the way of the little wood.

Q.—Along the railway track? A.—No, up the mountain.

Q.—Did you pass some houses going up? A.—I don't remember.

Q.—Did you go the same way as your men? A.—The crew was altogether and the roll call was made; I had said, "Go out."

Q.—I am told by a woman whose house you passed she was looking out of the window when you went by the house? A.—I don't remember. 30

Q.—You never went to the houses to raise the alarm? A.—No. After the collision when I was near Dartmouth, I met a car and I asked him to bring me and I entered in the school where was men wounded.

Q.—And you say you never held up two fingers to the pilot and said two, two? A.—No.

Q.—And it is not correct you stood talking to people a number of minutes before you said anything about the explosion? A.—No, I don't see how this person knew that I was the captain; I hadn't any distinguishing marks.

Q.—There were two or three people came and spoke to you on the shore 40 on the railway track? A.—Yes, and I said "Go away" because the ship was to explode.

Q.—They could not speak French? A.—No; I don't know if they spoke French but I say that in English.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 33.
Evidence of
Aime
LeMedec,
Re-Ex-
amination.
Continued.

Q.—There was a French Cable wharf, did you speak any French to anybody on the shore? A.—No, I didn't speak French on shore, except to my crew.

Q.—To nobody? A.—No.

Q.—At the French Cable Co.'s wharf? A.—No.

Q.—And you have not tried to speak English for 12 years? A.—11 years. But I learned English at the school during five years.

Q.—How long have you been in Halifax this time? Been in Halifax ever since? A.—Since December 6th.

Q.—Been here right along? A.—Yes, but I speak always French. 10

Q.—No English to anybody? A.—I didn't speak English because I cannot speak—people don't understand me.

Q.—You are very bashful about speaking English? A.—I would be very happy to speak English.

Q.—The pilot told us that you could not speak any English in his evidence? A.—No, because the pilot speaks too rapidly and I can't understand you perfectly. And the pilot speaks more faster than you.

Q.—And you could not understand him? A.—When he speaks fast I can't understand; it is necessary to speak slowly.

Q.—I suppose you didn't have any conversation with the pilot that 20 morning in English on the bridge? A.—No.

By Captain
Hose.

BY CAPTAIN HOSE:

Q.—When you gave that order, all to port, just before the collision, you gave an order to the helmsman all to port, how far, how many degrees to port did the ship go? A.—She came, exactly I don't remember, 2½ points of the compass or 3; more than 2; 4 points; 3 or 4; I don't remember.

Q.—You were heading for what place when you finished altering to port; heading towards No. 9 pier or where when you finished? A.—Pointing inside to the shore; out to the shore. 10

Q.—The point of land on the Halifax side was that on your starboard or port side? A.—On the starboard side, if I remember correctly.

Q.—You came inside that point? A.—Yes.

Q.—Did you put the helm amidships; did you steady the ship? A.—Yes.

Q.—How long was your ship steady—while amidships before the collision? A.—Some few seconds.

Q.—Not one minute? A.—I don't remember.

By Captain
Demers.

BY CAPTAIN DEMERS:

Q.—When you came to anchor at the gate of the bar there was an officer 04 came on board your ship? A.—Yes.

Q.—A naval officer? A.—Yes.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 33.
Evidence of
Aime
LeMedec,
Re-Ex-
amination.
Continued.

Q.—In uniform? A.—Yes.

Q.—And he asked you to produce your papers? A.—Yes.

Q.—You showed him what papers? A.—I showed them the papers that we had given to us in New York; papers of the cargo.

Q.—In that paper did it define in detail the nature of the cargo?

A.—Yes, and I say myself, that we were all explosives.

Q.—Did you show him the plan or a list of the explosives on board? The quantity? A.—Yes I think I gave the quantity.

Q.—The distribution? A.—No.

Q.—Did you tell him there was Benzol, Picric acid, T. N. T.?

A.—Yes.

Q.—Did you speak in French or English? A.—I don't remember; I think it was in English.

Q.—Did the officer seem to understand you? A.—Yes, and showed him the manifest of the cargo.

Q.—Did he make any remarks? A.—No, I don't remember.

Q.—Did he give you a paper of clearance? A.—No.

Q.—Verbal orders? A.—No.

Q.—What orders did you get? A.—He gave me orders to enter the day after; gave me a number that I was to hoist before I enter the harbour. 20

Q.—Did you notice what time the gate opened? A.—Yes, it was opened.

Q.—What time? A.—I don't know, before my ship entered another entered.

Q.—Did you know the nationality of that ship? A.—No, it was in green.

Q.—Did you notice an American ship going ahead of you? A.—I don't remember.

Q.—You had your national flag on the stern? A.—Yes, I had the French flag, and the number of the ship and the number of the entrance. 30

Q.—The ship that got ahead of you and passed through the gate you didn't notice what flag she had? A.—I don't remember.

Q.—But there was a vessel went ahead of you? A.—Yes.

By Mr.
Burchell.

BY MR. BURCHELL:

Q.—You said to Captain Hose that after you gave that order hard to port and the ship came to the left, you came three to four points?

A.—45 degrees; exactly, I don't know; I say 45 degrees.

Q.—This is the time you blew two blast signal? A.—Yes.

Q.—Then you said the ship was steady with the order, after you swung you would not put the wheel back amidships; did I understand you put the wheel back to amidships? A.—Steady and amidships are the same. 40

Q.—With your helm at amidships, your ship goes straight ahead?

A.—Yes.

- RECORD. Q.—The propellor is not affected in putting it to the right or the left?
 A.—No.
- In the Exchequer Court of Canada, Nova Scotia Admiralty District.
 No. 33. Evidence of Aime LeMedec, Re-Examination. Continued.
- Q.—On any ships is it? A.—When a ship is loaded, No; but when it is light, Yes.
- Q.—That is your opinion? A.—But we were loaded.
- Q.—Which way would it go if the ship was right—a right handed propellor, which way would the ship go under the action of the screw?
 A.—My ship was loaded.
- Q.—If the ship had been light? A.—I cannot suppose, because in this case my ship is loaded. 10
- Q.—Supposing it was light? A.—My ship was loaded.
- Q.—I suppose you can imagine a little bit; supposing your ship was light in New York and you put your screw ahead which way would she go?
 A.—If the wheel goes from the right or starboard the ship goes directly and if the wheel goes from port the ship goes to starboard.
- Q.—I suppose you are not an expert in propellor action? A.—Yes.
- Q.—You have studied the action of the propellor of the ship? A.—Yes I am the captain.
- Q.—On a light ship, with a right handed propellor, and the propellor is going ahead and your wheel is amidships, which way will your ship go? 20
 A.—It would follow the wind.
- Q.—Supposing it is dead calm? A.—Where the tide come from.
- Q.—Supposing there is no tide? A.—If she has no speed she stays there.
- Q.—The propellor is going ahead and the wheel is amidships?
 A.—It is a question that can't be answered because each ship does not answer the same.
- Q.—Do you know how your ship answered? A.—I was not long enough on board to make experiments.
- Q.—Do you admit you don't know anything about it? A.—I know, 30 certainly. It is necessary in manoeuvring the ship to know.
- Q.—Here is a question you answered, you say that in New York they told you, somebody told you, that they didn't think the convoy at Halifax would accept you with other ships because of the small speed of your vessel but for you to come to Halifax and there you would get special orders whether to cross the sea alone or under a convoy? A.—Yes.
- Q.—Who told you that? A.—The English Admiralty.
- Q.—Who was the man? Know his name? A.—No.
- Q.—Officer in uniform? A.—No, it was a civilian.
- Q.—Where was it; what office? A.—In his office. 40
- Q.—What street? A.—I don't know.
- Q.—On board your ship? A.—On shore.
- Q.—Can you tell what office or on what street? A.—No.
- Q.—The order you said you got was all to the left, when these two blasts signal was blown, all to port or all to the left? A.—Yes.

RECORD. BY CAPTAIN DEMERS:

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 33.
Evidence of
Aime
LeMedec,
Re-Ex-
amination.
(Continued.)

Q.—In order to enlighten Mr. Burchell about the effect of the screw on the ship; supposing your ship is going ahead and you put your helm amidships, no matter what speed the ship is going, and you leave the rudder amidships for a certain time without touching it; what effect will your rudder, going ahead, whether half or full speed, have on the head of your ship? Going through the water, as time goes on, no tide and no wind? A.—If the screw is a right handed propellor the ship goes in the left, and when he has left handed he goes to the other side.

Q.—Did you watch the loading of your ship in New York? A.—Yes, 10
there were police was also.

Q.—What is the first cargo you put in your ship? A.—Picric acid.

Q.—That was in the forward or after hold? A.—I don't remember; I believe we had it first in the second hold.

Q.—You had some in No. 1 hold too? A.—Yes, the day after.

Q.—And as you progressed you put on the other dry stuff; you had the damp stuff underneath? A.—Yes.

Q.—And the dry on top? A.—Yes.

Q.—When was that Benzol put on board—after all the rest of the cargo had been placed in the hold? A.—No. 20

Q.—When was that? A.—The Benzol was loaded the day before we sailed; a part of it; on the stern deck; and the part ahead the day of sailing

Q.—The day before sailing you had the benzol in drums placed aft? A.—Yes.

Q.—And the day of sailing all the cargo, your hold was full, and you got an order to receive these drums of benzol and place them forward? A.—Yes.

Q.—Who gave you that order to take that benzol on board? A.—It was the French Line told me fore I went from the wharf at New York I had to take picric acid, T. N. T. gun cotton and benzol. 30

Q.—Benzol was mentioned at the time? A.—Yes.

Q.—So it was understood that you were to load all these different cargoes? A.—Yes.

Q.—At the first, before you went down to Gravesend Bay? A.—Yes.

Q.—The placing of the benzol aft and forward—on the forward deck was not an after thought? A.—No; every ship of this kind like the Mont Blanc took benzol on deck, because the deck was iron and she had bulwarks.

Q.—And that is the reason you carried benzol because the deck and bulwarks were iron? A.—Yes. 40

Q.—When it was placed on the deck was there anybody came to see the way it was stowed? A.—No, I was not on board the day of sailing; I was in New York.

RECORD. Q.—Who gave you the clearance papers? A.—The American Admiralty, they gave me the orders of sailing; the number to give going out of the harbour.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—Did you get another document; a certificate of loading? (This was put in previously).

No. 33.
Evidence of
Aime
LeMedec,
Re-Ex-
amination.
Continued.

Q.—Was there anybody who came to supervise the placing of these drums of benzol? A.—There is at New York an officer, I don't know his name; an American captain who gives orders where to put the cargo; each sort of cargo as it is placed they determine by this captain.

Q.—You had nothing to do with the placing of it? A.—No, we have 10 to obey his orders.

By Mr.
Burchell.

BY MR. BURCHELL:

Q.—Did anybody in New York tell you to be careful going into a wharf or striking ground that your ship might explode? A.—No.

Q.—That is right A.—Yes.

By Captain
Demers.

BY CAPTAIN DEMERS:

Q.—If I remember well I think you said in your evidence that the least shock would explode that cargo? Didn't you say that in your evidence? A.—They were not authorized persons told me.

By Mr.
Burchell.

BY MR. BURCHELL:

20

Q.—Did you tell the pilot that morning he must be careful about striking a wharf? A.—As soon as the pilot came on board I said to him that I had explosives on board and don't smoke, because it was dangerous but I have not orders to give to the pilot to take care.

Q.—The pilot was smoking on board that night before? A.—On the deck, No.

Q.—Smoking down in the saloon? A.—Yes, in the dining room.

Q.—Did you tell the pilot that somebody in New York had told you you must be careful going into a wharf and not to strike a wharf hard?

A.—I don't remember saying that.

30

Q.—Did you tell him that; did you tell the pilot somebody told you you must be careful not to strike the wharf hard? A.—Possibly I did; I don't remember.

AND FURTHER THIS DEPONENT SAITH NOT.

R. ECCLES,

Official Reporter.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

EDWARD RENNER, PILOT OF THE PORT OF HALIFAX, HAVING BEEN CALLED AS A WITNESS, AND DULY SWORN, DEPOSED AND SAITH AS FOLLOWS:—

EXAMINED BY MR. HENRY.

No. 34.
Evidence of
Edward
Renner,
Direct-Ex-
amination,
by Mr.
Henry K. C.

- Q.—You are one of the port pilots? A.—Yes.
- Q.—Do you remember the morning of the 6th December? A.—Yes.
- Q.—Did you bring a vessel in that morning? A.—Yes.
- Q.—Early? A.—Exactly 9 when we anchored.
- Q.—Where did you bring that vessel from? A.—Outside; the 10
examination ground.
- Q.—Was the Mont Blanc out there that morning? A.—Yes.
- Q.—Did you go out to the examination ground that morning? A.—I
went out that morning.
- Q.—And you went on board this American? A.—Yes.
- Q.—And you were the first to go through the gate that morning?
A.—Yes, there might have been something small.
- Q.—Do you remember what her name was? A.—I don't, now.
- Q.—She was a freighter? A.—Yes.
- Q.—Do you remember meeting the Imo as you came through the Nar- 20
rows? A.—Well, yes.
- Q.—Where did you cross? A.—I was practically in the Basin and
he was just about entering the Narrows.
- Q.—How did you pass? What side? A.—Starboard to starboard.
- Q.—That is not the usual way to pass coming and going in the harbour?
A.—Under other circumstances it might not be but under these it was.
- Q.—Where was he when you first sighted him? A.—He was pretty
well in line with the examining boat.
- Q.—With regard to your boat? A.—At least three points on my star-
board bow when I saw him. 30
- Q.—You simply kept straight ahead and he kept straight ahead and you
passed starboard to starboard? A.—Yes.
- Q.—And it was about the northern entrance to the narrows? A.—In-
side the Basin if anything.
- Q.—You passed within hailing distance? A.—Yes.
- Q.—Did you hail the pilot of the other vessel? A.—Yes, I told him
there was another ship following behind.
- Q.—Had you seen the Mont Blanc on the way up? A.—Not after
I left the examination ground.
- Q.—Had she got under way? A.—Not that I remember; I surmised 40
she would be following.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 34.
Evidence of
Edward
Renner,
Direct-Ex-
amination.
Continued.

Q.—You would be ten minutes ahead of her probably? You anchored at 9? A.—Yes, by the ship's time.

Q.—And the explosion was shortly after that? A.—Yes.

Q.—Did you note the time of the explosion? A.—No, I didn't. We had anchored and gone off the bridge and the officer mentioned it is just 9 when we anchored.

Q.—A very few minutes afterwards the explosion came? A.—Yes.

Q.—Five minutes do you think? A.—No I don't think it was, before the first two small explosions.

Q.—What part of the Basin did you anchor the American boat in? 10

A.—If anything we were closer to the guardship than she was.

Q.—About mid channel of the Narrows? A.—A little on the Eastern side but we were to the Westward of her.

Q.—If anything nearer Halifax than she was? A.—Yes.

Q.—How many shocks of the explosion did you feel there? A.—We heard the first two but didn't feel them.

Q.—There were two small explosions and then the big one A.—That is the way it felt to us.

Q.—The first two were simply in the form of noises? A.—I made a remark to the captain, some of the ships has been fooling with their guns. 20

Q.—There was simply a noise? A.—That was all.

Q.—The second one was there a rush of air? A.—No, I didn't feel any, and I was standing by a door that was split to pieces and I didn't feel any air at all.

Q.—Was there much noise with the second one? A.—Yes, quite a noise.

Q.—Was there a difference in time between the sound of the big explosion and the breaking of the door? A.—Seemed to be all together; we didn't think the door had gone until we looked around; one of the officers came running aft and said the ship had been hit in the forward hold and the cap- 30
tain said, no, and they started to sound the ship. Most all were convinced something hit her and I could not feel anything.

Q.—Some witnesses have told us of some fog coming up the channel? A.—It was kind of smoky.

Q.—Was there some haze in the Narrows? A.—Not in the Narrows, down below off pier 6, the Basin was practically clear.

Q.—After the explosion did you see anything like a cloud of smoke or something pouring out of the Narrows? A.—Only what I seen coming in the air, clouds of smoke and that was coming up

Q.—You saw nothing like a snow cloud coming through the Narrows 40
immediately after the explosion? A.—No.

Q.—Was there any wave effect in the Basin? A.—I didn't notice any.

Q.—When you gave this warning to the pilot of the Imo and told him there was another boat coming up, did you tell him to keep a good look out?

A.—No, I just said a ship is following up behind me.

RECORD. Q.—And the one you referred to was the Mont Blanc? A.—That is the one I had reference to.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

BY MR. MELLISH:

Q.—Who was the pilot on the Imo? That you spoke to? A.—William Hayes.

Q.—You knew him? A.—Yes.

Q.—And could distinguish him? A.—Yes, I distinguished his voice when he answered.

Q.—You were not close enough to tell? A.—Not by the clothes.

Q.—Two or three ship's length from you? A.—Not more than a 10 ship's length.

Q.—About how many feet? A.—Say 300 feet.

Q.—When you met the Imo was there any fog or haze about the Narrows? A.—Nothing at all, all clear.

Q.—Clear when you were going through the Narrows? A.—When I sighted him it was clear then.

Q.—It had been foggy before that? A.—It was still hazy off pier 6.

Q.—Earlier that morning had it been somewhat hazy? A.—It was hazy right up until I got there.

Q.—And the mist lifted? A.—There was a little Easterly wind and 20 it went from Easterly to the Westward and it cleared up bright afterwards.

Q.—You had no difficulty in going up the Harbour? A.—Never had to blow the fog signal; I blew it outside the gates but in the harbour I don't think I did.

Q.—You could distinctly see all inside the harbour? A.—All on the Eastern shore.

Q.—When you met the Imo at the entrance inside the Basin how would you be in reference to mid channel? Did you go up pretty well in the centre? A.—When I hauled around pier 9 I headed as close as I could to the Western shore. 30

Q.—In what direction were you heading when you met the Imo? A.—North west.

Q.—Shaping your course in the anchorage then? A.—Yes.

Q.—How was she heading, parallel to you about? A.—No, pretty near South I guess then.

Q.—You understand this chart M. B. R./4; these are the magnetic courses and think you were heading North West magnetic. A.—Yes.

Q.—And he would be heading South? A.—Possibly a little East.

Q.—Nearly S. E. he would be heading for the land? A.—He was coming on my starboard bow. 40

Q.—Which side of the guard boat was he? A.—South of the guard boat I presume he came to westward.

Q.—Was the guard boat open behind him to you? A.—I don't remember rightly, I think the guard ship was right in line.

No. 34.
Evidence of
Edward
Renner,
Direct-Ex-
amination.
Continued.

RECORD. Q.—How many points was she on your bow? A.—Practically the same as the other, three points.

In the Exchequer Court of Canada, Nova Scotia Admiralty District. Q.—Where did you anchor? A.—About W. N. W. from the guard ship.

Q.—How far off the guard ship did you anchor? A.—About 600.

Q.—How long before you anchored did you meet the Imo? A.—Possibly ten minutes.

No. 34. Evidence of Edward Renner, Direct-Examination. Continued. Q.—How far were you off the guard ship when you met her? A.—Quite a little piece, I can show you on the chart where I was. The guard ship was off this point here. (Marked "S" with small mark inside the letter). 10

Q.—And you were about ten minutes from the guard ship? A.—About ten minutes.

Q.—What is your speed? A.—About two or three knots; slowed down, probably only one and a half; we were slowing down for anchoring.

Q.—Can you give me any idea of the course the Imo was steering at that time? A.—About South.

Q.—She could not continue that course down the harbour? A.—No, not at all; she would have to haul out S. E. after a while.

Q.—She would have to haul to the eastward when she got down to the narrowest part of the Narrows? A.—Yes. 20

Q.—Did you exchange any signals? A.—Yes, we did. The Imo blew one, and I answered him with two and he answered me with two.

Q.—Did he change his course? A.—No.

Q.—What did you understand the one to mean? A.—He wanted to go to starboard.

Q.—Come down the starboard side of the Narrows? A.—Yes.

Q.—You answered him with two? A.—Yes.

Q.—And he replied with two? A.—Yes.

Q.—Which meant he would go down on the port side of you? A.—Yes, we passed starboard to starboard. 20

Q.—He answered you with two which meant he would keep to the port side of the channel? A.—Yes.

Q.—From the position of the vessels when you first saw him did either of you change your course? A.—Kept right on the same course until about the time he was abreast of me and I suppose he was altering his course then a little to starboard.

Q.—After he got closer to you he would have to alter a little to the Eastward? A.—Yes.

Q.—Did you notice him alter his course to the Eastward? A.—I can't say I did. 40

Q.—But you presume he would have to? A.—Oh, yes.

Q.—When you saw him first he would be on a straight line to go down the Western side of the Narrows? A.—He was on the Eastern side.

RECORD. Q.—When you first saw him he was on the Eastern side of the Narrows?

In the
Exchequer
Court of
Canada.
Nova Scotia
Admiralty
District.

A.—Yes, about three points on my starboard bow.

Q.—Have you any reason for him being there; is that the place you would expect to find him? A.—Coming down by the guard ship if the signals are not hoisted you can't go,

Q.—You take your orders from the guard ship? A.—Yes.

Q.—Did you have to report to the guard ship? A.—No, inward ships have not to report, just hoist the number.

Q.—A ship coming out has to report to the guard ship and she is on the Eastern side? A.—Yes

Q.—How close would he have to go to report? A.—Not so very close; they hoist flags and just to see the flags.

Q.—That would not be an excuse for taking the wrong side of the channel? A.—No.

Q.—Do you know anything of the rule that an incoming ship has the right of way? A.—Only they put signals in the gate, whichever one they want to give preference they hoist special signals.

Q.—Has it ever been brought to your notice there is a government regulation in force for some time, since June last, in regard to an incoming vessel coming in the harbour? A.—In the harbour or Basin.

Q.—It does not distinguish. I don't know where the harbour stops and the Basin begins? A.—I think there was something about the gates.

Q.—Vessels coming in the gates, incoming ships have the preference? A.—Yes.

Q.—There has been no understanding between the pilots there is to be any other preference? You follow the ordinary rules of navigation? A.—Yes.

BY MR. BURCHELL:

Q.—You were going up the Narrows as I understand above pier 9 on the Halifax side; on the Western side? A.—I was in the centre, or if any- 20 thing, on the Eastern side.

Q.—The Imo blew one blast? A.—Yes.

Q.—Which would mean they wanted to go down the Halifax side and pass you port to port? A.—Yes.

Q.—And you replied with two which meant you wanted them to pass between you and the Dartmouth shore? A.—Yes.

Q.—And he agreed to that by blowing two blasts? A.—Yes.

Q.—And he was coming from the direction of the guard ship when you saw him first? A.—Yes.

Q.—Were you going to the guard ship? A.—No.

Q.—Mark whereabouts on M. B. R. /4 you passed him? A.—Pretty well off this point. 40

No. 34.
Evidence of
Edward
Renner,
Direct-Ex-
amination.
Continued.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 34.
Evidence of
Edward
Renner,
Direct-Ex-
amination.
Continued.

Q.—What is that point called? A.—The first point around Tuft's Cove, the first point North of Tuft's Cove; (Marked "T").

Q.—I have drawn a line with a "T" at the end of it and it was off that point you passed him? A.—Yes.

Q.—He was on the Dartmouth side and you on the Halifax side? A.—Yes.

Q.—How did you happen to call out to him; what was the reason? A.—It was only custom; I had done that mostly with other ships; it was on account of the haze, I thought it might thicken up again by the time he got down. 10

Q.—The haze was following you up? A.—It blew from the Eastern side on the Halifax side and it was backing up and I thought it might go back.

Q.—That was your reason for calling? A.—Yes.

Q.—How did you call—through a megaphone? A.—I don't know whether I did the first, but I did the second time.

Q.—Tell us what you called out? A.—I hollered out and I told him there was a ship coming astern; he said "What did you say" and I said a ship is following right behind me.

Q.—You didn't know then how far it was behind? A.—Yes. 20

Q.—But you knew she started through the gates? A.—I didn't know she had started but I surmised she would be; I didn't know she was coming.

Q.—The upper part of the Narrows, some witnesses have said, there was a fog there and clear in the Basin? A.—It was clear in the Basin. There was a haze practically from the gates right up to pier 9.

Q.—The upper part, near Tuft's Cove; some witnesses said it was foggy there? A.—If there was any it was on the Halifax side; there was none on the Eastern side.

Q.—Some witnesses said it was such a haze you could see the top of the hill and not the shore? A.—That was the way at the Sugar Refinery and pier 6; I don't remember off pier 9; it was a little hazy there too.

Q.—Did you notice the speed of the Imo as she was passing you? A.—Not to swear to.

Q.—Anything remarkable about her speed? A.—Nothing remarkable that drew my attention that I would notice it; just ordinary.

Q.—What is ordinary? A.—Four or five knots.

Q.—That is about the speed you thought she was going? A.—I would not say whether she was or not, I didn't pay enough attention.

Q.—If she was going faster you would have noticed? A.—She might 20 have been going six and I would not notice.

Q.—If going faster than six—ten for instance, you would have noticed it? A.—Yes, you would pretty near have to notice it then.

Q.—And she was not going ten or anything like that? A.—I could not say she was going ten, No.

RECORD*

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

*No. 34.
Evidence of
Edward
Renner,
Direct-Ex-
amination,
Continued.*

Q.—From your recollection now would you say from your best judgment she was going, about four or five knots? A.—Not to swear to, but that is what I would say.

Q.—The Imo you say had to go over near the guard ship? A.—She goes down until she sees it; the guard boat might be shut in or another ship there and she would go around that ship and see the signals.

Q.—She was coming from the direction of the guard boat when you first saw her? A.—That was the line she was in from me.

Q.—You knew Pilot Hayes personally? A.—Yes.

Q.—Regarded as good pilot? One of the best in the service? A.—I 10
don't think there was any better; or could be.

Q.—Do you pilots have instructions about red flags? Anything in this harbour about flying red flags when carrying explosives? A.—We used to do it in peace times with oil tanks; after we were anchored and not moving.

Q.—Did you notice the Stella Maris and the two scows when you were going up? A.—I didn't notice.

BY MR. MELLISH:

Q.—Did you get any answer from Pilot Hayes? A.—The second 20
time, no.

BY CAPTAIN DEMERS:

Q.—Any regulations governing the navigation of the Narrows as to the side you should take? A.—No, only for safety of the ship, under the same circumstances I was heading right on the Western shore and in order to get on my own side we would have to cross each other.

Q.—What distance were you from each other when the first exchange of signals took place—one blast from the Imo and two from you?

A.—Four or five lengths.

Q.—Would that be sufficient time to get to your own side? A.—If it 30
was necessary.

Q.—It was misleading to answer by two blasts to one blast? A.—The way we take it, he blew one blast to know what I was going to do, when I answered by two we naturally passed on the side we were on.

Q.—Is that the rules of the road here to blow one signal to find what the other man is going to do? A.—You always take time to blow one to find out what he is going to do.

Q.—I thought it would indicate, yourself being the first to blow, what you were going to do? Not to ask, what is the signal for but to indicate yourself? A.—If I blow one first and the other answers with two, and it was safer to go port to port than starboard to starboard I would do it. 40

Q.—By blowing cross signals, in the International Rules it is misleading;

RECORD. the first vessel answered with one you are supposed to answer with another or you blow a danger signal and stop your ship. If I had been anywhere else than in the Narrows I would have answered with one and gone.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 34.
Evidence of
Edward
Renner,
Direct-Ex-
amination.
Continued.

Q.—If you were bound to a Halifax wharf, No. 6 or No. 9; but as you were bound to the Basin it seems to me the proper answer would be one blast and go over and give the other ship the channel? A.—It was far easier to let him keep the side he was on. If he had answered with one blast when he answered with two I would have gone to starboard.

Q.—In the meantime your ship had covered a certain distance and made the distance shorter, if you had to cross? A.—We had loads of room in 10 this case.

Q.—Probably in that case you had loads of room but in the proper conduct and observance of the rules it should be done after receiving one blast and answered by two? A.—We should have answered by one blast.

Q.—And the two blasts were answered by the other vessel afterwards? A.—Yes.

Q.—You said there was some haze at the time; what distance could you see objects? Would you see both shores during the thickness of the haze? A.—Not both beaches; I could see the Eastern shore.

Q.—But not the Halifax? A.—Might have seen the wharves but not 20 the beach.

Q.—Were the wharves visible? A.—I think they were.

Q.—What distance would that be from your ship? A.—400 feet to the Westward but probably a couple of miles ahead of me.

Q.—What is the exact position that you were, if you can remember, when you answered by two blasts? A.—We were inside of pier 9.

Q.—What distance from each other? A.—Four lengths of the ship.

Q.—You acknowledge the Imo was on the wrong side of the channel? A.—I cannot say the wrong side of the channel because when he got in the Narrows it was quite easy for me to go on his right side. 30

Q.—If you passed him starboard to starboard he was not on his right side? A.—It was my fault he was starboard to starboard.

Q.—If he had been on his right side would there be any need of sounding one blast? A.—No.

Q.—That would indicate he was on the wrong side? A.—He was going down the Eastern shore and I was going on the Western.

Q.—He was on the wrong side of the channel according to the rules in narrow waters? A.—You can hardly say he was in narrow waters; heading towards the Narrows.

Q.—He was entering the Narrows; the distance from the guard ship to 40 the Narrows is not very far? A.—No.

Q.—300 feet was near enough to pass the guard ship? A.—Yes.

Q.—And probably he could get the signal further than that? A.—Yes.

Q.—So he was in the entrance to the Narrows when you saw him on the wrong side of the channel? A.—You would have to say he was on the wrong side.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 34.
Evidence of
Edward
Kenner,
Direct-Ex-
amination.
Continued.

Q.—A ship coming down is supposed to keep the right hand side and if he was on the left he was wrong? A.—After he left the guard ship he could cross over.

Q.—Then we say the Imo was not and you were? A.—We were both on the wrong side.

Q.—Any regulations as to speed in the Narrows? A.—Same as govern the harbour, five knots.

Q.—Was the Imo going any more? A.—I would not swear; five knots.

Q.—You could tell by the wave in front of her, she was making a wave? A.—I don't know I noticed. 10

Q.—When you passed you could determine the speed? A.—Just the ordinary speed; about five knots.

Q.—And you were also going five knots? A.—I had slowed down to me to anchor.

Q.—You were far from anchorage when you met? A.—Not very far.

Q.—You anchored west of the guard ship? A.—Yes.

Q.—Quite a distance from the time you met that ship to the time you anchored? A.—We have to slow down, the water is so deep and for the chain. 20

Q.—Was there any tide that morning? A.—I didn't notice.

Q.—Did you take that into consideration? A.—If you are going any-ways slow you do.

Q.—Is there any regulation in connection with the tide that a ship going with the tide has precedence? A.—No, not to my knowledge.

Q.—The tide is not strong enough for any regulation to exist? A.—No.

BY CAPTAIN HOSE:

Q.—Did you see the Stella Maris that morning? A.—I can't say I did; I don't remember seeing anything. 30

Q.—You know in the Narrows there is a buoy at the Tufts Cove end and another at the other end? A.—Yes, the other buoy I was heading right at.

Q.—Heading straight at the upper buoy? A.—Yes.

Q.—Had you got up to that upper buoy when the Imo passed you? A.—About half a ship's length from it. Say three quarters; and might possibly have been $1\frac{1}{2}$ ships length.

Q.—Were you heading straight for it then? A.—A little bit on the port bow.

BY MR. BURCHELL:

Q.—Can you tell us, assuming the High Flyer is at the point 9 on this chart M. B. R./4; on the morning of the collision and a ship was passing 40

RECORD. between the High Flyer and the Dartmouth shore, say 100 yards to the Eastward of the High Flyer, if that ship could see clear into Bedford Basin?

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

A.—Yes.

Q.—See the guard ship? A.—She would see the guard ship shortly after she passed the High Flyer.

BY CAPTAIN HOSE:

No. 34.
Evidence of
Edward
Renner,
Direct-Ex-
amination.
Continued.

Q.—After you passed the Imo did you hear her make any signals after she for astern of you? A.—I cant remember hearing any.

Q.—Did you look astern? A.—No, we were down below talking and there was a noise.

10

BY MR. BURCHELL:

Q.—You are familar with the tide tables? A.—Yes.

Q.—These are the tide tables for 1917? A.—Yes. (M. B. E./43, page 33)

Q.—The 6th December shows low water at eight in the morning? A.—Yes.

Q.—And according to this chart M. B. R./4 the minimum tide in the Narrows is shown at $\frac{3}{4}$ of a knot? A.—Yes.

Q.—If it was low tide at 8. a. m. at $\frac{1}{4}$ to 9, how much tide would be running? A.—I don't think there would be any; because the tide would just be about stopped.

BY MR. MELLISH:

Q.—Is the buoy referred to on this chart? A.—No.

R. ECCLES.

Official Reporter.

IT BEING 4.30, P. M. THE COURT ADJOURNED UNTIL TOMORROW, TUESDAY, JANUARY 22, 1918, AT 10 A. M.

TENTH DAY'S SESSION.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

10 a. m. January 22nd, 1918.

PURSUANT TO ADJOURNMENT COURT RESUMED ITS SITTINGS AT 10 A. M. TUESDAY, JANUARY 22ND, 1918.

No. 35.
Evidence of
Captain
Francis
G. Rudolf,
Direct-Ex-
amination,
January
22nd, 1918,
by Mr.
Henry K. C.

COURT AND COUNSEL PRESENT AS STATED ON PAGE 740.

No. 35.

DEPOSITION OF FRANCIS G. RUDOLF.

On this twenty-second day of January, in the year of our Lord one thousand nine hundred and eighteen, there personally came and appeared

CAPTAIN FRANCIS G. RUDOLF.

10

WHO, BEING DULY SWORN UPON THE HOLY EVANGELISTS, DOTH DEPOSE AND SAY AS FOLLOWS:—

EXAMINED BY MR. HENRY K. C.:

Q.—You are the harbour master of the port of Halifax? A.—Yes sir.

Q.—Have you been acting in that capacity for a number of years?
A.—Yes sir.

Q.—Prior to the war the whole control, I understand, of ships coming and going in the harbour of Halifax was under your charge? A.—Yes sir.

Q.—During that period were there some special regulations with regard to ships carrying explosives? A.—Yes sir.

Q.—Is that a copy of an order-in-council which was passed on the date that it shows there, February 8th, 1913? A.—Yes sir.

COPY MARKED AND FILED EXHIBIT R. 44):

Q.—Is that a copy of a letter which you received accompanying that order-in-council? A.—Yes sir.

(COPY MARKED AND FILED AS EXHIBIT R. 45):

HIS LORDSHIP:

That amends the order of 1911.

RECORD. MR. HENRY K. C.:

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Yes, my Lord.

HIS LORDSHIP:

Have you got the 1911 order?

No. 35.
Evidence of
Captain
Francis
G. Rudolf,
Direct-Ex-
amination,
January,
22nd, 1918.
Continued.

MR. HENRY K. C.:

No sir, but we can easily get it if your Lordship desires it.

BY MR. HENRY K. C. (CONTINUING):

Q.—That was the condition of the law, I understand, at the moment the war broke out? A.—Yes sir, before 1913, before the war broke out?

Q.—And up to the time the war broke out? A.—Yes sir. 10

Q.—Now after the war broke out there were I think, a number of regulations passed with respect to Halifax Harbour? A.—Yes sir.

Q.—Perhaps you might look those over Captain Rudolf and see if those are official copies of the regulations from time to time passed—these are Notices to Mariners? A.—Yes sir. section 67 has reference to where it was handed over to the Admiralty.

(COPIES OF NOTICES TO MARINERS, 37 OF 1915, 65, OF 1915, 97 OF 1915, 67 OF 1916 AND 101 OF 1916, ARE MARKED AND FILED AS EXHIBITS R. 46, R. 47 R. 48, R. 49, AND R. 50)

Q.—You recognize these as being official documents? A.—Yes sir. 20

Q.—Now Captain Rudolf subsequent to that I understand there were full traffic regulations published would you look those over and see if that is a copy of the full traffic regulations? A.—Yes sir, this is published by the London Board of Trade, both on the—what we call—the pilot chart of the Atlantic Ocean, and the book that they issue each month, and which is sent around here for distribution, independent of the pamphlets.

(COPY MARKED AND FILED AS EXHIBIT R. 51)

Q.—So far as I am aware, there is nothing in these that is different to those I have already read, the previous exhibits. I have not compared them verbatim; but as far as I have been able to look at them they seem 30 to be a pamphlet giving what is contained in these various official publications.

Now, on the 23 of February, 1915,—would you glance at that and see if that is not an addenda to those regulations I have just had marked, of a

RECORD. later date? A.—This refers to the gates at the Sugar Refinery, and so on.

*In the
Exchequer
Court of
Canada.
Nova Scotia
Admiralty
District.* Q.—It is an addenda to the regulations we have just been dealing with?

A.—Yes sir.

(COPY MARKED AND FILED AS EXHIBIT R. 52)

*No. 35.
Evidence of
Captain
Francis
G. Rudolf,
Direct-Ex-
amination,
January
22nd, 1918.
Continued.* MR. BURCHELL K. C.:

I have no objection to Mr. Henry proving these in this way; but I don't believe Captain Rudolf knows very much about them.

Witness: There are so many of these regulations.

MR. BURCHELL K. C.:

I would like to examine the man who made them particularly.

WITNESS: I think I have had a copy of this myself.

(WITNESS PRODUCES A COPY WHICH IS FILED AND MARKED EXHIBIT R. 53).

BY MR. HENRY K. C. (CONTINUING):

Q.—That is a printed addenda of 1915 contained a lot of matter which has been, in a sense, amended by a number of regulations in this later one of June 1917, and then there are certain other regulations which have been simply reproduced verbatim in this. I don't know that these here are important, except as showing that there are no special regulations with regard to ships carrying explosives? A.—I don't know what the the Naval Department were doing with regard to the explosive ships at all. 20

Q.—The point in connection with these regulations, my Lord, that is of importance is this one I refer to, No. 222 on Exhibit R. 49, July 18th, 1916. There is another one on Exhibit 51, which is a year earlier.

Captain Rudolf, I want to know whether, after these regulations came into force, you have, as harbour master, exercised any control over the vessels coming into Halifax Harbour, carrying explosives? A.—Except the local ones. What I mean by that is vessels carrying explosives from here to Cape Breton, carrying dynamite, and so on, for use around here. 30 These ships I keep a record of and give them a permit to land it on certain wharves, provided they leave the wharf at once and go to sea.

Q.—With regard to vessels touching this port as a port of call, and carrying part or all of their cargo of explosives, to Europe, have you exercised any control over them since these regulations came into force? A.—No, I know nothing about them.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 35.
Evidence of
Captain
Francis
G. Rudolf,
Direct-Ex-
amination,
January
22nd, 1918.
Continued.

Q.—They are not reported to you? A.—No sir.

Q.—And you exercise no authority over them? A.—No sir.

Q.—So far as you know who has control of the movements of those ves-
sels? A.—The Admiralty.

Q.—The Canadian Naval Service of the British Admiralty? A.—I
recognize it all as the Admiralty.

Q.—Have you been asked to co-operate in any way with the Admiralty
officers? A.—Yes sir.

Q.—And have you been doing so in regard to explosive ships at all?

A.—No sir, I have been asked to co-operate and the Admiralty was asked 10
to co-operate with me in regard to the movements of explosive ships in
Halifax Harbour. I have been doing everything that they wanted me to
do.

Q.—As far as ships carrying explosives are concerned, outside of this
local traffic you have spoken of you have not been called upon to take any
official action? A.—No sir.

Q.—You have not, yourself, assumed to direct their movements in the
port in any way? A.—No sir.

Q.—Would you tell us when the matter was under your control whether
there was anything in the nature of a requirement made, that vessels 20
carrying explosives should carry some distinguishing sign or mark?
A.—Yes sir.

Q.—What was that? A.—When I received that pamphlet you read a
while ago from Ottawa, in 1913, warning me of the danger I asked Furness
Withy and some of the other Companies whose ships were carrying explo-
sives from London here, before the war, for His Majesty's ships in the Dock
Yard and other purposes—they used to have the habit of anchoring off
the market wharf there and discharging to a scow or lighter there, and I con-
sidered it was dangerous to the port of Halifax, and I warned the Furness
Withy by letter that they should unload their ships below St. Georges 30
Island, into lighters, in daylight only, and that they should fly a red flag
while they were discharging cargo in port, and if it blew too hard so that
they could not unload below St. Georges Island, that they were to go in the
Basin.

Q.—Was there any regulation in those days to the effect that a vessel
coming in carrying explosives should carry a distinguishing mark?

A.—A red flag.

Q.—From the time she came into the port? A.—Yes sir.

Q.—Was that provision incorporated into a regulation of any kind?
A.—No sir, that was done by me after I got my notice from Ottawa. 40

Q.—That was your own regulation? A.—Yes sir.

Q.—And that was not the subject of official regulations from the Ottawa
authorities? A.—None except the petroleum regulation.

Q.—All petroleum vessels have to carry a red flag? A.—This is the
Harbour Regulation for oil tank steamers, made by order-in-council.

RECORD. (COPY HANDED IN BY WITNESS AND MARKED AND FILED AS EXHIBIT R. 54)

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 35.
Evidence of
Captain
Francis
G. Rudolf,
Direct-Ex-
amination,
January
22nd, 1918.
Continued.

Q.—I don't see, in the order-in-council of 1913, (Exhibit R. 44) any power given to you to make regulations—did you understand that you were given the power under that to make regulations? A.—I did at that time according to the letter I received.

Q.—This order-in-council gives you power to direct where any ship shall be moored, etc, and direct where vessels must load or unload explosives? A.—Where vessels may load or unload.

Q.—What I am trying to find out is where you derived the power to make a regulation to the effect that ships carrying explosives should carry a red flag? A.—That was a precaution.

Q.—That was your own precaution? A.—Yes sir, that was my idea. I had a good deal of trouble with the lighters that would take the explosives from the ships, and have about 40 men which were working in the unloading and so on and take them into the wharf and then continue on their way. I ruled that they were not to come into the wharf, and I made them fly the red flag to show that they had the explosives aboard. They did a good many things before that.

BY CAPTAIN DEMERS:

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Q.—What do you mean by that? A.—They used to anchor by here, and they used to discharge in Lighters, and they used to land their men from the lighters with the explosives on board and anchor in the Cove, etc. Of course we did not have very much explosive cargoes here before the war.

MR. MELLISH K. C.:

While on this question of explosives, perhaps the Court would let me refer to a local statute Chapter 94 of the Revised Statutes of Nova Scotia, 1900, particularly Section 14.

(COUNSEL READS THE SECTION)

BY MR. MELLISH K. C.:

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Q.—Do you know, Captain Rudolf, whether the city, or municipality of Halifax, or County of Halifax, or City Council, have at any time made any regulations with respect to the handling of explosives? A.—No sir.

Q.—There are none as far as you are aware with respect to the handling of explosives in Halifax Harbour? A.—There are none, except what I made, and I may say that after I made those regulations Furness Withy took up the matter with the Department at Ottawa, and Ottawa wrote

RECORD. them that the Harbour Master's ruling was final, and they obeyed the order.

*In the
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Q.—There has never been any bylaw or orders that you know of made by the Council? A.—No sir, I took the matter up with the Council and they thought they had no authority to rule in the matter whatever.

MR. MELLISH K. C.:

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In view of the questions that were asked of Captain Lemedec yesterday with regard to the inspection of his cargo at the time of the loading at New York, I would remind the Court of this certificate that was put in a little hurriedly when we met before, and I think it answers the question which 10 one member of the Court put to the witness. This is a certificate of the Bureau of Inspectors of the Board of Underwriters of New York. A copy of this is in evidence and marked as an exhibit.

MR. HENRY K. C.:

I am instructed, and I understand there is a witness coming here from New York who will testify in this respect, that this inspection by the Board of Underwriters at New York is done by arrangement with the Allied Governments, and it is done on their behalf, as well as for the protection of the Underwriters themselves.

BY MR. BURCHELL K. C.:

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Q.—How long have you been harbour master? A.—Since 1910.

Q.—This exhibit R. 44, the order-in-council of February 1913, gave you authority to say where any ship loaded in whole or in part with explosives, should anchor or be moored? A.—Yes sir.

Q.—And is this a copy of a letter you sent to the Halifax Pilotage Commission? A.—Yes sir.

(COPY OF LETTER REFERRED TO BY COUNSEL IS FILED AND MARKED AS EXHIBIT R. 55)

Q.—You passed this instruction in here? (Reading letter referred to) A.—Yes sir.

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Q.—That was posted in the pilot's office? A.—Yes sir.

Q.—These are copies of letters you received from the Deputy Minister of Marine and Fisheries, asking you to co-operate with the Naval Authorities? A.—Yes sir.

(COPY OF LETTER REFERRED TO IS FILED AND MARKED AS EXHIBIT R. 56)

RECORD. Q.—This was the enclosure, or a copy of the enclosure with it?

A.—Yes sir.

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(COPY OF ENCLOSURE REFERRED TO IS FILED AND MARKED AS EXHIBIT R. 57)

COUNSEL READS LETTER AND ENCLOSURE REFERRED TO AT REQUEST OF HIS LORDSHIP.

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Evidence of
Captain
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amination,
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Q.—This exhibit M. B. E. 20, are the rules and regulations before the war? A.—Yes sir, rule 6 and 14 have been revised.

Q.—How were they revised? A.—By an order-in-council.

Q.—You pasted them in here? A.—Yes sir.

Q.—It was you who gave Mr. Mellish this copy? A.—Yes sir.

Q.—Do you know, as a matter of fact, whether these are in force or not—are they superceded? A.—Nothing that superceded it—there are one or two new clauses there.

Q.—I have a copy now of the Port of Halifax traffic regulations dated May 15th, 1915—it says previous traffic regulations are cancelled—is that right? A.—It must be.

Q.—Then these regulations here, as you understand, M. B. E. 20, are not in force at all? A.—They must be cancelled then by that.

MR. HENRY K. C.:

I may say Mr. Burchell in that connection that the traffic regulations of 1917 says speed must not exceed 7 knots.

MR. BURCHELL K. C.:

That is what I wanted to come to—that is the reason I wanted the man called who made the regulations. The regulations of 1915 refer only to passing through the gate. It is called addenda to Halifax Harbour regulations.

MR. HENRY K. C.:

There is another one says you must not go less than five.

MR. BURCHELL K. C.:

What I am getting at my Lord is outward bound ships are to give way to inward bound ships—that is at the gate.

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RECORD, BY MR. BURCHELL K. C. (CONTINUING):

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Q.—You don't know anything about these regulations passed by the Admiralty, R. 51 and R. 53—you had nothing to do with those—take Exhibit R. 51 first. Did you ever see that before? A.—Yes, those were issued by the Admiralty—both at the pilot's office and my office.

Q.—And the same way with this one Exhibit R. 53? A.—Yes sir.

Q.—Do you know what the speed limit in Halifax Harbour is?

WITNESS: Inside Georges Island?

COUNSEL: Yes.

A.—Five miles.

Q.—Where will I find that? A.—The copy Mr. Henry has there.

Q.—This is superceded? A.—Then if it is I don't know anything about it.

Q.—The position is you don't know whether M. B: E. 20 is in force now or not? A.—No, you say it is superceded. I don't know unless it is by order-in-council—up to the time that was superceded it was in force.

BY CAPTAIN DEMERS:

Q.—What is the speed today? A.—I presume it is the same as it was when those were in force.

Q.—The same thing? A.—Yes sir.

Q.—Five knots? A.—Yes sir.

MR. BURCHELL K. C.:

It says here previous traffic regulations are cancelled.

MR. MELLISH K. C.:

It means regulations of this sort.

MR. BURCHELL K. C.:

Previous traffic regulations are cancelled in May 1915, and section 16 says the ordinary regulations of the port may be adhered to.

MR. MELLISH K. C.:

Section 16 says the ordinary regulations of the port must be adhered to.

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RECORD. HIS LORDSHIP:

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That is the ones in force when those were made.

MR. MELLISH K. C.:

Yes sir, public traffic regulations are adhered to.

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Continued.*

MR. BURCHELL K. C.:

And it says existing traffic regulations are cancelled.

BY MR. BURCHELL K. C.:

Q.—Captain Rudolf how would you consider this clause here inward bound ships—I am referring to Exhibit R. 53—did you look at that closely before? A.—These are all orders made by the Admiralty. I had nothing to do with them. 10

Q.—You are familiar with the tides in Halifax Harbour? A.—Yes sir.

Q.—The tide in the Narrows is marked three-quarters of a knot?

A.—That means the force, the full run of the tide.

Q.—That is the maximum? A.—Yes sir.

Q.—The tide at its maximum runs three-quarters of a knot? A.—Yes sir. 20

Q.—You are familiar with the Government tide tables? A.—Yes sir.

Q.—Exhibit M. B. E. 43, on page 33 shows how the tide was on the morning of the 6th December? A.—Yes sir.

Q.—What does it say? A.—High water.

Q.—Low water? A.—Low water at 8 o'clock.

Q.—8 o'clock on the morning of December 6th? A.—Yes sir.

Q.—At say a quarter to 9 or thereabouts what would be the strength of the tides there in the narrows? A.—Three quarters of an hour after the changing of the tide it would be very light.

Q.—Would there be any at all? A.—There would be hardly any at all. It takes about an hour there to change, to what we call slack water, between the two changes.

Q.—No tide there to affect a ship in any way? A.—Not at that time. 30

Q.—Did you know the late Pilot Hayes? A.—Yes sir.

Q.—You have known him for many years? A.—Yes sir, a good many years.

Q.—What kind of a pilot was he? A.—A good pilot—one of the best.

Q.—Was he an excitable man? A.—No, very cool-headed man—very deliberate in his orders. I have always found him to be upright and honest in all his dealings, and never had to call him before the board for anything.

RECORD. Q.—Not a drinking man? A.—Never.

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BY MR. ROBERTSON K. C.:

Q.—You are a member of the Pilotage Commission? A.—Yes sir.

Q.—You are acquainted with Pilot Mackay? A.—Yes sir.

Q.—Have you known him for many years? A.—Yes sir.

Q.—That is the man who piloted the Mont Blanc on the morning of the disaster? A.—Yes sir.

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Q.—My friend Mr. Burchell has, in the course of this examination, asked some questions tending to insinuate that Pilot Mackay is a drunkard and a deliberate perjurer. I want to know from you acquaintance with him what you have found about him? 10

(MR. BURCHELL K. C. RAISED OBJECTION TO QUESTION BUT OBJECTION OVER RULED BY COURT)

BY MR. ROBERTSON K. C. (CONTINUING):

Q.—What do you say, Captain Rudolf, as to the reputation of Pilot Mackay? A.—He has a good reputation.

Q.—What about his habits? A.—His habits are good.

Q.—Is he a drunkard? A.—I never knew him to be a drunkard.

Q.—What do you say about his habits? A.—His habits are good.

Q.—And his reputation as to sobriety? A.—His reputation as to sobriety and habits are good. 20

Q.—His reputation as a pilot and his fulfilment of his duties as a pilot? A.—Are good.

Q.—And his reputation for veracity? A.—I don't know as I can answer that question. I don't know much about this.

Q.—You cannot speak as to that? A.—No sir.

BY MR. BURCHELL K. C.:

Q.—Was Pilot Mackay ever up before the Commission for carrying a red flag, or rather refusing to carry a red flag on petroleum steamers?

A.—He was never up before the board; but I spoke to him once or twice about it before the war. 30

Q.—He was not carrying it before the war? A.—It was a mistake—he ordered the captain to put it up but he did not do it at first—he after-did it though.

MR. HENRY K. C.:

I thought I should point out to the Court, my Lord, that these Notices to Mariners, which have been put in, and which appear over the signature

RECORD. of "A. Johnston," I would gather that he has simply authorized the printing of them and the distributing of them to the Mariners; but the authority for them are given in each separate case. One is give as the authority of the Naval Service Department, and in another case here the authority is given as Captain E. H. Martin, of the Dockyard. He made regulations and those regulations are printed in the form of notices to mariners by the Department of Marine.

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Evidence of

Captain

Francis

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Continued.

BY CAPTAIN DEMERS:

Q.—Following the line of examination of Mr. Robertson, about the sobriety of Pilot Mackay, I have a faint recollection—and I stand to be 10 corrected if I am in error—that the pilot, in answer to Mr. Burchell's question as to whether he had been drinking hard, replied in the affirmative as for the past but said that now he was taking a drink off and on but never was under the influence of liquor on duty. A.—I don't know anything about him sir.

Q.—Are there regulations or rules for pilots to use going through the narrows, as to which side they will follow, or are they left to their own choice, to waive aside any existing rules? A.—The rule of this port is each shall keep to the right.

Q.—Then if a pilot sounds one blast and happens to be on the wrong side 20 of the channel, and he is replied to by another pilot, who is also on the wrong side of the channel, by two, is that correct? A.—No sir.

Q.—That is likely to be misleading to any strange vessel coming astern? A.—Yes sir.

Q.—In the course of the evidence of Pilot Renner yesterday we heard that one vessel blew one blast and answered by two blasts—the both vessels were on the wrong side? Is that right—is that generally the rule followed here by pilots navigating the harbour? A.—Not to my knowledge.

Q.—The pilots are supposed to comply with the regulations existing? 30 A.—Yes sir, the regulations of the port and the rules of the road.

BY MR. BURCHELL K. C.:

Q.—Captain Rudolf, you know where the guard ship is in Bedford Basin? A.—Yes sir.

Q.—Assume that the Imo is coming from the guard ship, and is between the guard ship and the entrance to the Narrows, and Pilot Renner is going up, somewhere above pier 9, in the middle of the channel, or on the Halifax side, and desires to anchor on the western side of the Bedford Basin? A.—Yes sir.

Q.—And the Imo first blows one blast to Pilot Renner's ship which would 40 indicate would it not? A.—That he was going to starboard.

RECORD. Q.—One blast from the Imo would indicate the Imo wanted to come down on the Halifax side? A.—Yes sir.

In the Exchequer Court of Canada, Nova Scotia Admiralty District.
Q.—Supposing Pilot Renner, who desired to anchor on this side of Bedford Basin, and desired to keep on the Halifax side for that purpose, and blew two blasts? A.—Yes sir.

Q.—And the Imo answered with two blasts—is there anything wrong with that? A.—No sir.

No. 35.

Evidence of Captain Francis G. Rudolf, Direct-Examination, January 22nd, 1918. Continued.

BY CAPTAIN DEMERS:

Q.—The Admiralty has discarded some regulations with regard to vessels carrying explosives and inflammable material, by causing these vessels to carry at night time, their side lights and mast head lights electrically lighted—all other ships are to carry oil lamps. Do you know if that applies also to munition ships carrying explosives? A.—I don't know.

Q.—Do you know what the day signal would be for ships carrying an inflammable cargo? A.—A red flag with the word petroleum.

Q.—The Imperial Oil Company have adopted a regulation of their own for carrying two red lights at night—you know that? A.—I have seen them.

Q.—And carrying a red flag in the day time? A.—Yes sir.

Q.—Whilst under weigh? A.—Yes sir, while they are in the harbour, until their tanks are ventilated, and when they are ventilated then I give them an order to go to sea. All vessels carrying kerosene oil to the Imperial Oil works at Bedford Basin come under that; but that does not apply to the vessels going to the eastern side, as they are carrying crude oil.

BY MR. BURCHELL K. C.:

On the western side of Bedford Basin is what Pilot Renner said as to where he was going.

BY CAPTAIN DEMERS:

Q.—Supposing a vessel coming up towards Bedford Basin, in the Narrows, wants to stop at pier 9, and there is a vessel coming from the Basin, that vessel would naturally blow two blasts? A.—Yes sir.

Q.—How would it do with a stranger coming along behind—he would not know there was a vessel coming in—he might not see it? A.—The safest thing would be to stop.

Q.—There is no special signal to indicate he is going to the wharf? A.—No sir, there is no wharf on the east side, only the Cable Wharf.

Q.—The Brewery Wharf? A.—That is gone away.

Q.—But before? A.—There was only a little wharf there.

RECORD.

In the
Eschequer
Court of
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District.

Q.—No vessels going there? A.—No only little vessels—the only wharf over there that any vessel could go to is the Cable Company's Wharf, and their own vessel occupies it and no other.

Q.—With a vessel coming up, a pilot on a ship knows where she is going to? A.—They get their orders from the examination boat.

BY MR. HENRY K. C.:

Q.—That would be for their own vessel? A.—Yes sir.

BY MR. BURCHELL K. C.:

Q.—A vessel coming out from the western shore of the Bedford Basin has to pass the guard ship? A.—Not necessarily, the captain comes aboard to the guard boat maybe the night before, and tells them he is coming out with his vessel, and he might not need to pass near the guard ship. 10

Q.—A ship leaving Bedford Basin has to fly certain signals? A.—Yes sir.

Q.—And passing the guard boat the guard boat must see the signals to allow them to pass? A.—I suppose so—I don't know anything about that.

Q.—It is suggested that in Bedford Basin a ship is not allowed to navigate up and down either side—a ship going in must keep on the right hand side. Is there any reason why a boat cannot ply about as she pleases in the Basin? A.—No sir. 20

Q.—There is no regulation by which you have to keep one side or the other either going up or coming down? A.—No sir.

CAPTAIN DEMERS:

It is a Basin, there is no outlet there, in that respect.

BY MR. BURCHELL K. C.:

Q.—It is not a narrow channel—there is no special rule in the Halifax Harbour about the Narrows? A.—The narrows comes under the rules of the road.

Q.—Only the International Rules? A.—Yes sir. 30

Q.—There is no special rules of Halifax Harbour with respect to the Narrows? A.—No sir.

Q.—And never has been? A.—No sir.

BY CAPTAIN HOSE:

Q.—Do you consider that the fact of a vessel desiring to anchor on the western side of the Basin is sufficient reason for her, while in the narrows,

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to be on the wrong side of the channel, to be on the left hand side of the channel going up—do you think that the fact of her desiring to anchor on the western side of the Basin is sufficient reason for that? A.—No, I don't. If she was obeying the rules of the road she would also keep to the right.

Q.—Do you consider that a vessel going to anchor on the western side of the Basin should keep on the right hand side of the channel going up in the narrows until she was clear of the narrows? A.—Exactly.

Q.—And if necessary altering her course 16 points after she got into the Basin, in order to get to her anchorage? A.—Yes sir, that is right. 10

Q.—Pilots going out with ships and pilots coming in with ships from the pilotage ground, do they report to you before they leave Halifax for the pilotage grounds again? A.—Sometimes they report at the officer and sometimes they don't; we have made a rule that every pilot bringing a ship in Halifax must report at the pilotage office after bringing the vessel in; but some of them neglect to do that.

Q.—Are there any steps taken in case of a pilot neglecting to do it? A.—No punishment.

Q.—Is any step taken at all? A.—Yes sir, at our last meeting steps were taken to direct every pilot that he had to report on his arrival in 20 Halifax of each ship.

Q.—That has already been done? A.—Yes sir, by asking the secretary to notify each pilot.

Q.—Did Pilot Mackay report to you of having brought the Mont Blanc in—to the office? A.—To the Pilotage Commission, the Secretary.

Q.—The office? A.—Yes sir.

Q.—Of having brought the Mont Blanc in? A.—Yes sir.

Q.—Who did he report to? A.—Mr. Creighton the Secretary.

Q.—Did you see the time that Mackay came in? A.—I am not sure of the time that Mackay came in at my office—I think it was the next 30 morning.

Q.—Did pilot Mackay make any report to you about the procedure of the vessel up the Harbour, and as to what happened? * A.—I did not ask him any question. He just went on and told me about what happened I did not ask any question—he told me about how he came up and how he blew his whistles and where he blew them.

Q.—Did he make any remark about the captain of the ship taking charge of the vessel? A.—No sir, not to me.

Q.—To what extent do you consider yourself responsible for the placing of ships in their berths in the Harbour—merchant vessels? A.—None 40 except through the orders of the Admiralty.

Q.—How do you mean none except through the orders of the Admiralty? A.—If they want a ship replaced or moored, they will telephone me to do it.

Q.—They ask you to do it? A.—Yes sir.

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Q.—Have you at any time received any instructions from the chief examination officer as to the berthing of any particular ship? A.—Yes sir.

Q.—You have? A.—Yes sir.

Q.—Have you been notified of the arrival of all the merchant ships to the port? A.—No sir.

Q.—I understand occasionally you have been notified? A.—Have been notified where ships are in their way or not anchored in the right position.

Q.—You say that before the war that you issued regulations about ships carrying munitions going up the Harbour if it was too rough for them to work outside of St. George's Island—they would proceed up the Basin? A.—Yes sir.

Q.—And I understood you to say that you issued regulations that vessels proceeding up the Harbour carrying explosives were to carry a red flag? A.—Yes sir.

Q.—Can you produce those regulations? A.—I think you heard a copy of them read there—I don't know if it mentioned the red flag particularly.

Q.—That is what I want to make sure of, to get at particularly. You say that you had regulations that steamers carrying explosives were to fly red flag? A.—There were no regulations printed at all, any more than I wrote the Pilotage Commission regarding it, and I told the pilots and also the lightermen, and I think I can produce a copy of the letter that I wrote notifying the lightermen that they had to carry a red flag, as well; but it is pretty hard to get letters as far back as 1912 or 1913.

Q.—That is an important regulation if it was issued? A.—Yes sir.

Q.—Supposing a pilot or master of a ship had disregarded that regulation it would be necessary, in order to be able to punish him, to produce the actual regulation? A.—Yes sir.

BY HIS LORDSHIP:

Q.—Have you produced all the regulations you made? A.—All I could find.

Q.—Have you got any that you cannot find? A.—I don't know but what there is a letter to Heffler Brothers.

Q.—That would not be a regulation for the Harbour? A.—I don't think there are any others.

Q.—The fact is you did not have any regulations about a flag at all? A.—No regulations any more than it was my own suggestion that it should be done

Q.—You may have been talking to the lightermen and speaking of this—that is not a regulation—you know what a regulation is? A.—Yes sir I have not the authority to form a regulation unless by order in council.

RECORD. BY CAPTAIN HOSE:

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Q.—Before the war was there a regulation with regard to ships in passing one another in the Basin? A.—Before the war there were no ships went up in the Basin except to adjust their compasses, or go up there to the ballast grounds.

Q.—Or to unload explosives if it was rough outside of St. Georges Island? A.—Well we never had one to go up there.

Q.—The Basin was practically used for nothing before the war?

A.—No sir.

BY HIS LORDSHIP:

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Q.—If you have any other regulation I wish you would look for them and send them to us? A.—Yes sir.

BY CAPTAIN DEMERS:

Q.—What was the last day of the sitting of the Commission when you notified the pilots of that order to report? A.—The second Tuesday of this month—I think it was the 11th.

Q.—That is after the collision? A.—Yes sir.

Q.—Before that you never called the attention of the pilots to it? A.—They have called on the Secretary, different ones; but this time it was made general, to be issued to each one of them.

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BY MR. BURCHELL K. C.:

Q.—Do you know if there was a steamer at the Cable Company's Wharf that morning?

WITNESS: In the narrows?

COUNSEL: Yes.

A.—No sir, I know that the cable boat left the day before for Boston.

Q.—She was the only boat that used that wharf? A.—Yes sir, whether there was another boat dropped in there and took her place there I don't know.

Q.—There was some question as to whether Pilot Mackay gave an order of full speed ahead after the collision—did Pilot Mackay say anything to you about that. After the collision there was some evidence as to whether or not Pilot Mackay gave the order full speed ahead to the engine room? A.—I don't know anything about that.

30

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Q.—I am asking you if you had any conversation with Pilot Mackay about it, that he tried to get the ship full of water by putting her full ahead?

A.—In the course of conversation I asked him if there was any chance of saving that ship by rushing her into the Basin, instead of allowing her to explode where she did. He said that was his idea, he and the captain. I said why did you not do it. He said he rang the engine room for full speed ahead and there was no response from the engine room.

Q.—In this R. 54 there appears to be a special order in council about that, 10th February 1898.

COUNSEL: (Reads from Order referred to)

A.—Yes sir, or moving to and fro about the Harbour.

Q.—Is that still in force about petroleum? A.—I suppose so, unless it is cancelled with the rest.

Q.—Do you know if they do fly a flag like that? A.—Yes sir, they carry out those regulations. I see that they do. All petroleum has to be tested by the Customs as soon as the ship arrives here and they give me a copy of the test before I give her a permit to go to the dock.

Q.—Coming back to the question asked by Captain Hose with reference to Pilot Renner's boat being on the Halifax side you would not think it an excuse to be on the Halifax side because he was going to anchor on the western side of Bedford Basin—you would think he ought to be on the Dartmouth side? A.—According to the rules of the road he should be. There is no penalty for him not keeping there.

Q.—Assume that the Imo is in the Basin, coming down to the narrows, and blows a one blast signal to Pilot Renner who is coming up the Halifax side, and Pilot Renner replies with a two blast signal, which would indicate he wanted to keep up the Halifax side? A.—To keep to port.

Q.—If you were on the Imo what would you think? A.—It would all depend on the way I was heading, if my head was to port I would answer with two whistles and come to port.

BY CAPTAIN DEMERS:

Q.—What is the idea of having a red flag on ships in day time—whether they are navigating or not? A.—In the port.

Q.—What is the idea? A.—I suppose to be safe, to keep the vessels away from them. No man is allowed to smoke on board of them.

Q.—Would the flag prevent a collision? A.—No sir—a red flag in no case would prevent a collision.

Q.—But it would indicate the vessel coming along carried explosives? A.—That she was a petroleum ship.

Q.—That would apply as well to munition ships? A.—Yes sir.

AND FURTHER DEPONENT SAITH NOT.

J. T. ROWAN,
Official Reporter.

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Admiralty
District.*

JOHN SULLIVAN, OF BURNS AND KELLEHER, BEING CALLED AS A WITNESS AND DULY SWORN, DOTH DEPOSE AND SAY AS FOLLOWS:—

EXAMINED BY MR. HENRY, K. C.

No. 36.
Evidence of
John
Sullivan,
Direct-Ex-
amination,
by Mr.
Henry K. C.

Q.—You are in the employ of Burns and Kelleher? A.—Yes sir.

Q.—And on the morning of December 6th last a motor boat belonging to the firm was going up the harbour? A.—Yes sir.

Q.—Were you in charge? A.—I was in charge but a man by the name of Webster was at the wheel.

Q.—Where were you? A.—In the wheelhouse.

Q.—And are you a seafaring man? A.—No sir, I am not.

Q.—Have you been about the harbour a good deal? A.—About a year.

Q.—Did you see either of the boat or boats that collided that morning? A.—Yes sir.

Q.—Which did you see first? A.—The Mont Blanc first.

Q.—Where was she when you saw her? A.—She was on the Dartmouth side, about opposite the Dry Dock—we were astern of her.

Q.—What part of the channel was she in—the Mont Blanc? A.—She was pretty near by the naval boat.

Q.—Which part of the channel as regards the width of the channel? A.—More to the Dartmouth side.

Q.—She was on the Dartmouth side of the centre of the channel—is that it? A.—Yes sir.

Q.—Did you form an idea of the speed which she was travelling at when you saw her? A.—I judge she was going about 4 or 5 knots.

Q.—Did you see the Imo about the same time as the Mont Blanc or a little after? A.—About the same time.

Q.—Where was she when you first saw her? A.—Down from the Narrows.

Q.—Coming through the Narrows? A.—Passed the Narrows.

Q.—Which part of the channel was she in? A.—On the Halifax side.

Q.—Heading down channel? A.—Coming down.

Q.—How far apart were the two courses of the two ships then—if they crossed each other as they were going, how far would they be apart do you suppose? A.—About 100 feet.

Q.—With the Mont Blanc on the eastern side of the Imo? A.—Yes sir.

Q.—Did you see any change of course on the part of the Imo as she came down? A.—Well she come into Halifax side a little more.

Q.—Did you hear any whistles at all? A.—No sir, I could not hear any whistles.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 36.
Evidence of
John
Sullivan,
Direct-Ex-
amination.
Continued.

Q.—At any time? A.—No sir.

Q.—Not even just before the collision? A.—No sir.

Q.—Not being a seafaring man it is hard to tell? A.—It is pretty hard to tell where I was in the wheelhouse.

Q.—You were on a motor boat? A.—Yes sir.

Q.—With under water exhaust? A.—No sir.

Q.—It was a noisy boat? A.—Yes sir.

Q.—And I suppose you were not watching the steam from the whistles so that you could see them? A.—No sir.

Q.—What was the first thing you noticed to indicate to your mind that 10 a collision might happen? A.—I saw the French ship come over on an angle like steering for No. 9 pier.

Q.—You were still behind then? A.—Behind the French boat.

Q.—Right behind? A.—Well towards the Halifax side.

Q.—What did the Imo do after the Frenchman turned to the Halifax side? A.—She was just like as if she was drifting, coming very slow.

Q.—Did she change her course at all? A.—No sir.

Q.—Could you tell whether she reversed her engines? A.—I could not say sir.

Q.—Could you tell if at any time the Frenchman reversed her engines? 20 A.—Before she struck.

Q.—Yes? A.—I could not say sir.

Q.—How far were you away from the two ships when they collided? A.—About 150 yards.

Q.—Pretty nearly by that time due south of them? A.—Pretty well up to them.

Q.—But south of them? A.—Yes sir.

Q.—About 150 yards away? A.—Yes sir.

Q.—Then it would be the port side of the Mont Blanc that would be nearest to you? A.—Yes sir. 30

Q.—What angle across the channel was she heading at the moment of the collision? A.—She was steering going on an angle towards No. 9 pier.

Q.—At the moment of the collision? A.—Yes sir.

Q.—Then would her change as a result of the collision—did it? A.—She just slewed around, steered right for No. 9 pier.

Q.—At the moment of the collision? A.—Yes sir.

Q.—Then did her head change as a result of the collision? A.—She just slewed around as I said, right for No. 9 pier.

Q.—The change of direction for No. 9 pier from there to No. 6 pier was 40 due to the collision? A.—Yes sir.

Q.—Did you hear the shock of the collision at all? A.—No sir.

Q.—When they struck together? A.—No sir, not all—do you mean of impact—it was more of a shove.

- RECORD.
- In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*
- No. 36.
Evidence of
John
Sullivan,
Direct-Ex-
amination.
Continued.
- Q.—After the collision was over did you go up alongside the Mont Blanc? A.—We went within about 50 feet of her.
- Q.—Which side? A.—On the port side.
- Q.—Did you see the damage that was done by the collision—were you on the starboard side of her at all? A.—No sir.
- Q.—Did you see any smoke and flame coming out from her? A.—Yes sir.
- Q.—How long after the collision? A.—About a minute or so.
- Q.—When you saw that smoke and flame it must have risen above the deck before you could see it, being on the other side? A.—Yes sir. 10
- Q.—Did you see the crew of the Mont Blanc putting off in boats? A.—I certainly did.
- Q.—Did they pass near to you? A.—Yes sir.
- Q.—Did they say anything to you? A.—No, only one of them in the boat put his hands over his head.
- Q.—Did they say anything about explosion? A.—No sir.
- Q.—You came to a decision it was dangerous? A.—Only a ship on fire.
- Q.—An ordinary ship on fire is dangerous? A.—I saw that there were no lives to be saved. 20
- Q.—And you started for the Basin? A.—Yes sir.
- Q.—Other men in the same boat as you did think that there was going to be an explosion—Mr. Smith did? A.—I don't know about him.
- Q.—Were you talking with Mr. Smith that morning? A.—He was there.
- Q.—You did not talk with him about danger of an explosion? A.—We had a little chat; but did not think there was going to be an explosion.
- Q.—After the collision the Mont Blanc drifted over towards the Halifax side? A.—How long would that be.
- Q.—I am asking you whether or not she did not, after the collision, 30 continue to drift towards the Halifax side or move that way? A.—She was mostly towards the Halifax side.
- Q.—We know she grounded at pier 6—we know the collision took place out in the water—I want to ask you as an observer, whether she did not, after the collision, move over towards the Halifax shore? A.—Yes sir, she moved towards No. 6 pier.
- Q.—Did you watch her to see whether her propellor was moving after the collision? A.—No sir.
- Q.—You cannot tell us whether she went there under the influence of her propellor or not? A.—No sir.
- Q.—Had she reached the shore before you started to go up to the Basin? A.—No sir. 40
- Q.—Where did place the place of the collision with regard to the mid channel, in respect to the middle of the channel—which side? A.—Well I would put it more to the Halifax side.

RECORD.

In the
Exchequer
Court of
Canada,
Nov. Scotia
Admiralty
District.

No. 36.
Evidence of
John
Sullivan,
Direct-Ex-
amination.
Continued.

Q.—Something to the Halifax side of the mid channel? A.—Yes sir.

Q.—Now before the French boat changed her course to the left, as you speak of, could you see clear water between the two boats? A.—Yes sir.

Q.—And the Frenchman was at that time to the eastward of the Belgian ship coming down? A.—Yes sir.

Q.—What would you say with respect to their being or not being room for the French boat to have changed his course to starboard instead of to port? A.—I don't think there would have been any collision then.

Q.—Was there room enough for him to do it? A.—I think there would be.

Q.—Which course were you intending to take—were you directing the steering? A.—No sir.

Q.—Perhaps then you don't know how your boat was intending to go with respect to these vessels? A.—To go to the Basin.

Q.—You don't know which way you intended to pass these vessels as you saw them coming down? A.—No sir.

BY MR. BURCHELL, K. C.

Q.—Have you been running this boat for some time? A.—A little over a year.

Q.—You have charge of the motor boat and have an engineer with you? A.—Yes sir.

Q.—And you do the steering as a rule yourself? A.—Yes sir.

Q.—This man Webster was one of the working men you were carrying? A.—Yes sir, he was at the wheel.

Q.—You were standing alongside of him? A.—Sitting alongside of him.

Q.—Before the Mont Blanc came across towards pier 9, which way was your boat heading with respect to the two ships—if it kept on which side of the Belgian boat would you have passed? A.—On the port side.

Q.—On her port side? A.—Yes sir.

Q.—Were you heading a course, if you had kept on there you would have passed the Mont Blanc—say you would, which side of her would you pass? A.—On her port side.

Q.—You must have been steering a course then between the two ships? A.—Yes sir.

Q.—And would the course of the two ships at that time before the Mont Blanc came across the harbour,—was the course of the two ships across the harbour or how—were they on parallel courses or how? A.—Yes sir.

Q.—And the Mont Blanc came across the harbour, is that it? A.—Yes sir, came over on an angle.

Q.—And she came right in front of the Imo's bow? A.—Yes sir.

Q.—And she crossed your bows too? A.—Yes sir.

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RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 36.
Evidence of
John
Sullivan,
Direct-Ex-
amination.
Continued.

Q.—Did you notice her speed when she was going across there the Mont Blanc? A.—No, I could not tell exactly her speed—that is after she struck.

Q.—No, when she was going across? A.—Oh I judge between 4 and 5 miles an hour.

Q.—How was the speed of the Imo? A.—Very slow.

Q.—Had you been watching the Imo before that to see her speed?

A.—Yes sir.

Q.—How was her speed? A.—As I said, she was coming down the channel very slow.

Q.—You said she was just drifting down? A.—Well more of a drift.

Q.—When you came down the harbour you went up to the Basin and did you work there for a while and when you came down you were very much surprised to find the destruction? A.—Yes sir.

Q.—You did not feel much of a shock up in the basin? A.—We certainly did—we felt a shock and it lifted the little boat out of the water, and knocked our caps off and broke a window.

Q.—But you had no idea that it was as bad as it was? A.—No sir.

Q.—You went up there, did you not, to work? A.—I delivered the stuff and came back—the men would not work on the steamers. If we had known it was as bad as it was we would not have gone to the steamers at all.

Q.—Did you notice if there was a boat at the Cable wharf that morning? A.—No sir, there was not, it was several days after that the Cable boat came in.

Q.—How large is that boat that goes in there? A.—A very large one.

Q.—Draws much water? A.—Draws a lot of water.

BY MR. MELLISH K. C.:

Q.—What was the name of your little motor boat? A.—Jutland.

Q.—Were you nearer the Dartmouth side than the Mont Blanc?

A.—I was on the port side of the Mont Blanc.

Q.—Going up? A.—Yes sir.

Q.—She would be nearer then than you? A.—Yes sir.

Q.—When you first noticed the Mont Blanc she was about opposite the Dock Yard? A.—Yes sir, the Dry Dock.

Q.—I meant to say the Dry Dock—that is the Dock just south of the Sugar Refinery? A.—Yes sir.

Q.—At that time did the Imo appear to be heading to you, right down the Harbour? A.—Yes sir, more on the Halifax side.

Q.—But her head—she was heading out? A.—Yes sir.

Q.—That would be about south? A.—Yes sir.

Q.—Did you notice the course of that ship, the Belgian Relief ship—did you notice her course changing before the collision, or did she keep right on that course up to the collision? A.—She changed just before the collision—she seemed as if she was coming at an angle to No. 9 pier.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 36.
Evidence of
John
Sullivan,
Direct-Ex-
amination.
Continued.

Q.—The Imo? A.—No, the French ship.

Q.—I am speaking of the Imo? A.—As I said before she seemed to be steering towards Halifax side, coming close to the Halifax side.

Q.—Was she steering straight out the Harbour? A.—Yes sir.

Q.—But from your position you thought she was closer to the Halifax side than the Dartmouth side? A.—Yes sir.

Q.—She was steering right out to sea? A.—Yes sir.

Q.—Did she keep that course right up to the time of the collision? A.—No sir, she seemed to come into the Halifax side more.

Q.—That is she came to her own starboard? A.—Yes sir.

Q.—Much—did she turn much towards the Halifax side? A.—We could just see her bow turn. 10

Q.—When you saw the Imo first were her masts in line with you, or could you see one bow or the other— was she heading on to you or how? A.—We were more to the Mont Blanc than we were to her—I could see her right between.

Q.—Take the Imo, could you see her port or starboard bow? A.—I could see her port and starboard bow.

Q.—Both? A.—Yes, from the position I was in.

Q.—She was pretty well headed on to you? A.—Yes sir. 20

Q.—Were you about the centre of the channel? A.—We were more to the Dartmouth side.

Q.—And the Mont Blanc was still further to the Dartmouth side? A.—Yes sir.

Q.—The ships collided before you came up to them? A.—Yes sir.

Q.—Which was nearer the Dartmouth side, then, your boat or the other two boats?

WITNESS: When they collided?

COUNSEL: Yes.

WITNESS: We went right off to them when they collided—to the 30 Mont Blanc.

Q.—Did the collision take place right ahead of you then? A.—Yes sir.

Q.—And you were about the centre of the Harbour? A.—Yes sir.

Q.—You were heading right up the Harbour? A.—Yes sir.

Q.—About the centre you think you were? A.—Yes sir, I would say a little more to the Dartmouth side.

Q.—Then the collision must have taken place a little more to the Dartmouth side than the Halifax side, if it took place just ahead of you—the collision must have taken place closer to the Dartmouth side than the Halifax side? A.—No, I put it the other side. 40

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 36.
Evidence of
John
Sullivan,
Direct-Ex-
amination.
Continued.

Q.—If it was right ahead of you and you were nearer the Dartmouth side than the Halifax side? A.—It is pretty hard for me to say, because all I was thinking about was getting to them and trying to save their lives.

BY CAPTAIN HOSE:

Q.—Did you see the Mont Blanc pass the High Flyer? A.—No sir.

BY CAPTAIN DEMERS:

Q.—What is your trade? A.—Running the motor boat for Burns and Keleher.

Q.—Are you a navigator at all? A.—No sir.

Q.—Do you know the rules of the road? A.—Not exactly. 10

Q.—Are you any judge of distance? A.—No, I am not a very good judge of that—I am not very good at judging—I have not got the experience.

Q.—Do you know anything about bearings? A.—No sir.

AND FURTHER DEPONENT SAITH NOT.

J. T. ROWAN,

Official Reporter.

No. 37.
Evidence of
George
Abbott,
Direct-Ex-
amination,
by Mr.
Henry K. C.

No. 37.

GEORGE ABBOTT, COXSWAIN OF DESPATCH BOAT, BEING CALLED AS A WITNESS AND DULY SWORN, DOTH DEPOSE 20 AND SAY AS FOLLOWS:—

EXAMINED BY MR. HENRY K. C.:—

Q.—You were, I understand, the coxswain in charge of a despatch boat running between the Dock Yard and the guard ship in Bedford Basin?

A.—Yes sir.

Q.—And on the morning of December 6th you came out of the Basin about 9 o'clock or thereabouts? A.—About a quarter to 9.

Q.—When you came down through the Narrows did you see the Imo and the Mont Blanc? A.—Yes sir.

Q.—What was the position of affairs with respect to them at the time you first saw them? A.—The Imo had just stopped her engines going astern, and the Mont Blanc was kind of laying cross ways to the harbour. 30

RECORD. Q.—The collision had taken place then before you saw them?

A.—Yes sir.

Q.—Can you tell us about where in the harbour these two vessels were lying when you saw them? A.—I can show it on the chart—I cannot tell you sir.

Q.—This is a very large scale chart; but you can probably place it alright

(CHART IS MARKED AS EXHIBIT R. 58).

A.—This is the position.

Q.—She stopped going astern at that time? A.—Yes sir.

Q.—Could you tell us what the engines of the Mont Blanc were doing? 10

A.—They were still as far as we could tell.

Q.—Was the Mont Blanc moving through the water? A.—Very slowly.

Q.—And she was going ahead? A.—Yes sir.

Q.—Did you go down near the Mont Blanc? A.—Went down just right by her bow.

Q.—Did you see the Mont Blanc, the gash made on it by the collision? A.—Yes sir.

Q.—Described that to us will you please? A.—It was from the water line right up into her deck, enough so it showed two tiers of metal casks. 20

Q.—On the deck? A.—In the hold.

Q.—You did not see any casks on deck? A.—No sir.

Q.—Were these casks in the lower hold or in the tween decks?

A.—In the top hold, I should suppose that is in between the first deck and the next one.

Q.—Can you give us some estimate in feet, of the width of the cut that you saw? A.—It showed two casks.

Q.—Probably it was that wide any way at the top? A.—Five or six feet.

Q.—And it narrowed as it went down? A.—Yes sir. 30

Q.—It was not so wide at the water line? A.—Yes sir.

Q.—It extended the whole way up to her rail? A.—Yes sir.

Q.—Did you form an estimate of how deep it went into the hold?

A.—I could not say—there was a flame.

Q.—How was the flame when you first saw it? A.—About 2½ or 3 inches above the water.

Q.—How big a flame? A.—Just small, probably a foot high.

Q.—Did it seem to be inside the hold? A.—You could not tell just exactly—there was a little vapor on the water.

Q.—It was some distance from the side of the ship? A.—It was right 40 out of the side of the ship.

Q.—Could you tell from your examination what kind of casks there were in the lower hold? A.—No sir.

RECORD. Q.—You could not see that at all? A.—No sir.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.* Q.—But you could see that in what we call the tween decks there were barrels? A.—Yes sir.

Q.—Metal barrels or wooden barrels? A.—Metal barrels.

*No. 37.
Evidence of
George
Abbott,
Direct-Ex-
amination.
Continued.* Q.—You could not tell whether there was any cargo on deck or not? A.—No sir, I did not see that.

Q.—Where were you when the explosion took place? A.—I was in the Dock Yard.

Q.—Did you see the boats going away from the Mont Blanc?

A.—Yes sir.

Q.—And going towards Dartmouth? A.—Yes sir.

Q.—Did you have any conversation with the men in the boats?

A.—No sir.

Q.—They passed before you got there? A.—I stopped my engines and kind of stopped, and as I got down there they were leaving there.

Q.—Did you hear any sound from them? A.—No sir.

Q.—Did you see them making any motions? A.—Only rowing.

Q.—Did you learn that there was going to be an explosion?

A.—Nothing more than oil, just the same as oil will burst a cask, and the flames shooting there.

Q.—Where were those bursts or explosions coming from? A.—From where the fire originated.

Q.—From down below? A.—Yes sir.

Q.—You did not remain in the neighborhood of the Mont Blanc for any length of time I suppose? A.—No sir, perhaps a minute.

Q.—I think I understood you to say that the Mont Blanc engines were not going? A.—No sir.

Q.—They were stopped? A.—Yes sir.

Q.—And when you first saw the Imo she had just stopped, I think you said, going astern? A.—Yes sir, stopped going astern.

Q.—Could you see the wake? A.—I saw her wake going before I came out around—I saw her before I saw the Mont Blanc.

Q.—Then her propellor was going astern? A.—Yes sir.

Q.—And then she stopped? A.—Yes sir.

Q.—And by the time you got to them, to her, were her engines moving at all? A.—No sir.

Q.—You were captain of this small boat? A.—Yes sir.

Q.—You call yourself coxswain? A.—Yes sir.

Q.—How many of a crew? A.—Another man and myself.

Q.—She is just a small launch? A.—45 feet.

Q.—She is a despatch boat? A.—Yes sir.

Q.—Running errands around the harbour? A.—Despatches to the Guard Ship and to and from the Dock Yard.

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RECORD. BY MR. BURCHELL, K. C.

In the
Exchequer
Court of
Canada,
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District.

No. 37.
Evidence of
George
Abbott,
Direct-Ex-
amination.
Continued.

Q.—Did you say that the man had got away from the Mont Blanc before you got there? A.—They were just leaving as I passed by.

Q.—At that time was there very much flame? A.—Quite a lot of flame and smoke together.

Q.—Still you could see the gash and the barrels? A.—Yes sir.

Q.—How far from it—there was not too much smoke for that?

A.—You see I came in on that side and I passed by and kind of stopped on the port side of her.

Q.—The gash you saw was on the starboard side? A.—Yes sir. 10

Q.—How far from the bow? A.—About abreast of No. 1 hold I should think as near as I could tell.

Q.—You cannot tell us where the actual collision took place?

A.—No sir, I did not get there until the ships were in that position.

Q.—It must have been some minutes after? A.—Yes sir, possibly five minutes—of course I cannot say.

Q.—There was time enough for the men to get on the boats?

A.—Yes sir, the last boat had left the Mont Blanc.

Q.—The Frenchmen say it took them eight minutes to get in the boats? 20

A.—They may be right.

Q.—Then you got there 8 minutes after the explosion? A.—Yes sir.

Q.—And the Imo was getting nearer the Halifax shore? A.—Yes sir.

Q.—The first time you place the Mont Blanc you put her a little closer to pier 6? A.—I put her in closer because I did not mind the distance into the harbour.

Q.—Was the Mont Blanc stopped when you passed? A.—The engines were stopped; but she had some slight headway yet.

Q.—The engines were not moving? A.—No sir.

Q.—Do you know if everybody left the ship then? A.—Two boats 30 left.

Q.—Actually got away? A.—Yes sir.

Q.—They were rowing? A.—Yes sir.

Q.—Near you? A.—I passed them and they were nearer the Imo.

Q.—How near were they to you? A.—Probably two lengths of the ship.

Q.—Never called out to you at all? A.—No sir.

Q.—They were within hailing distance? A.—Yes sir.

Q.—They could see you I suppose? A.—Yes sir.

Q.—Do you know Pilot MacKay? A.—Yes sir.

Q.—Did you see him that morning? A.—No sir, I saw him several 40 times on board the guard ship.

Q.—Did you see him that morning? A.—No sir.

Q.—Did you pay particular attention with respect to your position of the Mont Blanc when you put that direction or did you just put that on? A.—She was nearer the Halifax shore.

RECORD. Q.—This is the shore line? A.—Yes sir.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—In your judgment she was nearer to the Halifax shore than the Dartmouth shore? A.—Slightly, yes sir.

BY CAPTAIN DEMERS:

No. 37.
Evidence of
George
Abbott,
Direct-Ex-
amination.
Continued.

Q.—Will you point on that chart where you were at the time you saw the two ships as you placed them there? A.—Here is where I saw them, first when I come around the end of this pier.

(WITNESS INDICATES AT POINT MARKED X).

Q.—Is that the time you saw the smoke coming out? A.—No smoke at that time—I just saw the small flames. 10

Q.—When you first saw the smoke coming out what distance were you from the Mont Blanc? A.—About half way from there to the ship.

Q.—What distance would that be half way? A.—I could not say.

Q.—Thereabouts, in yards or feet? A.—Before there was any smoke, or anything I was probably 200 yards from the ship.

Q.—Is that the time you saw that gap? A.—No sir, I did not see the gap until I got close to it.

Q.—You have to cover 200 yards and the smoke was issuing by the time you got there? A.—Yes; but the flame was issuing from the bottom, from below and the smoke was up above. 20

Q.—You saw some casks? A.—Yes sir.

Q.—Iron drums? A.—Yes sir.

Q.—How large were they? A.—They looked to be about the size of these iron gasoline casks.

Q.—Holding 25 gallons? A.—More than that 45 or 50.

Q.—You saw many of them? A.—I saw the two tiers.

Q.—Were they close to the side? A.—Yes sir.

Q.—It shows that the vessel did not penetrate inside the Mont Blanc to any depth at all, since you saw the ends of those casks? A.—I saw the sides. 30

Q.—Quite close to the skin? A.—Yes sir.

Q.—And they were close to each other? A.—Yes sir.

Q.—You saw two of them? A.—Yes sir.

Q.—What would be the length of these two? A.—Up and down.

Q.—Lengthways from head to stern? A.—About that far—(indicating three feet being one).

Q.—That would be six feet? A.—Yes sir.

Q.—Was that gap right through from the surface of the water right up to the main deck? A.—Yes sir.

Q.—Any smoke coming out from that place at all? A.—Smoke was 40 above and the flames was below and followed on this up.

RECORD.

Q.—Did the flame cover all that gap? A.—Yes sir.

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District.

Q.—Did you go by the extent of the flame or did you really see the gap? A.—I saw the gap.

Q.—You are positive of that? A.—Yes sir.

Q.—As far as we know these drums were carried on the upper deck alone.

No. 37.
Evidence of
George
Abbott,
Direct-Ex-
amination.
Continued.

MR. HENRY, K. C.

Might I suggest that picric acid was packed in kegs.

CAPTAIN DEMERS:

Yes; but there is a difference between the drums; if he saw drums in the 10 tween decks, I don't know whether they were carried there or not?

MR. MELLISH, K. C.

They were barrels.

BY CAPTAIN DEMERS:

Q.—He says drums? A.—I could not say for sure; but that was the opinion I formed by the look I had of them.

Q.—They were close to the skin of the ship? A.—Yes sir.

Q.—Which would show that the stem of the Imo did not penetrate inside the Mont Blanc? A.—It penetrated inside.

Q.—The skin of the ship, the plates are only 7-8 inch thick and the 20 other parts are say three inches, that would make the thickness say four inches at the most—you saw these barrels unbroken, intact? A.—They looked to be intact.

Q.—You don't know how the collision happened? A.—No sir.

Q.—Whether right angles or not? A.—No sir.

BY CAPTAIN HOSE:

Q.—You passed between the Mont Blanc and pier six did you?
A.—Yes sir.Q.—How far from the stem of the Mont Blanc? A.—I should judge
about as far from here to that large tree out there. 30

Q.—50 yards perhaps? A.—About that.

Q.—How close were you to the end of pier six? A.—I was a little
further off than that, perhaps 75 yards, as near as I could tell—I did not
notice—that is just as I judge.

AND FURTHER DEPONENT SAITH NOT

Official Reporter.

RECORD. WALTER BRANNEN, MATE OF THE S. S. STELLA MARIS,
BEING CALLED AS A WITNESS AND DULY SWORN, DOTH
DEPOSE AND SAY AS FOLLOWS:—

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 38.

No. 38,
Evidence of
Walter
Brannen,
Direct-Ex-
amination,
by Mr.
Henry K. C.

EXAMINED BY MR. HENRY K. C.:

- Q.—You were mate of the Stella Maris the day of the collision?
A.—Yes sir.
- Q.—And the Stella Maris we are told was towing two scows up in the direction of the Basin that morning? A.—Yes sir.
- Q.—From the Dry Dock? A.—Yes sir. 10
- Q.—And do you remember when you left the Dry Dock? A.—About 8.30.
- Q.—And you came out around the end of the Dry Dock did you?
A.—The southern end.
- Q.—And then straightened out to go up the Harbour? A.—Yes sir.
- Q.—Did you have to come out for some considerable distance east of the pier in order to straighten out your tow; or did you turn pretty sharp?
A.—I don't understand.
- Q.—You had two scows behind you? A.—Yes sir.
- Q.—You had to take your steamer some considerable distance out in 20 the Harbour before you turned north? A.—Yes sir.
- Q.—To get your tow clear of the wharf? A.—We had them fastened up close at first and slackened them out after.
- Q.—You did not have to go out far in the Harbour before you turned north? A.—150 yards perhaps.
- Q.—Where were you bound with that tow? A.—Up in the Basin.
- Q.—Any particular place? A.—About the middle or the centre of it.
- Q.—As you went up toward the Basin which side of the channel did you keep on? A.—On the Halifax side.
- Q.—Pretty close or well out? A.—Quite close. 30
- Q.—Did you see the Imo coming down? A.—Yes sir.
- Q.—How far north had you gone when you first saw the Imo—do you remember? A.—About the northern end of the Sugar Refinery pier.
- Q.—Where was the Imo then? A.—Up in the narrows in the Basin coming down.
- Q.—Coming down? A.—Yes sir.
- Q.—What part of the channel was she in when you saw her? A.—I could not tell very well, apparently in the middle.
- Q.—You could not tell very well? A.—She was up in the entrance and I could not see her very plainly—there was mist. 40

RECORD.

Q.—There was mist up in the narrows? A.—Yes sir.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

Q.—What did you see first? A.—Her starboard side first—her broad side.

Q.—She was heading in which direction then? A.—Coming down the harbour.

Q.—She must have been to the eastward of you if you saw her starboard side? A.—No, not necessarily—we were going up and she was coming down—she was headed more over towards Dartmouth at that time.

Q.—She was more on the Dartmouth side than you were—you were going to pass starboard to starboard? A.—Yes sir.

Q.—At all events the side you saw was the starboard side? A.—Yes sir.

Q.—Did you continue to keep up on the Halifax side? A.—Yes sir.

Q.—Did you ever go further to the eastward of the Dartmouth side than the Imo was on your way up? A.—No sir.

Q.—You were always more to the westward? A.—Yes sir.

Q.—Did you hear any signal from the Imo? A.—When she was nearly down to us.

Q.—What did she do then? A.—She blew one blast.

Q.—Did you understand that that was a signal to you at all? A.—I looked at her then I thought she could not be coming towards us, because we would be probably coming nearer the scows astern of us, and I looked astern and I saw the Mont Blanc coming astern.

Q.—Did you hear any signals from the Mont Blanc before that? A.—No, I did not know she was astern.

Q.—You looked astern when you got this one blast from the Imo and you saw the Mont Blanc coming up? A.—Yes sir.

Q.—How was the Mont Blanc coming up with regard to the position in the channel of the Imo—which of them was nearer the Halifax side?

A.—The Imo I judge was about mid channel and the Mont Blanc was coming up about just this side of the High Flyer.

Q.—Which side of the mid channel would she be on? A.—On the Dartmouth side.

Q.—That would then be how far apart that they would be do you think? A.—About a third of a mile.

Q.—This one blast that you heard from the Imo did you make up your mind as to whether that was intended for you or the Mont Blanc?

A.—That was intended for the Mont Blanc.

Q.—Judging from the relative position of your steamer and the Imo, was it necessary for the Imo to give you any signal? A.—No sir.

Q.—Did you see whether the Mont Blanc gave any signal or not, or were there any signals from her? A.—No, I did not hear any at that time.

Q.—Did you give any signal from your boat to the Imo? A.—No sir.

Q.—Was any signal necessary at that time? A.—No sir.

Q.—Did you hear any other signal given by either of the other two ships? A.—Yes sir.

No. 38.
Evidence of
Walter
Brannen,
Direct-Ex-
amination.
Continue.

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RECORD

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 38.
Evidence of
Walter
Brannen,
Direct-Ex-
amination.
Continued.

Q.—What was the next signal you heard? A.—Soon after the one blasts the Imo blew three blasts.

Q.—How close were the ships together then? A.—The Imo had not got past us then.

Q.—The Mont Blanc, had she got very close to the Imo then?

A.—She may have shortened the distance to a quarter of a mile.

Q.—It was not less than a quarter of a mile when the Imo blew the three blasts according to you then? A.—Yes sir.

Q.—What did she do when she blew three blasts? A.—I noticed a whirl under her stern and I thought she was going astern. 10

Q.—Did you hear any signal given by the Mont Blanc? A.—I think I heard a blow afterwards; but not at that time. I did not hear when the Imo blew three blasts.

Q.—Then what signal did you hear given by the Mont Blanc?

A.—I don't recollect that either boat blew after the Imo passed us, I cannot recollect which was which.

Q.—At the time you passed the Imo did you think there was going to be a collision between the Imo and the Mont Blanc? A.—No sir.

Q.—It did not look to you as if a collision was imminent at that time? A.—No sir. 20

Q.—How far off your vessel was the Imo when she passed you?

A.—About 150 or 200 yards.

Q.—She was then to the eastward of you when you passed? A.—Yes sir.

Q.—Can you tell us anything about her speed as she came down?

A.—I thought when I first saw her she was going about five miles, after that when we passed her she had gone astern and her speed slackened.

Q.—Had she slackened speed up to the time she passed you? A.—She had not passed us when she went astern.

Q.—Did you notice any alteration in her course up to the time you met her? A.—Yes, she straightened down the harbour after. 30

Q.—After you first saw her, and before you met her? A.—Yes sir.

Q.—She came to starboard? A.—Yes sir.

Q.—Did she give any signal on her whistles at the time or before she changed her course to straighten down the harbour? A.—I cannot recollect having heard any.

Q.—Did you watch these two boats from the time you passed the Imo until the collision took place? A.—No, I was handling the ship and I could not give all my attention to those two ships.

Q.—Were you steering? A.—Yes sir.

Q.—Steering your own ship? A.—Yes sir. 40

Q.—In the wheelhouse? A.—Yes sir.

Q.—Closed in at the back? A.—We had two windows at the back.

Q.—I suppose if you were going to watch your own navigation you could not turn around and watch this other ships closely? A.—Not closely.

Q.—You did look at them from time to time? A.—Yes, as much as I could.

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In the
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No. 38.

Evidence of
Walter
Brannen,
Direct-Ex-
amination.
Continued.

Q.—If the Imo went astern after she passed you you would not know—do you know whether the Imo went astern again or not? A.—I could not say.

Q.—Do you know whether she changed her course again or not?

A.—I don't; but just as the collision occurred or a few minutes before I thought she went over to starboard.

Q.—Do you mean minutes or seconds? A.—A matter of a minute or so.

Q.—You thought the Imo changed her course to starboard then?

A.—Yes sir.

Q.—Could you give us any idea of the speed of the Mont Blanc when she was coming up passed the High Fyer? A.—I could not tell very well because she was in the glare of the sun. 10

Q.—Did you notice her speed at any time? A.—At the time of the collision I did not think she was going very fast.

Q.—How was the Imo going at the time of the collision—she had slowed down too? A.—She just appeared to be moving—to move barely through the water—she was astern of us and I did not notice her so much as she was going away from us.

Q.—Of the two you would say then that the Mont Blanc was travelling somewhat faster than the Imo at the time of the collision, or about the same? A.—It is rather hard to say. 20

Q.—Did you notice any change of course on the part of the Mont Blanc shortly before the collision or at any time before the collision? A.—Yes sir, I noticed her just before the collision turn her head to port towards the Halifax side.

Q.—How long before the collision would you think that was?

A.—Maybe three quarters of a minute.

Q.—At the time she made that change which of the two vessels would you say was nearer the Halifax side, which was to be the eastward of the other? A.—The Mont Blanc would be to the eastward of the Imo then.

Q.—Before she changed her course? A.—No, not before she changed it. Yes she would too, she would be on the Dartmouth side. 30

Q.—Of the Imo before she changed her course? A.—Yes sir.

Q.—Could you tell from where you were whether the two vessels would have gone clear if there was no change of course on the Mont Blanc? A.—If they kept their courses and their speeds about equal I think that would have collided, because when I first noticed the Mont Blanc she was heading across the harbour coming up around the High Flyer's stern.

Q.—This much is pretty clear is it not Mr. Brannen, that at the time you passed the Imo she could have been 150 yards closer to the Halifax side because you were that much closer yourself? A.—Yes sir, if we had not been there; but I don't know if she could have turned quick that—she was a large ship, and probably could not turn that quick sir. 20

Q.—Supposing she had come down the right hand side of the Narrows she would have been there on that side? A.—I think if she would come down on the right hand side of the channel she would be more nearly on the Dartmouth side of the channel than we were then.

RECORD.

*In the
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No. 38.
Evidence of
Walter
Brannen,
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amination.
Continued.

Q.—You think her best way to get on the Halifax side would be to start from the western side of the channel? A.—Or on the Dartmouth side to give her more room to turn.

Q.—How far had you got beyond these two vessels when the collision took place do you think? A.—About a third of a mile.

Q.—Do you know where you were with relation to the marks on the shore when the collision happened? A.—No sir, I could not take particular notice—I was watching the ships.

Q.—You estimated you were a third of a mile north of them?

A.—Maybe a little farther.

Q.—Could you hear any sound of the collision? A.—Yes, I thought I heard a crash.

Q.—The Mont Blanc was then at the time of the collision, heading partly across the harbour—what object would you think, on the shore, the Mont Blanc was heading for, or about heading for just at the moment before the collision? A.—Probably the end of the piers north of pier No. 6, the south end I mean.

Q.—Could you see whether the collision changed her head, the direction in which she was pointing? A.—I think it did.

Q.—More to the southward? A.—Yes sir.

Q.—You stopped your ship I understand and anchored your scows? A.—We had to turn over towards the Dartmouth side, at least we did, we went over there near the shore and anchored the scows and then went back and got back and saw the Mont Blanc in at the end of pier 6 and and the fire was coming out of the end of the pier and we backed off.

Q.—What was your own idea to go back and help—the idea of your own captain? A.—Yes sir.

Q.—He did not get any orders from anybody? A.—No sir.

Q.—He went there as a volunteer? A.—Yes sir.

Q.—Did you see any men on board of the Mont Blanc when you went down there? A.—I did not notice any.

Q.—We have been hearing a persistent rumour that there were men on board? A.—I did not see any at the time.

Q.—Or at any time after boats got away? A.—I did not see the boats leave at all.

Q.—When you were down near pier 6 you did not see any men on the Mont Blanc? A.—No, I did not.

Q.—You tried, I think, to get hose on board? A.—Yes sir, at that time.

Q.—Did you succeed with that? A.—No, the fire was just going in by the end of the pier then.

Q.—Did you see a naval boat? A.—Not at that time.

Q.—At any time? A.—Later.

Q.—There was a naval pinnance came over there—did she go alongside the Mont Blanc? A.—The first I noticed of her she was coming out from the Mont Blanc.

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In the
Exchequer
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Canada,
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No. 38.
Evidence of
Walter
Brannen,
Direct-Ex-
amination.
Continued.

Q.—Did they hail you from that pinnance and give you any instructions or ask you to do anything? A.—They said they wanted to have her stern pulled away from the pier—they were afraid the pier would catch on fire.

Q.—Were you making preparations to get a hawser on board?

A.—Not at that time.

Q.—You did? A.—Later on.

Q.—Was it in response to the request from this Naval Boat you got your hawser ready? A.—Yes sir.

Q.—You were getting your hawser up from the hold? A.—Yes sir, 10
No. 1 hold.

Q.—I think you got up a small rope first? A.—Yes sir, a five inch hawser.

Q.—And that was thought to be too small and another was asked for, word was passed down to the hold to get up a larger one? A.—Yes, we had a ten inch hawser.

Q.—And it was while that hawser was being got out that the explosion occurred? A.—We just got orders from the bridge and were giving the orders down below when the explosion came.

Q.—You were blown in the hold? A.—Yes sir. 20

Q.—Injured at the time? A.—Quite badly shaken up.

Q.—Made unconscious for the time being? A.—It is rather hard to say—I believe I was though.

Q.—Your boat would be at the time how far away from the Mont Blanc at the time of the explosion? A.—About 200 yards.

Q.—Out in the harbour? A.—Yes sir.

Q.—You had made up to that time no attempt to go and tow the Imo out of danger? A.—We were head in towards the Mont Blanc then.

Q.—You had not been asked to help the Imo? A.—No sir. 30

Q.—Was that the nearest you got to her within about 200 yards?

A.—When we went in with the hose the first time we were within 50 yards and then we got away.

Q.—Then you backed out? A.—Yes sir, across the harbour.

Q.—I suppose you don't know what became of this Naval Boat that was there—did you see her after the explosion? A.—There was two Naval Boats.

Q.—There was one what they called a steam pinnace the one that came out from the side of the Mont Blanc? A.—I did not see her.

Q.—Was there any Naval Officer came on board your ship? A.—Yes 40
sir.

Q.—Do you know who it was? A.—I don't know positively but I thought it was the Commander of the High Flyer.

Q.—He had some conversation with your Master? A.—Yes sir.

Q.—Did you hear it? A.—No, I was in the wheelhouse.

RECORD. Q.—Did he stay aboard for any length of time? A.—He may have been 4 or 5 minutes.

In the Exchequer Court of Canada, Nova Scotia Admiralty District.
Q.—Then he went in his boat? A.—He got in his boat and we towed him back to the Imo.

Q.—You went alongside the Imo? A.—Not alongside; but we towed him over there.

Q.—You did not see him after? A.—No sir.

No. 38.
Evidence of
Walter
Brannen,
Direct-Ex-
amination.
Continued.
Q.—Understood he was killed in the explosion? A.—I have heard so since.

Q.—Your ship was badly wrecked—I think by the explosion? 10

A.—Yes sir.

Q.—She is beached up there now? A.—Yes sir.

Q.—Several of your men were killed and injured? A.—About 19 out of 24 were killed.

Q.—Several others injured? A.—Yes, I think there was the chief engineer and the fireman.

By Mr.
Burchell,
K. C.
BY MR BURCHELL, K. C.:

Q.—You were hurt yourself? A.—I was quite badly bruised—my ear drum was punctured.

Q.—You are a little deaf now? A.—Very slightly. 20

Q.—Are you in charge of a boat now? A.—Yes sir.

Q.—Have you a captain's certificate? A.—No, I have a mate's Coastwise Certificate.

Q.—You are in charge of a boat in the Harbour here? A.—Yes sir.

Q.—What boat is that? A.—Dalbert D, a small tug boat.

Q.—Employed by the Admiralty here? A.—Yes sir.

Q.—You have been around the harbour quite a lot, Halifax Harbour?
A.—Yes sir, I have been in and out of here for near three years continuously.

Q.—If a steamer is going up the harbour say at or below pier 8, and 30
another steamer is coming down the Narrows, in all cases the up going steamer must see the starboard side of the coming down steamer?

A.—Before she turns and straightens down the Harbour.

Q.—I am assuming the other steamer is up around pier 9?

A.—Pier 9 is generally the turning point.

Q.—Steamers coming down the Narrows, above pier 9 and another steamer is going up, say below pier 8, the going up steamer must always see the starboard side of the coming down steamer? A.—I don't know if that is necessary, she may see the bluff of her starboard bow—she may not see the whole of her starboard side. 40

Q.—She will see part of her starboard side? A.—Yes sir.

Q.—A steamer coming down the Narrows above pier 9 must be heading for the Dartmouth shore to get down? A.—Until she gets up here and turns down.

RECORD.

In the
Exchequer
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Canada,
Nova Scotia
Admiralty
District.

No. 38.
Evidence of
Walter
Brannen,
Direct-Ex-
amination.
Continued.

Q.—So that from the position you were in it was necessary that the Imo should come down the channel some time showing you her starboard side? A.—Yes sir.

Q.—Did you see the Imo first or hear her blow first? A.—Saw her first.

Q.—You were off pier 6 then, or off the Sugar Refinery? A.—The Sugar Refinery.

Q.—How far off the Sugar Refinery Wharf did you say you were? A.—About 200 yards I thought.

Q.—And where was the Imo then, how far ahead of you was she? 10

A.—She was just coming apparently turning down about pier 9.

Q.—Turning to starboard? A.—Yes sir.

Q.—Then you heard her blow one blast just after that? A.—She got nearly down to us.

Q.—Before she blew the one blast? A.—Yes sir.

Q.—How far away was she from you when she blew the one blast—how far down past the turn of pier 9 would she be? A.—I suppose about half way from the Sugar Refinery to pier 9.

Q.—To the northern end of pier 9? A.—Yes.

Q.—When you saw the Imo first did you report her to your captain? 20
A.—Yes sir.

Q.—The Captain was your father? A.—Yes sir.

Q.—Captain Brannen? A.—Yes sir.

Q.—He was killed? A.—Yes sir.

Q.—Did you get any orders from him after you reported her?
A.—He told me to keep nearer to the Halifax side, or not to let her go near mid channel, or Dartmouth any more, I just forget the exact words.

Q.—Can you repeat the exact words, the whole of the conversation as much as you remember it? A.—I cannot repeat the exact words. He told me to keep from going over on the Dartmouth side any more, 30 because she was a large ship and had a short place to turn.

Q.—The Imo was a large ship? A.—Yes sir.

Q.—What did you do then haul in closer to the Halifax shore?
A.—Yes I did.

Q.—How far from the Halifax shore do you think you were when you passed the Imo? A.—From 150 to 200 yards—I cannot remember the exact distances.

Q.—Your distance from the wharves? A.—Yes sir.

Q.—Then when the Imo blew this one blast signal did you think it was intended for you? A.—I did at first, and then I noticed the position 40 she was in and I thought she could not be blowing for us.

Q.—Why? A.—Because she was practically down to us then, and there was not need of her coming to starboard to get clear of us.

Q.—Could she have gone to starboard at that time do you think very much? A.—Not a great deal.

RECORD. Q.—What would have happened if she had? A.—She would come pretty near our scows astern.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.* Q.—How long a tow line did you have? A.—I don't know, I was in the wheelhouse from the time we started, and I did not see it; but as a rule it was 75 yards—the other tows we made up there.

Q.—That is you usually had one scow? A.—Yes sir, as a rule.

Q.—This time you had two scows, one behind the other—is that it?

A.—Yes sir.

Q.—Have you any idea how much line there was between the two scows? A.—No, I believe it was short.

Q.—You think you had about 75 yards between the steamer and the first scow? A.—Yes sir.

Q.—And if the Imo had gone when she blew this one blast you mentioned, to starboard, she would have cut your scows? A.—She may have before we would have had time to get a turn. We may have had time to make the turn probably we could have.

Q.—Do you know how wide the channel is there opposite pier 8 and pier 6? A.—No, I don't.

Q.—When you heard the Imo blow this one blast you say you thought at first it was for you—then did you do anything, or look anywhere for any other vessel? A.—Yes sir, I looked astern.

Q.—What did you see? A.—I saw the Mont Blanc.

Q.—How was she heading in relation to you? A.—She would pretty nearly hit us had we been laying still at anchor and the positions had not changed.

Q.—What part of your ship was she making for? A.—Our stern.

Q.—And if they continued the course she was on when you saw her then she would have struck your stern? A.—She might have struck us—she would have come close.

Q.—And with relation to the High Flyer she was somewhere near the High Flyer you thought? A.—Probably 300 or 400 yards past her, apparently coming up around her stern.

Q.—You noticed the High Flyer there—you know her? A.—Yes sir.

Q.—After the Imo past you you said there was several signals exchanged? A.—Yes.

Q.—Do you remember any signals at all? A.—I think I remember one short blast and two short blasts.

Q.—Did you notice a cross signal just before the collision? A.—That would be a cross signal.

Q.—One steamer gave one short blast and the other steamer answered with two short blasts? A.—Yes, I remember that quite distinctly.

Q.—And what did you think at the time, which steamer blew which? A.—I don't remember that.

No. 38.
Evidence of
Walter
Brannen,
Direct-Ex-
amination.
Continued.

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No. 38.
Evidence of
Walter
Brannen,
Direct-Ex-
amination.
Continued.

Q.—Did you hear any signals after that—reverse signals? A.—Yes, I thought the Imo blew three blasts after that—just before the collision.

Q.—Then you heard three blasts from the Imo twice? On two occasions?

A.—Yes.

Q.—The first time the Imo had not passed you—where was she in relation to you at the first three blast signal? A.—Just past us.

Q.—Could you notice her bow swing either way after that three blast signal? A.—No, I did not notice it.

Q.—You kept watching the two ships after the Imo passed you—you took occasional looks? A.—Yes sir. 10

Q.—You could not watch all the time because you were steering your ship? A.—No.

Q.—Did you notice which way the Imo was heading up to the time of the collision, after passing you? A.—I don't think she went any nearer to the Dartmouth side—I think she may have come over to the Halifax side; but not very much.

Q.—You never noticed her going towards the Dartmouth shore? A.—No sir.

Q.—If she had you would have noticed her? A.—Yes sir.

Q.—At the time of the collision you were fairly close in to the Halifax 20 shore? A.—Yes sir, following the shore right up.

AND FURTHER DEPONENT SAITH NOT FOR PRESENT.

J. T. ROWAN,

Official Reporter.

AND IT BEING 1 p. m. COURT ADJOURNED FOR LUNCH.

COURT RESUMED AT 2.30 p. m.

Re-Direct-
Examina-
tion by Mr.
Burchell.

WALTER BRANNEN, MATE OF THE STELLA MARIS, BEING RECALLED DOETH DEPOSE AND SAY AS FOLLOWS:

BY MR. BURCHELL:

Q.—Do you remember where you were with relation to the shore? 30 When the Imo was abreast of you? A.—Somewheres between 6, 8 or 9 pier; somewheres along there.

Q.—Do you know the numbers of the piers? Here is pier 6, 8 and 9? A.—Probably along here.

RECORD. Q.—Opposite pier 8; between pier 8 and 9? A.—I can't say positively.

*In the
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Q.—Somewhere about there? A.—Somewheres off there.

Q.—When? A.—At the time the Imo was abreast of the Stella Maris.

Q.—At the time you passed her? You were abreast of pier 8?

A.—Yes, somewheres there.

Q.—And you were then how close to the pier 8? A.—I don't think over 200 yards if that.

Q.—You mean your tug, you are speaking of the time your tug was opposite the Imo or your scows opposite the Imo? A.—We were steering that distance from the piers right straight up.

Q.—There is some evidence been given here that just before the collision the Mont Blanc came across the channel towards the Halifax side in front of the Imo's bow; did you see the ships in that position?

A.—Yes, I think I did.

Q.—Just before the collision? A.—Yes.

Q.—Before the Mont Blanc came across the harbour did you notice the courses of the two ships? How they were going with relation to each other; would they have passed in safety? A.—I think they would have collided; pretty nearly.

Q.—Which would have struck which? A.—It is pretty hard to say; depends on the speed of each ship; might have gone clear if one was fast and the other slower; the Mont Blanc was heading up to our stern. It would have taken her there if we were laying still. That was when I first noticed her.

Q.—She was then quite a distance away from you? A.—Yes, quite a distance.

Q.—I am speaking just before the collision; a minute or perhaps two before the collision? A.—I can't say positively because I was not watching them very sharply.

Q.—When you first saw the Mont Blanc she was heading a course which would strike your stern? A.—Would take her very close to us.

Q.—But you were then off the Sugar Refinery wharf? A.—Off pier 6 or between 6 and 8.

Q.—Did you notice the ships after the collision how they swung in relation to each other? A.—Yes.

Q.—How did they swing? A.—They were very near at right angles I thought at the time of the collision.

Q.—Did you see the Imo back away? A.—Yes.

Q.—Watch the movements of the Imo after the collision? A.—From time to time I was watching.

Q.—What were they apparently trying to do? A.—I thought she was trying to turn around and go back to the Basin, at the time of the explosion she was nearly across the harbour.

No. 38.
Evidence of
Walter
Brannen,
Re-Direct-
Examina-
tion.
Continued.

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RECORD.

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No. 38.
Evidence of
Walter
Brannen,
Re-Direct-
Examina-
tion.
Continued.

Q.—You were not watching particularly? A.—No. She might have been pointing out further.

Q.—I think you left the wheel, the captain took the wheel from you after you anchored the scows? A.—Yes.

Q.—And you went down to do other work? A.—We got the water hose ready.

Q.—Do you know how far up the harbour you were when you turned to go back when you dropped your scows? A.—Just past pier 9.

Q.—That is the upper end of pier 9? A.—Yes.

Q.—Know the distance past? A.—May have been 100 or 200 yards 10 past.

Q.—How fast does the *Stella Maris* go with the two scows in tow? How fast that morning? A.—About five knots I believe.

Q.—A powerful tug? A.—She towed fairly well.

Q.—Did you happen to notice the *Imo's* propellor just after she blew these three blasts? A.—I believe I remember a boil under the stern as if going astern.

Q.—The place of the collision, did you notice whether it was directly astern of you or how? A.—It was pretty nearly in mid channel I thought. 20

Q.—Nearer the Halifax or Dartmouth side or directly in mid channel? A.—About mid channel.

Q.—I suppose taking casual glances you might not be able to say definitely where it was? A.—I would not attempt to say definitely.

By Mr.
Mellish.

BY MR. MELLISH:

Q.—I suppose you would see the vessels off your starboard quarter at the time of the collision? A.—Yes, very nearly astern.

Q.—Little on the starboard quarter? A.—Yes.

Q.—And you were about 200 yards from the shore? A.—That is what I estimate. 30

Q.—You were the son of the late captain David Brannen? A.—Yes.

Q.—His name is David? A.—Horatio.

Q.—Was your uncle killed in the explosion? A.—No.

Q.—Was he master of the *Deliverance* before that? A.—Yes.

Q.—And you hold a mate's certificate? A.—Yes.

Q.—And have been going to sea how long? A.—Since March 5, 1915.

Q.—And have you always been on the harbour? A.—I was on board the *Deliverance* when she was in commission; until she was sunk.

Q.—That was your first experience at sea on the *Deliverance*? A.—Yes. 40

Q.—After the *Deliverance* was sunk you went on the *Stella Maris*? A.—Yes.

RECORD.

*n the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 38.
Evidence of
Walter
Brannen,
Re. Direct-
Examina-
tion.

Continued.

Q.—And that is the extent of your experience? A.—Yes.

Q.—On this morning of the collision you were steering? A.—Yes.

Q.—Do you remember your barges touching the wharf when coming out of the dry Dock? A.—Which wharf?

Q.—Foul some of the boats at the wharf? A.—They came very near across the bows of the ships laying there; it was not over 20 feet away.

Q.—When you were going up the harbour which side would you go up supposing there was nothing in the way? A.—We generally followed up the port side; Halifax side. 10

Q.—A little shorter? A.—Yes, it is.

Q.—So you didn't intend to cross over to the Dartmouth side that morning? A.—No.

Q.—You just squared up and got around by the Sugar Refinery wharf; that was nearest to the dry dock? A.—Yes.

Q.—And you just got headed up and you noticed the Imo? A.—Just straightened up a short time when I noticed the Imo.

Q.—How was she heading when you saw her? At that time I think heading towards the Dartmouth shore?

Q.—See her full starboard side? A.—Yes, fairly. 20

Q.—How was she going; slow or fast? A.—I thought about 5 or 6 knots.

Q.—Hear any conversation about her speed aboard your boat? A.—I may have heard some but I don't recall it now.

Q.—Have you a little wheelhouse? A.—There was one on the bridge.

Q.—Who was on the bridge? A.—Father and a chap acting as boatswain: Nickerson.

Q.—Was Nickerson the mate there? A.—That is the man I meant.

Q.—Nickerson's evidence, at page M. 34, Nickerson was asked "Give me some idea of the speed at which the Imo was travelling when you first saw her coming out of the Narrows?" "A.—Looked to be making 8 or 10 miles an hour"; did you notice her at that time when she seemed to be going so fast? A.—I thought I was the first to see her and I reported to the captain. 30

Q.—The question was asked Nickerson, "See the foam at her bows? A.—Yes; Q.—Did you and the captain make any comment about her speed at that time? A.—He claimed she was going as fast as any ship he ever saw in the harbour. Remember that? I suppose you could not hear the conversation between the boatswain and your father? A.—Probably I could hear and was not paying attention. 40

Q.—You would not pretend to be much of a judge of speed? A.—No.

Q.—Did you see her change her course? A.—Yes, apparently up by pier 9; he swung down channel.

Q.—She appeared to change course opposite pier 9? A.—Yes.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 38.
Evidence of
Walter
Brannen,
Re-Direct-
Examina-
tion.
Continued.

Q.—And your father said to you something about giving her room?

A.—That was when I first saw her.

Q.—Going over to the Dartmouth side; had she passed your head when you first saw her? A.—I think nearly ahead.

Q.—A little on the starboard I suppose; or nearly ahead? A.—About ahead I think.

Q.—Seemed to be going to the Dartmouth side; I suppose by reason of her going to the Dartmouth side you kept close to the Halifax side; was that the idea? A.—We intended to go up the Halifax side any way if we hadn't seen the ships.

Q.—And you kept all the closer because you saw the Imo was going on the Dartmouth? A.—Yes.

Q.—From what you noticed of her then you expected her to go down the Dartmouth side? A.—To make a turn and come down mid channel.

Q.—Was she in the Narrows when you saw her? A.—Yes, above pier 9 when I saw her.

Q.—I suppose you have looked at this blue print? A.—I did at Mr. Burchell's office.

Q.—You know Tuft's Cove? A.—Yes.

Q.—And it gets narrower above Tufts Cove? A.—Yes. 20

Q.—And this little point here; there is another point North of that again? Do you recognize it better on this chart M. B. E. /3; you are familiar with this chart? A.—Yes.

Q.—See Tufts Cove here and the point north of Tufts Cove and the point coming further out? The narrowest part of the Narrows is beyond Tufts Cove quite a distance? A.—Yes.

Q.—Was the Imo through the narrow part when you saw her? A.—Somewheres about here (Point indicated by a stroke) I am not saying she was heading in that direction.

Q.—At that time you were down off the Sugar Refinery wharf? A.—Yes, I don't know the scale of this. (About point 1 and they were at the point 2). 30

Q.—And the Imo then to you seemed to be heading for over to the Dartmouth shore? A.—Somewheres about over here.

Q.—Mark the direction the way you think she was heading? A.—In the direction of the arrow on M. B. E. /3.

Q.—Did you hear any whistle from the Imo; if so what was the first you heard? A.—The first whistle I heard was one blast.

Q.—And your boat then I understand you to say was about half way between the Sugar Refinery and pier 9 when you heard the one blast? A.—About there; between pier 6 and 8. 40

Q.—When you saw her first was she about ahead? A.—Yes.

Q.—When she blew the one blast how did she appear from you? A.—On our starboard bow then.

Q.—How much? A.—Not very much.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 38
Evidence of
Walter
Brannen,
Re-Direct-
Examina-
tion.
Continued.

Q.—You can't tell us in points? If she was abeam how many points?

A.—Eight.

Q.—How many was she? A.— $2\frac{1}{2}$ or 3.

Q.—Notice her change her course then? A.—Not right then.

Q.—That is she seemed to stand on after blowing one blast before you noticed her change? A.—I didn't notice her change; she might have; not after she blew the one blast.

Q.—When did you notice her change her course? A.—Just after she came out of the Narrows near pier 9. She may have changed it after the one blast.

Q.—She changed just after you saw her? A.—Yes, a few minutes after.

Q.—How was she heading after she changed her course and before she blew the one blast? A.—Apparently going straight down the harbour; mid channel; (Indicated by two arrows on chart); it might be a little on one side or the other.

Q.—Did you notice any change in her course after that? A.—Just before she hit the Mont Blanc she was heading pretty near over the Sugar Refinery pier.

Q.—These are the only two changes you noticed? A.—Yes. 20

Q.—First she changed her course down the harbour and did not make any signal you heard? A.—I didn't hear any.

Q.—And you heard one blast when she came down and was two or three points on the starboard bow? A.—Yes.

Q.—And you didn't notice whether she changed her course then or not? A.—I didn't notice.

Q.—And you don't know whether she blew a blast when she changed the first time or not? A.—I should have heard it but I cannot recall it.

Q.—And you met her about pier 8? A.—Yes.

Q.—How far was she off your starboard side? A.—About 150 yards; 40 200, along there.

Q.—You were about a couple of hundred from pier 8? A.—Might not be quite 200.

Q.—And she would be approximately in mid channel or a little nearer the Dartmouth side? A.—I thought going pretty nearly mid channel.

Q.—Perhaps you will indicate the way the ships came together? As you saw it?

(Witness draws M. B. E. /62).

Q.—Did you notice at the moment of the collision where the Mont Blanc was heading for? A.—I could not say because we were above him; 40 appeared to be heading pretty well across the harbour.

Q.—You spoke about her heading at one time up towards pier 9 is that at this time? A.—When we first noticed her.

Q.—How long did you notice her before the collision? A.—Three to five minutes.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 38.
Evidence of
Walter
Brannen,
Re-Direct-
Examina-
tion.
Continued.

Q.—It was after the one whistle you passed each other? A.—Yes.

Q.—And then I suppose you didn't take any notice until you heard some more whistles? A.—Before she got past us she blew three blasts and went astern.

Q.—Where was the other vessel then, did you notice? A.—Apparently hauling here across past the High Flyer; she was north of the High Flyer.

Q.—Which side of the harbour was she on? A.—When I first noticed her on the Dartmouth side; I suppose at that time both boats were on the Dartmouth side. The Mont Blanc was; I don't know about the Imo. 10

Q.—Did you hear any whistles after the three blast? Was that the next you heard after the one blast? A.—I heard the one blast just before she got to us and I heard three when I noticed she went astern and several whistles. I thought I could distinguish a cross signal, one blast and three blasts but I don't know which ship blew it.

Q.—How many blasts do you think you heard or can you get this in your head? After the first three blasts what blasts did you hear?

A.—Probably four or five.

Q.—Can you tell what they were? A.—I heard one; two and three I am sure of. One short blast, two short, and three blast signals. 20

Q.—And you won't say which ship from? A.—I noticed the steam coming from the Imo when she was blowing and going astern; the second three blasts; that was a second or so before the collision.

By Mr.
Burchell.

BY MR. BURCHELL:

Q.—You say a second or so; what do you mean by that, just a second or short interval of time? A.—A short interval; I don't mean a second anything like that.

Q.—At the time of the first one blast if the Imo had changed very much to port how would she be in relation to your scow? A.—Gone clear of us if she went to port. 30

Q.—If she had gone to starboard? A.—She could have gone to starboard a bit but not very much because of our scows.

Q.—How was the wind that morning? A.—Very little wind; the steaming of our ship up the harbour made a wind; made us feel a draft on board.

Q.—Was it practically a dead calm? A.—Very nearly.

Q.—Was there a mist up the Narrows? A.—When I first noticed the Imo and I could not tell what colour or anything she was.

Q.—Did you notice an American ship going up shortly before that? A.—Either when clearing from the Dry Dock or just after we got clear an American steamer went up. 40

Q.—You said I understood you, that you went up the Halifax side so as to allow the ships coming down to turn? A.—That means large ships; smaller ships can turn in a short distance. The larger ships coming down No. 9 requires more room to turn.

Q.—Who was directing the movements of the ship, you or your father?
 RECORD. A.—Father.

In the Exchequer Court of Canada, Nova Scotia Admiralty District.
 Q.—You said you made up your mind to go up the Halifax side; Captain Brannen would decide that and you carried out his orders? A.—Yes.

BY THE COURT:

No. 38. Evidence of Walter Brannen, Re-Direct-Examination. Continued.
 Q.—You said you saw the Mont Blanc after you heard a whistle from the Imo, and you turned around and looked at your scows and saw the Mont Blanc? A.—Yes.

Q.—Did I understand she was shaping her course to cut your scows?
 A.—Yes. 10

Q.—You were on the Halifax side? A.—Yes.

Q.—When she was coming around the High Flyer she was shaping her course to your side? A.—Apparently she had shaped it; closer to our stern.

Q.—Before that last change, you are sure about that? A.—Yes.

By Captain Demers. BY CAPTAIN DEMERS:

Q.—Did you see the vessel before you saw the Imo? Another vessel?
 A.—Just before we got clear of the Dry Dock.

Q.—You were on the way when you saw her? A.—Either just leaving or about to leave; we didn't see her after that; didn't notice her. 20

Q.—Did you notice the painting of the Mont Blanc? A.—Navy Gray I believe.

By Mr. Henry. BY MR. HENRY:

Q.—Look at that piece of paint and see if that corresponds to your recollection? A.—Yes, that is about the colour.

By Captain Hose. BY CAPTAIN HOSE:

Q.—After you let go your scows and came down to see what assistance you could give; when you saw her close to pier 6 was she right up against pier 6 or was there a space of water? When you saw her when you came down? A.—The nearest point we got to her? 30

Q.—Not necessarily the nearest point, as soon as you saw where she was lying was she up against pier 6 or not? A.—No.

Q.—There was a space of water between her and pier 6? A.—Yes.

Q.—What do you consider is the direction in which she came in by pier 6, in a line with pier 6 or at an angle? A.—Very nearly in line and the stern seemed to swing to pier 6.

Q.—When you first got there could you have got the Stella Maris in between her and pier 6? A.—It would be a tight squeeze when we got up to her.

RECORD. Q.—Whereabouts was it the Mont Blanc touched corner of pier 6; in respect to her holds? A.—If she had four holds, between 3 and 4.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

BY CAPTAIN DEMERS:

Q.—Hear any whistles from the American boat that passed to the Imo? A.—No. We should have heard them I would have thought being in the Narrows.

No. 38.
Evidence of
Walter
Brannen,
Re-Direct-
Examina-
tion.
Continued.

BY MR. MELLISH:

Q.—See any wounds in the Mont Blanc? A.—Yes, at a distance I could not tell what it was.

Q.—Can you give us the nature of the damage? A.—No, apparently 10 between one and two holds.

AND FURTHER DEPONENT SAITH NOT.

R. ECCLES,

Official Reporter.

COURT RESUMED AT 2.30 p. m.

No. 39.
Evidence of
Captain
Neil Hall,
Direct-Ex-
amined
by Mr.
Henry K. C.

No. 39.

CAPTAIN NEIL HALL, PORT WARDEN OF HALIFAX, BEING CALLED AS A WITNESS DOETH DEPOSE AND SAY AS FOLLOWS, AFTER BEING DULY SWORN.

EXAMINED BY MR. HENRY:

20

Q.—You are the Port Warden of this port and have occupied that position for many years past? A.—About 9 or 10 years.

Q.—And in the course of your duty you have to examine and report upon steamships? A.—Damage.

Q.—Did you examine the steamship Imo as she lies on the Dartmouth shore? A.—I made a partial.

Q.—Did you notice that on her port bow there were some holes in the plating? A.—I did.

Q.—Did you come to any conclusion in your mind as to how these holes were caused? A.—A great deal of speculation on that point. 30

Q.—We would like the benefit of your expert opinion? A.—I don't think they were both made by the anchor.

RECORD

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 39.
Evidence of
Captain
Neil Hall,
Direct-Ex-
amination.
Continued.

Q.—Do you know what kind of an anchor she was carrying over the port bow? A.—No, I don't; Trautman anchor on the starboard bow.

Q.—The port anchor is overboard? A.—Yes; perhaps 15 to 20 feet inside of her under the water.

Q.—And you were not able to examine it? A.—No.

Q.—If the port anchor should also happen to be a Trautman anchor would you say as to the likelihood of the holes having been made by the port anchor? A.—I don't think either by the Trautman anchor or the common anchor.

Q.—You think one hole might be made? A.—Yes. 10

Q.—There are two holes? A.—Yes.

Q.—Does one hole have any indication of having been made from the other side as it were, from anything that went through the ship and came out on that side? A.—Not at all.

Q.—Both holes are indented? A.—Punctured from the port side.

Q.—If both holes were not made by the anchor can you suggest any way in which the one that was not made by the anchor was made? A.—I am afraid you might get me in a hole over that.

Q.—We would like the benefit of your expert opinion? We are not experts down here and you might tell us. A.—The opinion is not worth 20 much here; you might cross examine on the opinion.

Q.—I am not? A.—There is another man behind you.

Q.—I would like your expert opinion, unless you have a strong opinion against it? A.—There is a piece of plating in the forward hold, I don't see how the forward fluke of the anchor could immediately unhook and allow another piece of the plating from the other ship to enter. It does not belong to the Imo but some other ship.

Q.—You would not undertake to say it came from the Imo? This question not finished! A.—No, I took the paint off it at the time. There is a piece of paint from off the plate that is embedded in the forward hold of 30 the Imo's bow; there is no other paint on the Imo of that colour I can find.

Q.—You don't know whether the same colour as the Mont Blanc? A.—No.

Q.—Would you go so far as to say your theory is that that piece of plate you found embedded in the hole in the Imo's bow worked there at the time of the collision? A.—That is pretty broad; it was not sent there by the explosion.

Q.—You are satisfied of that? A.—Certain.

By Mr.
Mellish.

BY MR. MELLISH:

40

Q.—Did you examine the ship from the inside, the bow? A.—I crawled through the hole on the starboard side about 15 feet abaft from the stem and I climbed along the stringer up into the bow of the ship and

RECORD. found that piece of plate which I took the paint off of embedded there in the bow of the ship.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.
— — —
No. 39.
Evidence of
Captain
Neil Hall,
Direct-Ex-
amination.
Continued.*

Q.—How did you find the ship's frames inside? A.—She is set in.

Q.—I don't understand that; the bow of the ship is there and she is set in.—set in from each side? A.—Yes. Although there is no mark on the starboard side that shows any effect of collision.

Q.—Are both sides of the ship set in; both bows? A.—Yes.

Q.—Aft of the stem? A.—Yes.

Q.—How is that indicated; how could you tell it is set in? A.—She has bent frames inside; up and down frames one fore and aft frame on top 10 of the hole.

Q.—Across? A.—That is fore and aft.

Q.—And that is bent? A.—That is just by the hole.

Q.—How is this vessel constructed forward? A.—I didn't go into the construction of her.

Q.—You can tell whether an ordinary freight construction or constructed strong? A.—Ordinary constructed ship; up and down frames and bars.

Q.—What was the name of this vessel formerly? A.—I don't know.

Q.—The Runic? A.—I don't know. 20

Q.—Could that piece of plate you speak of have been admitted through the holes on the starboard side? A.—There is no hole on the starboard side in the bow opposite that plate.

Q.—Could it be admitted; is the hole big enough to let that plate in anyway? A.—The hole on the port side is. There is no hole on the starboard side opposite that plate.

Q.—Is the hole on the starboard side large enough to admit this plate? A.—I don't think it is; I didn't measure it.

Q.—Is the hole on the port side large enough? A.—Yes, to let a piece in twice as large. 30

Q.—What is this plate apparently? A.—It is like a dressed plate; like around bulwarks. Ship's plate; it is not the ordinary side plate; a dressed plate.

Q.—Are there parts of more than one plate? A.—Just the one piece I noticed.

Q.—There is very distinct marks, can't you tell what the marks are on it to show it is a ship's plate? A.—The rivet holes there are in any plate.

Q.—Are there in this one? A.—I would not look at the rivet holes to show it is a piece of plate. 40

Q.—Is it not apparently broken off along the rivet holes? A.—I didn't go into it that fine.

Q.—It was the first thing sticking out of the ship? A.—Not the first I seen.

RECORD. Q.—Did you see it at all? A.—How did I get a piece of the paint which I produced; I know the plate is there.

In the Exchequer Court of Canada, Nova Scotia Admiralty District. Q.—Would it be such a plate you would expect to find on a ship?

A.—What part of a ship?

Q.—The side of a ship? A.—No, not down in the lower plating.

Q.—How high up? A.—I would expect it to be a bulwark plate.

Q.—Where are they? What part of the ship? A.—Generally when I went to sea above the deck; they might be changed lately.

Q.—How long since they changed? Have you any suspicion they have changed? A.—Not at all.

Q.—It would be impossible in your judgment that that plate should have been taken out of the other ship in collision? A.—Not at all; I didn't say so

Q.—I know your judgment is a valuable one but you won't let us have it; in your judgment would it be a plate taken out in collision with the other vessel? A.—I am not saying so.

Q.—According to your opinion and best judgment? Know of any other possible source it could have come from? A.—I do not.

By The Court.

BY THE COURT:

Q.—You think it is a plate of another ship? A.—I do.

By Mr. Burchell.

BY MR. BURCHELL:

Q.—You are familiar with the tides in Halifax harbour? Some knowledge of the strength of the current and so on? A.—Yes.

Q.—Referring to this chart M. B. R. /2, the maximum tide in the Narrows is shown at $\frac{3}{4}$ knot? A.—Yes; that is what the Admiralty give; the tides are influenced a great deal by the winds I expect.

Q.—The morning of the collision you remember it? A.—Yes.

Q.—It was a dead calm at the time of the collision? A.—At the time of the accident.

Q.—And all the morning? A.—I don't know before that.

Q.—What time did you get up? A.—I was on the wharf when the explosion occurred.

Q.—There was hardly a breath of air at all? A.—The cloud after the explosion showed no wind; practically what we call a moderate calm morning.

Q.—Was there enough wind to make a ripple on the water even? A.—I didn't notice.

Q.—Would you call it a dead calm? A.—No.

Q.—How much wind was there; any wind that would affect a ship for instance? A.—I would think not; that is only—I never took the trouble of seeing what wind there was that morning.

RECORD.

*In the
Eschequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 39.
Evidence of
Captain
Neil Hall,
Director-Ex-
amination.
Continued.

Q.—You are familiar with the tides published by the government of Halifax harbour? A.—Yes.

Q.—This Exhibit M. B. E. /43 shows the tides on the morning of the 6th December and shows low water at 8 a. m.? A.—Yes.

Q.—Do you know what time this collision took place? A.—9.07 a. m. by my watch; the explosion.

Q.—What time the collision? A.—I don't know anything about it.

Q.—Supposing about a quarter to nine, what would be the current?

A.—Slack water, if there was any current it would be a little out set.

Q.—It had not started to run in at all? A.—I would think the tide 10 commences to run underneath than on top: the pilots would be more familiar; it would set underneath before the surface.

Q.—Anything perceptible to affect a ship? A.—I would not think so.

Q.—You have seen the Imo where she lies on the shore? You have been there? A.—About 17th December; I am not just sure; I made two trips.

Q.—You know she went ashore on the morning of the explosion?

A.—That is where I seen her.

Q.—And she is pretty well submerged? Engines room full of water?

A.—The tides rise and flow in her; and we went from aft and along the 20 deck.

Q.—She is filled with water? A.—She is rising and falling with water inside; the decks are out of water.

Q.—Had you seen the Imo before? A.—Not that I know of.

Q.—It was the morning of the 17th December you examined her? A.—About that.

Q.—Do you know what sort of anchor this ship had on the starboard bow? A.—Trautman anchor on the starboard fore-castle deck.

Q.—What kind on the port side? A.—It is under water leading out from the bow; both times I was there. 30

Q.—All the damage to this ship would be caused by the collision on her port side? A.—I think so.

Q.—There is no damage on the starboard side? A.—No evidence due to collision on the starboard side.

Q.—There are now holes in her starboard side? A.—Probably 100.

Q.—Caused by the explosion? A.—Yes.

Q.—The holes in her starboard side where the pieces of plate or missiles have gone through, you can see the marks on the port side? A.—That large hole on the starboard bow that I spoke about coming through, opposite it just a little abaft and opposite on the port side there are two bulges out which looks that whatever made that big hole on the starboard side went through and it hadn't force enough to go through on the port side and I think likely that piece, whatever did that will be found in the bottom of the ship later; it hadn't force enough to puncture through. 40

Q.—The Imo is a ship 430 feet long; that is her approximate—that is

RECORD. what they tell us here? A.—I don't know; I didn't take any memorandum of that.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—Have you ever experimented or have you any knowledge of how quickly a ship like the Imo, single screw, could turn a right angle in the water under reversing propellor? A.—How fast was she going before she reversed?

*No. 39.
Evidence of
Captain
Neil Hall,
Direct-Ex-
amination.
Continued.*

Q.—Assume going five or six miles? A.—She is heading South and you want to bring her to west, is that what you call a right angle?

Q.—Assume a parallel position to another ship and assume her to swing around to strike the other ship at right angles; would that be possible if the distance between the bows of the ships was 300 or 400 feet; and the distance of their parallel courses was 100 feet? A.—I don't think she could turn it. In that distance. 10

Q.—A large ship under reversed propeller, how long do you think to turn at right angles; how long would she have to be reversing?

A.—You have got to get into consideration.

Q.—Leaving distance out, how long do you think it would take her to turn going five miles an hour light ship? A.—How is her draft of water—down by the stern or even keel? These are considerations you have to consider to turn right angles. 20

*By Mr.
Robertson.*

BY MR. ROBERTSON:

Q.—You are one of the Board of Pilot Commissioners are you not? A.—I believe so.

Q.—Are you acquainted with pilot Frank MacKey? A.—I am.

Q.—How long have you known him? A.—30 years.

Q.—What is his character? As to sobriety and generally? A.—I would very much doubt anyone that reflected on his character; anyone; I have known him for 30 years and I would say he has as good a character as any man I know.

Q.—And as to his habits and sobriety? A.—I have never seen him 30 taking a drink; he may have taken it but I have never seen him intoxicated.

*By Mr.
Burchell.*

BY MR. BURCHELL:

Q.—What about pilot Hayes? A.—He is a young man; as far as I know he may have taken a drink but as far as I know he was a temperate man.

Q.—How about being a capable man—capable pilot? A.—I think I passed him for his examinations and gave him his license.

Q.—How is he regarded as a pilot? A.—I think quite qualified.

Q.—Know anything about the collision yourself at all? A.—No, 40 the first I seen of it was in the sky.

RECORDED.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 39.
Evidence of
Captain
Neil Hall,
Direct Ex-
amination.
Continued.

By Mr.
Henry

Q.—Can you form any opinion as to the angle of the collision from what you have seen of the Imo over there? Or is it possible in your judgment? A.—Perhaps taking the Imo as you look at her she looks to me whatever she struck was on broad angle; no square angle; she was down to 45 degrees and perhaps less.

Q.—Supposing she struck the Mont Blanc's bow, how would the angle be, measured from the Mont Blanc's bow? A.—I think the two ships must have been somewhere inside 45 degrees when they collided?

Q.—Measured from the Mont Blanc's bow or how? A.—I think the ships came together on an angle of 45 degrees; one W. S. W. and 10 the other W. N. W.

BY MR. HENRY:

Q.—That would be an angle of 45 degrees between the two ships?

By Mr.
Burchell.

BY MR. BURCHELL:

Q.—Put them on that piece of paper? A.—I think the Imo punctured or penetrated the other ship something like that; one ship W. N. W. and the other W. S. W. (Witness draws Exhibit M. B. E. '59) Getting into about a four point course; coming together.

By The
Court.

BY THE COURT:

Q.—How do you come to guess that; how do you gauge that? 20
A.—Only taking it from the Imo's bow; there is no damage.

Q.—What did you see there to indicate? There is no damage on the Imo's starboard bow.

Q.—Not much on the port? A.—The port; there is one hole they have not mentioned at all on the Imo; there is a bad indentation down below these two holes, about seven feet under the water; right underneath the other two holes; about seven feet under the water. Right underneath the other two holes; a small shade aft; she is buckled in frames and plating about seven feet long.

Q.—If the Mont Blanc was pointing towards pier 9 at the time of the 30 collision the Mont Blanc must have been pointing right into the Halifax side; that would follow? A.—At the time of the collision; very nearly slightly up the harbour.

Q.—If the Mont Blanc was pointing towards pier 9 at the time of the collision, the south corner of pier 9, then the Imo must have been pointing in somewhere about the Lorne Club? A.—I don't think so. Then the Imo would have been out on the starboard side.

Q.—If the Mont Blanc was pointing across like that, then the Imo must have been pointing like that? A.—Yes, but pier 9 is not in front of you.

RECORD.

In the
Exchequer
Court of
Canada,
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District.

No. 39.
Evidence of
Captain
Neil Hall,
Direct-Ex-
amination.
Continued.

Q.—I am speaking of the direction of the head of the Mont Blanc, it was pointing about pier 9 and the Imo must have been pointing somewhere between the Lorne Club and pier 6? A.—I don't think the Mont Blanc was pointing up, because the other ship would have to come around to get the damage on the port bow.

Q.—What way in the harbour do you think the ships were heading? A.—I gave it to you; I think that ship was heading W. N. W. and that W. S. W. Taken from the Imo's bow, when they came together.

BY MR. MELLISH:

Q.—We have heard a good many of the witnesses that at the time of 10 the collision the Mont Blanc was heading for pier 9? A.—Yes, and where is the other one.

Q.—According to you the other one would be here? A.—No.

Q.—According to your statement the other one would be that way if heading for pier 9? A.—That was not my statement she was heading for pier 9.

Q.—A great many witnesses have told us that at the time of the collision she was heading for about pier 9 and this ship struck her and after the collision this vessel was swung around; according to your theory if at the time she was heading for pier 9 the other vessel must have been 20 heading away round N. W. A.—The Imo?

Q.—Yes? A.—Not at all; you can't make that out of my theory.

Q.—You say they came together at an angle of 45 degrees? A.—Exactly.

Q.—If the Mont Blanc was heading for pier 9 the other must be heading directly across the harbour? A.—The Imo could not get her if heading for pier 9 and strike her on the port side without turning around.

Q.—Why could she not strike her that way? A.—Lots of things might be.

Q.—Did you see any indentations on the starboard side of the Imo? 30 A.—Nothing but what must be due—

Q.—Did you you see indentations on the starboard side of the Imo? A.—I did.

Q.—Where? A.—All over her.

Q.—Any particular? A.—Where do you mean?

Q.—On her bows? A.—There is one little place right on her stem that the plate is broken off and the plate remains there.

Q.—Did you see a place back from the stem about ten feet? A.—A little further than that; I went through it.

Q.—Behind the hole? A.—It is further than ten feet; there is a 40 lot of indentations and holes right along. You are speaking of the starboard side?

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 39,
Evidence of
Captain
Neil Hall,
Direct Ex-
amination,
Continued.

Q.—Yes. It may have escaped your attention but on the starboard side there are ridges, indentations; the court has visited this ship and we have seen on the starboard side of the vessel, on her starboard bow, indentations of some length where the plates have been pushed in for a distance in length of perhaps two or three feet? Did you find these?

A.—No, I didn't; nothing fresh on the vessel.

Q.—I am speaking of indentations in the plates; plates pressed in fresh or stale? A.—Nothing to indicate.

Q.—The rest of us did see them. A.—Did you see that piece of plate I referred to? 10

Q.—Yes, and where there evidently had been rivet holes and ragged holes in the side of the vessel? A.—Then I don't see what good my evidence is then, if you were there.

Q.—Did you see a perpendicular mark on the starboard of the Imo? A dark mark? Perhaps ten or twelve feet from the stem? A.—No, I didn't; I was sent for a special thing and that is all I saw.

Q.—You went on behalf of the Imo's solicitors? A.—On behalf of Lloyds.

Q.—You seem to have reported to the Imo's solicitor? A.—I didn't.

Q.—You gave him a plan I understand? A.—I didn't. 20

Q.—You have been talking about my Learned Friend having a plan? Did he get it from you? A.—No.

MR. BURCHELL:

Mr. Curry prepared a plan and Mr. Hall was with him; Mr. Curry showed him plans and when he comes his plan will be here with him.

BY MR. MELLISH:

Q.—Who did Mr. Curry represent? A.—I don't know.

Q.—He was with you? A.—Yes.

Q.—But you knew Mr. Burchell would have his plan? A.—I didn't know until today. 30

Q.—You found out he was representing the Imo; he had a plan on which you are relying you have been referring to it in your evidence? Had Mr. Curry a plan? A.—I understand today.

Q.—You have been talking to Mr. Burchell while I was cross examining you and looking to him for assistance apparently? A.—I will make my own plan.

Q.—Mr. Curry was there with you at the time of your examination and he had a plan?

RECORD. BY CAPTAIN DEMERS:

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 39.
Evidence of
Captain
Neil Hall,
Direct-Ex-
amination.
Continued.

Q.—You seem to be positive the injury was not caused by the anchor on the port side? A.—I won't go so far as to say that.

Q.—I made an examination superficially on the outside; and yesterday we learned from the wheelsman of the Imo there was an old fashioned anchor; you will see the mark of the anchor and where the prongs went against the ship's side; and the stock remained against the ship's side; in coming in contact with something this would be turned against the ship's side; an ordinary anchor the flukes would be just where these are? A.—Yes.

Q.—Would that not cause the injury to the bow? A.—With all due respect to the court, the crown of the anchors should have broken the frames.

Q.—Depends on how much force the ship struck the other ship? A.—I don't see how it would strike that fluke and penetrate the vessel—puncture a hole there and leave the frames intact.

Q.—By your diagram just now, it is not 45 degrees; it is very nearly 90 or 10 points from the bow which would cause the Imo's bow to strike against the Mont Blanc? A.—Yes.

Q.—The Imo might have struck stem on slowly and the effect of the helm or the screw gradually turning around and turn the vessel's port bow against the Mont Blanc's side and in doing so would turn the stocks of the anchor on these two flukes; there is nothing else but these two flukes after she got in the ship's side and it was not strong enough to press the crown into the ship's plate; don't you agree with me? A.—No, I cannot.

Q.—Did you see what the Mont Blanc was painted; what colour? A.—I never saw her.

Q.—Mr. Mellish was referring to the indentations on the starboard side; I also noticed there was some 12 feet aft from the stem; I reckoned through possibly rubbing against the wharf prior to the collision; you didn't notice that? A.—I noticed the starboard side was all indentations.

Q.—You saw it from inside? A.—From outside.

Q.—There is a two feet indentation 12 feet from the stem; this setting in of the two bows which you talked about; this explosion was so freakish don't you think the pressure caused this setting in and not the collision? A.—Did the two ships come together after the explosion?

Q.—When the explosion took place the Imo was away and the way the explosion turned things topsy turvy in Halifax—there is a setting in the two bows, you said, in your inspection there was a setting in? A.—Due to the explosion?

Q.—You said there was a setting in; don't you think it was due to the explosion? A.—I won't deny it.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 39.
Evidence of
Captain
Neil Hall,
Direct-Ex-
amination,
Continued.

Q.—The stem is absolutely undamaged? A.—As far as I could see.

Q.—The paint is not scraped off? A.—No.

Q.—Do you know the collision was so strong as to penetrate eight or nine feet into the *Mont Blanc*? A.—I don't think so.

Q.—What is the size of that plate you saw inside? A.—Probably 3x2; I took hold and tried to move it.

Q.—The hole three feet wide; if it is opened up more it would be a tear?

A.—The hole on the starboard side is a round hole; I went through it and when I was going out through it I took hold of the plate as it turned in and caught my hands and swung on it and came out feet first. 10

Q.—There are pieces of the frame sticking out? The rivets are so close to each other; is that the frame belonging to the *Imo* or another?

A.—That is the *Imo*; I saw nothing more but one piece of plate belonging to the other ship.

Q.—And there are other indentations under the water? A.—I would say that was due to the anchor.

Q.—Did she suffer some damage by being blown ashore? A.—She didn't bring up against a rock.

Q.—It is too high above the water? A.—I think so; I say the lower one is due to the anchor because the whole thing is set in frames 20 and all.

Q.—This paint does not belong to the *Imo*? A.—I could not find any of that colour.

Q.—Not on the deck, any of that colour? A.—I could not find any; I made a careful search all over the *Imo*.

By Captain
Hose.

BY CAPTAIN HOSE:

Q.—This compression of the bows of the *Imo* how far aft does that extend? A.—I didn't measure it; but inside it is more noticeable than outside; the hold was full of water and I was standing on the stringer bows but when you were inside I see she showed the set in, which was 30 not so noticeable on the outside.

Q.—You didn't notice how far aft it extended? A.—I didn't measure.

By Captain
Demers.

BY CAPTAIN DEMERS

Q.—That is the kind of anchor she had? A.—Yes. I had that sheet of paper (produced) in my pocket at the time; that is a rough sketch.

Q.—Although you said you didn't think the anchor would do that, the very shape of the painting indicates a fluke? A.—Nobody can tell what an anchor will do swinging to a change; I would not say it would not; it is not my opinion; I am not positive; I don't think it was though. 40

Q.—Everything points out it was the anchor by the shape of the wound

RECORD. and the distance between each and the rubbing? At the end of the chain, they leave a certain amount of spare chain to hoist her up and the rubbing of the stock where the ring is against the ship's side just puts these two flukes right there. A.—That might be so; if the piece of plate was not in there from the other ship; but it does not seem so reasonable the anchor would make this hole and come out and the piece of plate go in.

Q.—Your piece of plate is too big to go through these holes A.—No.

Q.—It would not make two holes? A.—I don't say one hole was not made by the anchor or both, but it does not seem reasonable to me one of the holes should be filled with a piece of plate from the other ship. 10

Q.—I thought the hole on the starboard side on the waters edge would be three feet? A.—I don't think you can get that piece of plate through; if you offered me \$100 to go up and put it through I would not do it.

Q.—It is 3 x 2; supposing it came in? A.—I don't think it ever went through. That is just roughly.

AND FURTHER THIS DEPONENT SAITH NOT.

R. ECCLES,

Official Reporter.

No. 40.
Evidence of
Captain
Peter
Johnson,
Direct-Ex-
amined
by Mr.
Henry K. C.

No. 40.

20

CAPTAIN PETER JOHNSTON, SUPERINTENDENT OF LIGHTS, BEING CALLED AS A WITNESS, AND DULY SWORN, DEPOSED AND SAITH AS FOLLOWS:—

EXAMINED BY MR. HENRY:

Q.—You are what? A.—Superintendent of Lights and buoys; for the Province of Nova Scotia.

Q.—Did you have a chart made showing the positions of the various points about Halifax Harbour and the Basin? A.—Yes.

Q.—Is this a blue print from it? A.—Yes. (M. B. E. 763).

Q.—And this plan accurately shows the position of the various piers and docks that are named on the Halifax shore, such as piers, 6 8, 9 etc.? A.—Yes.

Q.—I presume it is made from an official chart? A.—Admiralty chart.

Q.—I notice down opposite Dartmouth somewhere, opposite the piers there, there is something marked Black Rock? A.—There is a buoy there.

Q.—Then up opposite the Dock Yard there is a red buoy? A.—A shallow.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 40.
Evidence of
Captain
Peter
Johnson,
Direct-Ex-
amination.
Continued.

Q.—24 feet patch? A.—Yes.

Q.—Do ships coming up the harbour go to the Westward? A.—They can go to the South side but are not supposed to go to the Dartmouth side of the conical buoy.

Q.—The next buoy going North is one in the Narrows on the Eastern side marked buoy red light? A.—Gas buoy; showing red occulting light almost in a line with the range.

Q.—A little to the North east of that is a range light on the land and to the northward of that another range light? A.—Yes.

Q.—Going into the Basin on the Western side of the entrance from the Basin to the Narrows is a buoy with a white light? A.—White occulting light. 10

Q.—And you have also placed on the chart the position of the guard ship? A.—Approximately.

Q.—Are the positions of the buoys accurate? A.—As near as possible.

Q.—By survey; and accordingly to bearings and so on? A.—Yes.

Q.—This line on the chart shows the two range lights in line?

A.—The alignment of the lights.

By Mr.
Burchell.

BY MR. BURCHELL:

Q.—Is there a buoy off Black Rock? A.—Yes. 20

Q.—That is to the North of Black Rock? A.—Yes.

Q.—Where were you at the time of the collision or explosion?

A.—On the ferry boat crossing to Dartmouth.

Q.—You might show us on one of these charts M. B. R./4 indicate the two wharves between which the ferry boats run between Halifax and Dartmouth? A.—It is marked there Marked steam ferry. (At point X on Halifax and Dartmouth sides).

Q.—There is some evidence from Pilot Mackay as to some conversation with you that morning of the explosion? Please tell us what that was?

A.—When I went across on the ferry boat I walked down to the Marine and Fisheries about $\frac{3}{4}$ of a mile and walked back again, took the ferry boat, and Pilot Mackay was on the ferry boat and on his way back from Dartmouth, I asked him about what caused the explosion and he said he was on the ship that exploded. Then I asked him who was pilot on the other ship and he said he didn't know. 30

Q.—I am particularly speaking about the rudder? A.—He explained how he got away from her and before he went in the boat he said he went back and put the helm amidships and he said if he hadn't done that the ship would have gone about the Lorne Club. That is about all he said to me that had reference to the collision. 40

Q.—Are you familiar with the tides in Halifax Harbour? A.—Yes.

Q.—M. B. E./43, shows the tide on the morning of December 6th as low water at 8? A.—That is right.

RECORD. Q.—How much current would there be at $\frac{1}{4}$ to 9, at the place of collision? A.—Very little; a little current. .
In the Q.—The chart shows maximum current in the Narrows at $\frac{3}{4}$ knot.
Exchequer A.—I never tested it; I went by the chart.
Court of Q.—At three quarters of an hour after low water do you think there
Canada, A.—No.
Nova Scotia
Admiralty
District.

No. 40.
 Evidence of
 Captain
 Peter
 Johnson,
 Direct-Ex-
 amination.
 Continued.

BY CAPTAIN DEMERS:

Q.—There was nothing asked the pilot? A.—No.

AND FURTHER THIS DEPONENT SAITH NOT.

10

R. ECCLES.

Official Reporter.

ELEVENTH DAY'S SESSION.

10 a. m. January 23rd, 1918.

PURSUANT TO ADJOURNMENT COURT RESUMED ITS SITTINGS AT 10 A. M. WEDNESDAY, JANUARY 23RD, 1918.

COURT AND COUNSEL PRESENT AS STATED ON PAGE 385 AND ALSO F. H. BELL, K. C. REPRESENTING THE CITY OF HALIFAX.

No. 41.
 Evidence of
 Captain
 Frederick
 Claude
 C. Pasco,
 Direct-Ex-
 amination
 by Mr.
 Henry K. C.
 January
 23rd, 1918.

No. 42.

20

DEPOSITION OF FREDERICK C. C. PASCO.

On this twenty-third day of January, in the year of our Lord one thousand and nine hundred and eighteen, there personally came and appeared

CAPTAIN FREDERICK CLAUDE C. PASCO,

WHO BEING DULY SWORN UPON THE HOLY EVANGELISTS, DOTH DEPOSE AND SAY AS FOLLOWS:

EXAMINED BY MR. HENRY, K. C.:

Q.—You are, I understand acting as Captain Superintendent of the Dock Yard? A.—I am.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 41.
Evidence of
Captain
Frederick
Claude
C. Pasco,
Direct-Ex-
amination,
January
23rd, 1918.

Q.—In the absence of Captain Martin who is the permanent Captain Superintendent? A.—That is right.

Q.—When did you take over that position? A.—On the last day of November, 1917; the 30th.

Q.—Captain Martin has left Canada temporarily? A.—Captain Martin has left Canada.

Q.—And you were therefore in charge for some six days before the disaster we are investigating? A.—Yes, five days.

Q.—During that time had you occasion to consider or investigate what regulations existed with regard to the movements of vessels in the port? 10

A.—No, I hadn't. It didn't come under my notice in any particular way.

Q.—Up to the time of the disaster? A.—No.

Q.—You did, however, ascertain that there were regulations in connection with the movement of vessels in the port of Halifax? A.—I knew there were regulations as I had made out similar ones in Sydney.

Q.—Prior to coming to Halifax you were in charge of the port of Sydney, Nova Scotia? A.—I was.

Q.—These regulations, if you look at them, marked E. R./51, were these regulations in force on the 6th day of December last? A.—Yes.

Q.—Then E. R./52 are some addendi I understand? A.—It was 20 an addendi and was cancelled.

Q.—And reproduced on this sheet E. R./53? A.—Yes.

Q.—So E. R./51 and E. R./53 are the regulations which were in force on the 6th December? A.—They were, and as the people under me were administering.

Q.—And these were the only traffic regulations governing the movements of vessels in the port as far as you know? A.—As far as I know.

Q.—And you have investigated that question have you not? A.—I have.

Q.—I find at the bottom of the Exhibit marked 51, "By order E. H. 30 Martin, Captain in charge of H. M. C. Dock Yard". You told us, I think that you had prepared or had had to do with regulations for the port of Sydney? A.—Yes.

Q.—I presume on generally similar lines? A.—Yes, I was told to produce from my headquarters traffic regulations and I was sent from Halifax regulations as a model to guide me and I simply altered the different examination energies to make things local in Sydney; they were sent up to headquarters for their approval.

Q.—Did they travel back and forwards? A.—Yes, two or three times until they were settled. 40

Q.—And they were promulgated over your signature? A.—Yes.

Q.—As Captain in charge? A.—Yes.

Q.—Under Marine Department at Ottawa? A.—Naval Department.

Q.—While I suppose you cannot speak very positively with regard to the system by which these regulations were promulgated I presume you

RECORD. feel that the same system was adopted in this case? A.—I should imagine so; they were promulgated I think before I came in the country.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—Would you tell us about the morning of the 6th December, you might tell us first as to whether you personally knew that a ship bearing explosives was entering the port or coming up the harbour that morning?

A.—I didn't know.

Q.—Were you aware prior to the explosion that a ship was on fire?

A.—I was.

*No. 41.
Evidence of
Captain
Frederick
Claude
C. Pasco,
Direct-Ex-
amination,
January
23rd, 1918.*

Q.—You were advised of that? A.—I was advised by telephone about 10 minutes to 9, I think; I was just finishing my breakfast; that two ships—a signal from the High Flyer passed through the Niobe or Captain Superintendent, two ships in collision in the Narrows; one apparently, I think that is the word, on fire; that signal was never written down so I am only going by recollection.

Q.—Did you take any steps or issue any orders to deal with the situation? A.—I at once went to the telephone to order the W. H. Lee which has salvage appliances and pumps to go up to the Narrows; it was just before the Dock Yard opened; 9 o'clock; it was very difficult to raise anybody, I telephoned the man who has charge of all tugs and harbour craft is the transport officer, and I was trying to get him. I tried at his private house—line busy—I was getting impatient and I said to Captain Martin's servant—I am living in his house—I said, take the telephone and try and get the transport office; I must try and see what is going on outside. He said you can see it from the upper window—and there was a telephone up there—I went straight up, leaving him at the telephone and I looked out of the window and I saw the Imo motionless apparently across the harbour blocking the whole harbour right across and I didn't see the other vessel and the Imo was apparently had apparently a certain amount of smoke coming from the fiddleys. I thought there is not much fire; so I was not feeling at all alarmed about the fire and I was craning to see if I could see the other ship, and thought she had gone in the Basin, when I heard a man's voice down below at the telephone and I went to the telephone in the bedroom and got hold of the transport officer. No. 2 man, Lieut. Poole, and I told him to send the Lee and the Gopher and the Musquash, anything he had, with pumps in case the fire was serious, and he understood and I put the thing on the hook, and I suppose I was half way across the room when the explosion took place.

Q.—You were quite severely injured? A.—Not severely; nicks around my eyes and so on and one or two on my hand. Superficial; they bunged my eyes up; and an hour or so afterwards I could not see. I was knocked down, and cut by the flying glass.

Q.—Tell us what you did then? A.—I went straight out of the house; got hold of Captain Martin's housekeeper and said we must get out of this; I don't know what door; I know it was not the front door it was blocked up with debris. I think it was the back; and I went to get

RECORD.

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No. 41.
Evidence of
Captain
Frederick
Claude
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Direct-Ex-
amination,
January
23rd, 1918.

out in the open to see what was going on, where the explosion was. I had it in my mind, seeing this fire was so small on the Imo, the impression in my mind was—from the Natal and the Bulwark—I thought the cruiser High Flyer had gone up. I then went around to see what was going on and tried to formulate matters as to what to do; I got down as far as No.3 wharf but there quite a lot of people were hurt; they tried to pull me on board one of these trawlers for first aid and I told them there was nothing the matter, but I was a nasty sight covered with blood. I told one or two skippers on going there to carry people straight out to the hospital if there was any in sight.

Q.—They did corral you? A.—Yes, two fellows pulled me on board willy nilly on board one of the trawlers and I got first aid; washed down with a bucket of water and tied my head and I went down as far as the office building then; I didn't look as bad as up north; I didn't yet know where the explosion came from. There was still this cloud hanging over the north end of the yard; just a smoke, and I retraced my steps up and met Captain Hose and the impression down the other end of the yard was that it was an oiler blown up. I met Captain Hose and we together took up a stand in front of the Captain's house and sort of central position, where people could report; anything of this sort, the ordinary routine—directly their ships are secure and safe, they land ships companies and march up for orders and that is what happened and the orders were given.

Q.—You took the necessary steps to do everything you could to look after life and property? A.—I did. And I was assisted at first by Captain Hose and eventually I saw it was no use my taking a top hand because I could not rush about and see things I could see on the ground but not horizontally; eventually I said to Captain Hose I think about 11 or 12, I don't think it is any use my pretending to be in charge any longer you had better take charge.

Q.—Up to that time Captain Hose had no charge? A.—No, I was in charge and he was assisting.

Q.—I understand Captain Hose's duty was in charge of patrols? A.—Captain of patrols. He was second in command of the port.

Q.—Second in seniority to you? A.—Yes, that is right.

Q.—It is a fact apparent from the regulations we have been dealing with that there are special regulations of the port with regard to ships carrying explosives. A.—There are none I know of prior to December 6th.

Q.—It has been suggested a number of times that such ships should carry some distinguishing mark such as a red flag? Which I believe was the practice before the war; what would you say about that?

A.—Red flags mean all the world over, a ship is working munitions out of her hatches into barges, or from one hatch to another alongside a wharf; on actually working stuff into the barge she flies a red flag and when the barge is shut off and the holds closed the flag comes down.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 41.
Evidence of
Captain
Frederick
Claude
C. Pasco,
Direct-Ex-
amination,
January
23rd, 1918.

Q.—What do you say in view of war conditions here as to the advisability as to a ship carrying a red flag? Approaching and leaving a port?
A.—It would be suicidal—giving information to enemy agents.

Q.—In preparing the regulations for the Port of Sydney did you consider it necessary in connection with ships carrying explosives to guard against what might be called violations of the rules of the road by ships at sea, or approaching or leaving a harbour? A.—I didn't. It certainly did not occur to me that a ship would be coming up a harbour like a piece of fireworks ready to be exploded.

Q.—Or it didn't occur to you in broad daylight in the harbour that 10 two ships, one entering and the other leaving, would come into violent collision? A.—That does happen; I don't expect a ship to blow up because she had had a collision.

Q.—That didn't suggest itself to you as reasonable or likely? A.—No.

Q.—Can you properly tell the court whether any arrangements more effective or more elaborate have been made as regards ships carrying explosives since the accident? A.—Since the accident an arrangement has been made when a munition ship anchors on arrival at the examination anchorage she is not allowed to move again until all big ship traffic —I don't mean ferries and tugs—is stopped and then she is ordered from 20 there up to a certain anchorage where we think she is far enough off all buildings and so on, or from congested buildings, if anything did happen she could not do much damage and when she moves again the same thing occurs, the traffic is stopped.

Q.—If a ship carrying explosives is coming in port, no ship is allowed to move in the harbour when she is coming up and going out? A.—Yes, with this exception, when she goes out she goes in the convoy, and if she is the 19th ship, when the 18th goes she goes; there are no ships coming in the opposite direction. A signal station is now being erected at the entrance to the Narrows and when that signal station is completed, and with 30 the same arrangements on the fore yard of the Niobe, the department has ordered no vessels, munition or otherwise, shall cross each other between No. 2 Deep Water and the Basin. If there is a ship coming in no ship is to go out until the other ship is in the Basin whether munition ship or otherwise.

By Mr.
Burchell.

BY MR. BURCHELL:

I would suggest, I must say the matter is not clear to me yet with regard to the harbour regulations; I wired myself to Ottawa to get everything there was there in connection with the traffic regulations of the harbour and I received this Notice to Mariners which has been put in evidence and 40 apparently in 1916, August, apparently the Notice to Mariners was issued stating that during the continuance of hostilities regulations were under the direction of the Naval Service, represented by Captain H. M. C. Dock

RECORD. Yard. Masters and others must obey their instructions. I presume there must be an order in Council. It won't do for the Deputy Minister to sign a Notice to Mariners and I think it would be better if Counsel for the Government had put in the Order in Council and if he has not got it he should get it.

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MR. HENRY: I may say the Department has furnished me with everything they have and no Order in Council has been supplied to me.

MR. BURCHELL: I find after that Notice to Mariners was issued, in August, 1916, placing the whole Dock Yard under the Department of the Naval Service, I find an Order in Council was issued dealing specifically with traffic regulations of Halifax Harbour. I want to know what regulations are in force; how, and under what authority. I have here a regulation issued on Wednesday, 15th November, 1916, two months after this notice to Mariners was issued placing the harbour control under the Department of the Naval Service; I don't know where I am in this matter. 10

BY THE COURT: Somebody should inquire whether there are any more Orders in Council.

MR. HENRY: I will wire the Department direct.

MR. BURCHELL: If that is a regulation of Halifax harbour it is not in the public traffic regulations handed in here. 20

BY THE COURT: That is amending some earlier order.

MR. BURCHELL: I presume there must be an Order in Council and I would like to have it.

MR. BURCHELL TO WITNESS:

Q.—This is an Order of the port? (M. B. E. /64). A.—Yes, I know it.

Q.—It is not printed in the regulations? A.—No. There is a rule in the regulations more or less the same thing; H. M. Ships are allowed in any time day or night; they have precedence; fog or otherwise. I don't know the actual wording. 30

Q.—The captains know all about this rule? A.—I imagine they do; I think so.

Q.—You don't know if the Order in Council was passed? A.—I don't know there was an Order in Council; I remember it coming out as a Departmental Order I thought; I remember the order coming out quite well as a Departmental Order. I didn't know it was an Order in Council.

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Q.—R. /53 you are familiar with that? A.—This was brought out when the second line of nets was put across the harbour.

Q.—Refers to regulations about the nets? For instance I see here no vessels are to approach the gate within two cables until signals are hoisted speed must not exceed seven knots? A.—That is going through the gates.

Q.—Outward bound to give way to inward bound? A.—That means if there is a ship coming in and one going out, the gate regulates the thing; they hoist we are open for inward bound and they keep the outward bound waiting until the inward bound is through. 10

Q.—That refers only to going through the gates? A.—Yes, that is only to wait his turn; it is presumably not to keep a ship outside where she may be a prey to submarines.

Q.—Is it a fact that in Sydney Harbour ships fly the red flag if they have munitions on board? A.—I should say not.

Q.—It is not at present? A.—No, and I should have stopped it if I had noticed it.

Q.—Some of the captains here from Sydney told us they did fly them—they might mean before the war? A.—Yes. Or a ship might be flying the red flag and I don't know; I heard the other day there was a ship 20 went out with the last convoy flying it and I have been trying to find out since about it.

Q.—You know the regulations about Petroleum? A.—I heard last night there was a local order they flew a red flag.

Q.—It is an Order in Council from Ottawa? A.—I meant Canadian.

Q.—R. /54 "Flag on vessels bearing Petroleum?" A.—I was not aware of that before.

Q.—Apparently while in Canadian waters she has to have a red flag bearing the word "Petroleum? A.—Yes.

Q.—There is an Order in Council here; are you familiar with R. /44 30 which gives the Harbour Master authority to direct where any vessels loaded with explosives shall be anchored and to order the removal of the vessel from any part of the harbour to another part; that was made in 1913? A.—No sir; I have not seen that order before.

MR. BURCHELL: I don't think that order has been superceded; it might very well have been; if all these changes have to be made by Order in Council I assume there is an Order in Council for everything and whether R. /44 is still in force.

Q.—When you were acting as Superintendent of the Dock Yard you had full charge of the harbour traffic orders yourself; you didn't consult or confer with the harbour master? A.—No; the only passage I can find with reference to the harbour master in the traffic regulations was that the harbour master is responsible that the ships having been given their 40

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billets by the Chief Examining Officer remained in that position unless he gave orders for them to be moved. I take it the harbour master was more or less responsible that the ship was anchored in her proper place allotted to her; but I am informed that the harbour master has no boat—no means of getting afloat and therefore no possibility of finding whether the ship is in her proper billet or not and the work of seeing these ships—moving them if anchored incorrectly—moving and so on, has devolved from the start on the Chief Examining Officer.

Q.—Are you familiar with this letter R. /57, September 27, 1915?

A.—I don't know anything of that. I arrived here in August 1915. I was here but not in charge of the Dock Yard; I was Patrol then. 10

Q.—Did you know that the harbour master—Captain Rudolph had made an order in 1913 under this order in Council R. /44 to the effect that pilots when bringing in a ship into the port of Halifax, loaded, or in part, with explosives, shall not proceed further north than Georges Island until transhipped by lighter? A.—Captain Rudolph told me a few days ago he had given that order.

Q.—You only heard it recently? A.—That is all.

Q.—That has not been obeyed the last couple of years? A.—No.

Q.—BY MR. HENRY: That only refers to ships discharging explosives in Halifax? A.—Yes, it was meant in the days when the ships were bringing munition and discharging it close to the town wharves. 20

MR. BURCHELL: If the harbour master gave that order and there is an Order in Council cancelling that I would like to see it; I think the regulation is still in force and has been disobeyed.

BY MR. BELL, K. C.

Q.—I understand before being associated with the Canadian Naval Service you were associated with the English Navy? A.—Yes.

Q.—Had you any experience in traffic regulations before you became interested in this country? A.—None whatever. 30

Q.—Do you know anything of traffic regulations in narrow waters in England? A.—Only the ordinary rule of the road laws.

Q.—Do you know of any instance in narrow waters with more or less current where a regulation exists that with one ship, or the other, in crossing one is to come to a standstill? A.—No, except in the Suez Canal; One ship ties up.

Q.—No, comes to a stop; I don't mean to tie up. A.—I don't know; I know of no part of the world where that regulation exists.

Q.—Such waters as the Thames, the Clyde? A.—I must say that in forty years I have been about one year in English waters. I have never been up the Thames or Clyde, only Plymouth, Portsmouth and that 40

RECORD. sort of ports, and when a man of war is going into Portsmouth or Plymouth, narrow part, all traffic is stopped; floating bridges and everything else.

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Q.—That regulation purports to be made by the Order in Council Mr. Burchell read; when a man of war is coming on or out other traffic stops?

A.—Yes it means large vessels.

Q.—Is that to prevent collision with a man of war? A.—It means damage to the man of war; pushed ashore.

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Q.—At Portsmouth and Plymouth the entrance is narrow and is there a very strong tide? A.—It is not the width of the Narrows and a very much stronger tide; runs to seven knots.

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Q.—The Narrows tide is over two? A.—1½; that is spring.

It is hardly worth taking into account.

Q.—How would the entrance to the Narrows compare to Plymouth? A.—It is a right angle turn in Plymouth and in Portsmouth; with conflicting tides; at Plymouth there is a place off Devils Point where seven tides meet and it is quite narrow and runs through there like a mill race.

Q.—You say the regulations in force now are practically the same regulations in force before this disaster in respect to men of war?

A.—Yes, men of war—if a man of war is coming in now we stop traffic.

Q.—And if a munition ship is coming in or out you stop traffic? The same thing? A.—Yes.

Q.—Would it be of any value to send a patrol boat ahead of a munition ship to ensure a clear right of way? A.—I don't think so.

Q.—How is this warning respecting munition ships conveyed to other shipping in port at the present time? A.—No ship now in port is allowed to get his anchor up without permission of the Chief Examining Officer.

Q.—A munition ship comes off the harbour, suppose she comes here in the day time; if she comes at night she anchors there for the night?

A.—Yes.

Q.—Before any ship can get out the next morning they have to get permission? A.—Yes.

Q.—And is information conveyed to all ships in the Basin or Harbour in some way that they are not to start or that permission is refused until that munition ship is up? A.—The Chief Examining Officer would take into consideration how many ships were going out and if say one ship going out he would probably not allow her and bring the munition ship up; and if three or four he would allow them out before the munition was allowed up, when he was prepared to send the munition ship up he has to send up the Basin,—it has unfortunately to be done by boat at present—and hoist a certain flag on the guard ship and that means to all pilots and captains they are not to lift their anchors and that flag is kept flying until the ship carrying the munitions is anchored.

Q.—That practically closes all traffic? A.—Yes.

Q.—At what time do ships in the Basin get their permission to go out; in the morning or in the previous evening? A.—I would not say off hand; if sailing early in the morning, the previous evening perhaps.

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Q.—You are satisfied you see how your regulations are working?

A.—Since this disaster I have been watching it very closely.

Q.—And you are satisfied this regulation as to munition ships is being carefully observed by the shipping? A.—I have not noticed any break of the rule yet.

Q.—Outside of your own notice, you have persons whose duty it is to report if it is not observed? A.—That is right; I have heard no reports that this rule has been broken since the regulation was made.

Q.—Have you officials to report that the rule is observed? A.—My orders are a munition ship is not to move; the Chief Examining Officer, although he is satisfied his arrangements are right, he has not to hoist the signal that she has to come up until he has my permission and on each occasion I am acquainted first before she moves. Whether at the examining station or up there. 10

Q.—Is equal care exercised as to the movements of a ship in the Basin? You have told us the Examining Officer is not to allow the munition ship to move from the anchorage outside the harbour until it has your permission? A.—The same thing applies from the Basin except when the convoy goes; it is reported to me the convoy is going in the morning, say one at 8 o'clock and the next at 8.03 and all traffic is stopped until the last convoy ship goes. No incoming ships are allowed and no ships are allowed to move until the convoys are out of it. 20

Q.—You told us something else; did you say there was any regulation made to prevent ships passing one another or crossing one another in the Harbour at the present time? A.—Except when the convoy is sailing and munition ships; but a regulation has gone to Ottawa for their approval and the signal station is being made so that we will hoist exactly the same signals on the Niobe and on the signal station at the Narrows as at the gate for incoming and outgoing vessels and if signals are up for outgoing vessels no incoming vessel is to move; and if the signal is up for incoming ships no outgoing ship is to move. 30

Q.—And that regulation is only gone up for approval? A.—Yes, it is only waiting until the completion of the signal station.

Q.—You used a phrase in reference to this ship, "fireworks" did that refer to the distinctive character of her cargo? A.—Yes.

Q.—What do you say as to her cargo as distinctive from an ordinary ship carrying munitions? A.—I think it was a combination; she had T. N. T. picric acid wet and picric acid dry; and to top up with Bensol on the upper deck.

Q.—What do you say as to that cargo, would you not call it extremely abnormally dangerous character? A.—Those words describe it to my mind. 40

Q.—I have had it stated to me, I don't know whether correct; a cargo of that description would not be allowed to be loaded on a British ship at all? A.—I am surprised any ship would allow it to be loaded; I am surprised the people on the ship didn't leave in a body.

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Q.—Would there be any control exercised over a British ship to prevent such a cargo being loaded? A.—I am afraid I am not an authority.

Q.—Have the harbour authorities here had any previous warning that munition ships were coming here? A.—As a rule we get a telegram two or three days before that such and such a ship is coming for such and such a convoy, speed, and gun she carries and her cargo, and sometimes it is put munitions and sometimes explosives; on this particular occasion we got two telegrams and the cargo was not mentioned in either; as a rule we have information the ship has left New York for convoy and her cargo is so and so.

Q.—Up to the present time, up to the time of the explosion was there any difference in the regulations respecting a ship loaded with munitions and any other vessels? A.—None whatever.

Q.—Do you know whether at any other places a difference between such ships existed? A.—To my knowledge I should say not; unless the ship is going to discharge or load and then she goes to an outside anchorage while that operation is going on.

Q.—Was it ever discussed with you by anybody here the advisability or inadvisability of bringing munition ships to Halifax at all? A.—No, I never heard the question raised.

Q.—I have been told it was discussed; what would be the objection to them—they come here for the purpose of joining convoy, that is the principal reason? A.—I rather fancy munition has been loaded in ships in Halifax and Montreal and St. John for the last three years; one out of every three or five ships that leaves Montreal leaves with munition in her; and considerable quantities.

Q.—It has been loaded here? A.—I fancy so; and I think by the ship loads of it; I was not the transport officer, but that is my impression. I know they have been loaded in St. John and Montreal.

Q.—Has that practice been continued and they are loading here still? A.—I can't say whether any are being loaded here or not; there is a ship here now; the Picton; it was so much damaged in the explosion—she was filled up with loaded shell; she was not more than 200 yards away from the Mont Blanc when she exploded; the hatches blown to pieces, most of her people on board killed and eventually was dragged down the harbour and then picked up and moored outside; the munition on the ship is valuable and she is alongside the terminals being unloaded at the south end; the munition is being inspected, a proper man has come from the Minister of Munitions to inspect it and help repack in cases and ship as soon as it can go.

By Mr.
Henry.

BY MR. HENRY:

Q.—None of these shells exploded? A.—No, and she was alongside.

RECORD BY MR BELL:

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Q.—Can you say anything as to the danger under ordinary circumstances of a cargo of munitions; what would you say as to an ordinary cargo of explosives? A.—I think if full of T. N. T. I think an ordinary collision would not start it; the only fire it would make would knock the galley stove over and burn some rubbish in the galley; these ships are all iron and there is nothing to catch.

Q.—Have you any theory how this fire started? A.—My theory is the sparks from the impact tearing through and fired the drums of the gasolene; that is only guess work. 10

Q.—The impact of iron upon iron would make sufficient sparks to do that? A.—Yes.

Q.—The vapour from the Benzol would probably catch from that? A.—I think so.

Q.—In a collision of a munition ship without Benzol it would not in all probability have resulted in an explosion? A.—I should say not. I know there are dangerous things, detonators, carried, but we have the assurance of the people who load them, they are all in cases very carefully packed and all stowed in the middle line of the ship and not touching up against the bulkhead with T. N. T. in it. 20

Q.—Do you know enough to say if that could be exploded by contact or impact—T. N. T.? A.—I don't know, I should say not. I don't know sufficiently about it.

Q.—You said about the information you received as to loading on a British ship, of course that would not apply to a French ship loaded in the United States port? A.—I don't know.

Q.—You don't know any authority to prevent a ship loading in such a dangerous manner as this from entering the port at all? A.—If I heard of a ship coming again with a cargo loaded in this way I would send her anywhere rather than in this harbour. 30

Q.—You had no information as to the character of this ship? A.—No information whatever.

Q.—Have any steps been taken by which a more detailed information will be furnished in future? A.—I can't quite answer that question; it was 21 days after the explosion before I went back to duty again and there were a lot of these questions were settled while I was sick; I imagine all these things are being done.

Q.—As far as you can say there is no reason why full detailed information as to the character of the cargoes being loaded in the United States should be given you so as to exercise your judgment as to whether you would admit the ship or not? A.—As a matter of fact it is extraordinary to my mind it was left out in this particular case; because all the time I was in Sydney last year when these convoys was going in, every one that came we got a list of the cargo before she arrived and it is aston- 40

RECORD. ishing to my mind these telegrams came through about the Mont Blanc without the cargo being mentioned.

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BY MR. CLUNEY:

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Q.—You say in regard to these regulations that have been made that ships shall not pass each other in the harbour: does that apply to all ships or just ships in the Naval Department? A.—All ships above No. 2 pier.

Q.—Any regard to size or tonnage? A.—It means ocean going ships; not harbour craft; not tugs and it does not stop ferry traffic; it does not apply to ordinary harbour traffic; any of these sea going ships that went to shift; any ship requiring a pilot and we look to the pilot to carry out our orders.

Q.—You have suggested these regulations be adopted by Order in Council? A.—The other way round I think; the Department of Naval Service instructed me to draw these regulations up to allow no ships to pass in the harbour at all and I modified it a bit; it was a tall order to stop all traffic it is quite wide below and I thought it was sufficient to control people down there and I suggested these new regulations should come into force about No. 2 deep water.

Q.—These regulations of ships not being allowed to go out while another ship is entering, that is a new regulation? A.—That is in force now.

Q.—Any objection to telling who the Chief Examining Officer is? A.—Commander Wyatt.

Q.—There was no person on duty here in connection with the Dock Yard or otherwise who could have prevented the Imo leaving the anchorage at the Basin on that morning? A.—Commander Wyatt could have stopped her; that had better come in his evidence.

Q.—Did it require a regulation; could he have done it without? A.—The Imo ought not to leave the Basin without Commander Wyatt's approval.

Q.—As the regulation stood on the morning of the 6th Decenber? A.—Yes, I think the actual regulations are she shall not move without the harbour master, but he has no means of getting from one part of the harbour to another it is a dead letter and has been done by the Commanding Examining Officer.

Q.—Have the ships always waited for the permission of the officer or only under special circumstances? A.—I think always; as a matter of fact, I believe in this particular case Commander Wyatt informs me he didn't give permission for the Imo to leave.

Q.—She had left without permission? A.—According to Commander Wyatt.

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Q.—Is this the only instance since you have been in charge in which you have not been informed of the nature of the cargo or has that occurred before? A.—I think it is extraordinary but I could not tell you whether there was another case. The telegrams were all in my budget, I suppose 150 every morning, and everything in the Dock Yard comes into me. This particular thing is to do with the convoy and transport ships coming in for convoy and the duplicate telegram goes to the convoy officer and he would worry around about it. I don't as a rule; I glance through the telegrams and unless I see ammunition mentioned I don't follow it up; it does not interest me.

Q.—There might have been a case but you cannot call it to mind? A.—No.

Q.—In regard to the Picton and loading and unloading of the Picton and the nature of her cargo; I want to ask this information more in the interests of the public; that is a perfectly safe proceeding considering the nature of the cargo, it is perfectly safe to unload her at any pier in the Halifax Harbour? A.—Perfectly safe; the only other procedure I should have adopted would be unloading in barges but the barges would be unloaded into the same sheds. It is double handling and it is much simpler to put her alongside. The only danger is to the man who is actually handling the boxes. 10

Q.—What does the danger arise from then? A.—If he carried it a good weight and dropped it, that box would explode, but that would not explode the other.

By Captain Demers. BY CAPTAIN DEMERS:

Q.—Do you refer to T. N. T.? A.—A shell does not explode with firing; it explodes with the second concussion of hitting; there is no danger in handling; the other day we had at Sydney a case of a Russian Cruiser on fire from one end to the other; her crude oil; and we towed her into shallow water where she could sink and every chance of getting her up again; they opened her Kingstons to make her sink as quickly as possible and warned the people around, a few farmers, because there was a certain amount of munition in the ship, ammunition for her guns and we watched her burn; there was a number of cases on his ready rack and when the fire got to this, the same sort of thing—the shell that is stowed in the Picton—when the fire got to these boxes I suppose they followed each other every half minute; they were sailing up in the air; we heard a bang and a projectile went up and landed 100 yards from the ship. I was standing 300 yards away and watched it, and that is all that happened. Every now and again up went another until as many cases as they had ready were finished. 30 40

RECORD. BY MR. CLUNEY:

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Q.—Everybody was prepared for that? A.—But the whole lot didn't go up together; what I am emphasising is the whole box didn't go at once and the radius was narrow, most fell alongside the ship and some not out of the ship at all.

Q.—In your opinion the danger is practically nil? A.—I think the danger is practically nil.

Q.—Considering this is a time of war and a ship loaded with munitions is being loaded or unloaded by means of enemy agencies what is the worst that could happen in destruction of the cargo? A.—In that ship down there now? 10

Q.—Yes. A.—I think if she was exploded in any way if you could start them off they would go a few at a time and so on.

Q.—It would be confined to the immediate locality? A.—Absolutely; and when you get the stuff out on the shed the only damage would be to the actual shed itself, and at the present moment there is quite a strong guard to keep any people away and the men who are chosen to work the munition and reship are all chosen men for their loyalty.

Q.—So at the worst the damage would be comparatively slight? A.—Yes and the chances of any at all is pretty small. 20

By Mr.
Mellish.

BY MR. MELLISH:

Q.—In your opinion the cargo of the Mont Blanc was specially dangerous? Do you mean in itself or from the mode of its loading? A.—I mean putting this Benzol on the upper deck at the last moment; filling her up with high explosives, the highest we have, and putting this very inflammable stuff on the upper deck.

Q.—When you speak of munition ships coming into the harbour; did you refer to cargoes of this character or of such as is on the Picton at the present time? A.—Both sorts; and also I rather fancy our own practice of loading munition ships is to put 500 or 600 tons, or even 1,000 tons cordite and fill up the rest of the ship with canned goods or anything else for cargo. 30

Q.—This cordite; there is a race between it and T. N. T.? Something of the same character? A.—No; T. N. T. is a very violent explosive and cordite is not so violent; it is more violent than gun powder.

Q.—Smokeless powder? A.—Yes.

Q.—Picric acid is more like T. N. T. I suppose? A.—I am not an authority.

Q.—Your idea as I understand it, the reason this cargo is especially dangerous—and you have stated the crew of the Mont Blanc if they knew of it they would leave her in a body—your reason for stating that is because she had 494 drums of benzol on her deck? A.—That is my reason. 40

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Q.—You were simply advised this ship was with munitions? A.—No, I was advised that she was a ship coming for convoy.

Q.—Personally you didn't know she had munitions at all? A.—No; of course, ones memory—I distinctly remember the Mont Blanc passing up the harbour in front of the window.

Q.—Where were you living at the time? A.—Captain Martin's house in the Dock Yard. No thought passed through my mind she had munitions; I simply saw her coming up; I saw her name and thought she was a fine big ship. Afterwards the confusion of the explosion and one thing or another I could not remember whether it was that day or the day before that I saw her; and I asked to find out and found the only time she went up was that morning. She was just abreast of Captain Martin's house No. 4 wharf of the Dock Yard. She was South of the High Flyer then. The High Flyer was more off the Niobe. 10

Q.—Notice whether nearer the Dartmouth or the Halifax side? A.—She went up on the Dartmouth side of the High Flyer.

Q.—Was the High Flyer about mid channel? A.—Yes.

Q.—Did you notice her colour? A.—Moderate grey, not very dark colour.

Q.—It has been suggested that is part of her paint? (Exhibit E. /62). 20
A.—It is quite possible.

Q.—There is a certificate here from the surveyor at New York of the Bureau of Inspection of the Board of Underwriters and they seem to have passed this cargo loaded in that way, because it is especially specified benzol is loaded on deck. (M. B. E. /7). I infer you would not have passed it? A.—I don't know anything about these things at all. As to what governs them; I certainly would not like to have sailed in her.

Q.—And you would not be surprised at the crew leaving her when she took fire? A.—No, not at all surprised.

Q.—Your instructions, I suppose, or advices come from the British authorities from the port of sailing in respect to the Mont Blanc or any other vessel? A.—It comes from the British authorities, direct really to the convoy officer; they only come through me as a medium of communication. 30

Q.—The advice you get whatever it is, the British authorities send it to you; you don't hold any other people responsible? A.—No, the British.

By Mr.
Cluney.

BY MR. CLUNEY:

Q.—Do you know from experience or otherwise whether these cargoes are placed under the supervision of a representative of the Admiralty at New York? A.—I should say this cargo was placed under the supervision of the French. 40

Q.—You spoke of the convoy; this boat came for convoy, how long after the explosion did the convoy leave? A.—I have forgotten.

RECORD. BY MR. BURCHELL:

*In the
Exchequer
Court of
Canada,
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District.*

No. 41.
Evidence of
Captain
Frederick
Claude
C. Pasco,
Direct-Ex-
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Continued.

Q.—Is there any objection to tell us; the fast convoy I understand goes from Halifax; what kind goes from Halifax and what from Sydney in the summer months; what speed has a vessel to have before she will be convoyed from Halifax? A.—I don't know; I don't think that ought to be answered.

Q.—Would you take a vessel with a speed of seven knots an hour in a convoy from Halifax; is there a provision for a vessel that slow?

MR. BURCHELL: There may be nothing at all in it. But the man made a statement his vessel goes seven knots an hour. 10

HIS LORDSHIP: We have an order where she is routed to Halifax for convoy.

Mr.
Burchell.

MR. BURCHELL: He said he didn't think she would be received for convoy on account of her small speed but he was to come here for orders; is there arrangements for a convoy of a vessel of 7 knots.

His
Lordship.

HIS LORDSHIP: Whether he never got a convoy does not affect this.

Mr.
Burchell.

MR. BURCHELL: I don't believe the speed of his vessel is only seven miles; the information is she seemed to go faster; but if it is true that a vessel cannot be taken with less than 7 knots,—I don't know, but 20 if it is true that a vessel of seven knots cannot be convoyed—I don't think he was ever told this in New York and I don't think he would have been ordered here at all; he may be wrong.

His
Lordship.

HIS LORDSHIP: Supposing there is a fast and slow convoy that does not establish her speed.

Mr.
Burchell.

MR. BURCHELL: He must have told the correct speed in New York because I do not think the Admiralty official would send a vessel for convoy to Halifax if he was told the vessel was so slow she could not get convoy in Halifax. This pilot is not a frank witness; if I could accept every statement he made this may be absolutely true. He could tell it in con- 30 fidence to Your Lordship; There may be nothing in it at all.

His
Lordship.

HIS LORDSHIP: I have no doubt there is a fast and slow convoy but I don't think it will enlighten us at all.

Mr.
Burchell.

MR. BURCHELL: If the slow convoy from Halifax is eight miles an hour—if that is the case, it is important to know it in this case.

RECORD. HIS LORDSHIP: You can ask Captain Pasco if a ship as slow as $7\frac{1}{2}$ knots has ever been convoyed.

*In the
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No. 41.
Evidence of
Captain
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Claude
C. Pasco,
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amination,
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Continued.

Q.—Would a ship as slow as 7 or $7\frac{1}{2}$ miles an hour be convoyed from Halifax? A.—I am not in a position to answer; the port convoy officer has entire charge; he collects and arranges them and routes them; and if there is any question about speed he would ask the Admiralty for his authority.

Q.—Referring to this Russian ship in Sydney harbour; I understand some of the Ryssian crew went down in the engine room after the ship was on fire and opened some sea cocks or took the top off the condenser to let the water in? A.—Yes, opened the sea cocks, acting under orders. 10

Q.—From whom; from their captain? A.—Yes, and from us; we concurred in her being sunk the crew were all on board until they were ordered to leave. They opened the sea cocks while actually towing her across; she was on fire and there was no possibility of being put out.

Q.—The ship was sunk and the fire went out? A.—Yes. She continued to burn on top; it was the oil mostly that was burning.

Q.—Do you know anything about taking the top of the condenser? A.—Turn a valve around that is all.

Q.—I am instructed they took the top off the condensers? A.—I don't know. 20

Q.—That would be a quick way of letting the water in? A.—I don't know I am sure; probably would.

Q.—It is a wise precaution to take on all ships to have the sea cocks easily accessible especially on munition ships? A.—Yes. In these days you make use of what ships you have; you can't rebuild them very well.

Q.—It is not a difficult matter to put a sea cock on any kind of ship? A.—The ships have sea cocks connected with their pumps.

Q.—On a munition ship such as the Mont Blanc it would be a wise precaution to have it arranged so that she could be opened quickly? 30

A.—I don't think it takes long to open the sea cock.

Q.—The engineer of the Mont Blanc told us it would take five or six hours? A.—It would take some time to sink the ship and fill her with water.

Q.—He told us five or six hours to open the sea cocks; at all events you think it a wise precaution to have the sea cocks easily available on a ship loaded like the Mont Blanc? A.—That is right.

Q.—You said something about the Imo leaving the Basin that morning without permission of the Chief Examining Officer? A.—So he informed me. 40

Q.—Is there a guard ship in Bedfore Basin all the time? A.—Yes.

Q.—Has an out going ship to get permission from the guard ship to pass? A.—The guard ship is put there entirely for the officer in charge

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 Continued.

of neutrals and we do not have any dealings with them really. I cannot say how their orders come through; the only thing is we are using the guard ship; that is the only way until we can get our signal station ready, to prevent anybody leaving while a munition ship is coming up the harbour.

Q.—Before the disaster, if I went up in a tug boat to Bedford Basin I could not get in Bedford Basin without the permission of the guard ship or out of it? A.—Yes, that is right.

Q.—And that applies to every steamer coming and going? A.—The guard ship is purely up there on account of neutrals. The neutral ships coming in to have their cargoes examined.

Q.—And with an officer in charge of examination of neutrals? A.—The control officer when he is satisfied and he gets permission from the department that a ship can sail he tells the agents of the ship she can go and telephones up to the guard ship that such and such a ship can to but that does not give her leave to lift her anchor. The pilot has orders he is not to have the anchor lifted unless he gets permission from the C. X. O. because he is in charge of the whole traffic of the harbour; the regulation that is printed in that form states no ship is to leave the anchorage without the permission of the harbour master but the harbour master not having had a boat since the beginning of the war that duty has devolved 20 automatically on the C. X. O.

Q.—Do you mean section 18? A.—Yes, I think that is the one.

Q.—You know the pilot is dead and the captain of my ship? A.—Yes.

Q.—Do you say there was something wrong? A.—I didn't want to bring that in my evidence at all but the C. X. O. told me the Imo did not get permission from him to leave.

Q.—Do you know as a matter of fact the Imo was ready to sail the evening before and the pilot went on board? A.—No, the way it came out in my evidence was this; I think I was asked if I knew for certain the ships obeyed these orders and didn't leave their anchorages until the 30 C. X. O. had given permission and I said, unfortunately, I heard that the Imo had not permission that morning.

Q.—I am reading Section 21 of the regulations; if the ship gets permission from the custom officer under your own regulations is that not sufficient? A.—No, he has got to conform with the traffic regulations and he cannot move down the harbour without giving information to the C. X. O.

Q.—Do you mean to tell me that the guard ship you have in Bedford Basin would let a ship go out improperly? A.—That guard ship has nothing to do with this question.

Q.—What do say it is there for? A.—Simply on account of the control; suppose when we had this—last year—when they first came here and we had all sorts of ships coming with suspects on board; if one of these ships had attempted to go out the guard ship would have stopped her the moment she moved until the control officer had telephoned up to say so and so has permission to leave.

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Captain
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Claude
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Q.—You say this statement was correct, The Imo could at any time after she came into port go down past the guard ship and the Narrows and the guard ship would not interfere at all? A.—The Imo was a Belgian Relief and I think she was in for this very purpose of being examined by the control officer.

Q.—Who gave permission for the Stella Maris to go up with the two barges? A.—I would say the Stella Maris goes under the rule of all small tugs and harbour craft that can move about.

Q.—Who was controlling them that morning? A.—The tugs?

Q.—Yes. A.—They control themselves; there is no order about them: going up and down the harbour, or stopping; when we stop the traffic to let the convoy go down we don't stop the tugs. 10

Q.—Is there any regulation to prevent a tug with two scows behind it, say with 75 yards of line, going up the Narrows when another ship is coming down? A.—No.

Q.—And nothing to prevent her going up or down with a munition ship coming? A.—No.

Q.—And the Stella Maris would not have to ask permission from anybody? A.—No.

Q.—Nobody was exercising control over her at all? A.—No. If the Stella Maris is taking scows alongside a ship in the Basin she has to get permission.

Q.—The Stella Maris would have to call at the guard ship? A.—I fancy should get permission from the patrol officer, Captain Makins, to go about her work; he is an officer of the Imperial service out here simply and purely for the examination of neutral ships and that guardship is put up there—his boarding people, his officers live on board that guard ship; it has nothing to do with the ordinary work of the harbour. Purely and simply to do with the examination of these neutral ships calling here to get their free passage across to prevent them going to England. 30

Q.—We have not mentioned anything before about the Imperial officers having anything to do with the harbour? A.—They have not.

Q.—You said Captain Makins would have to give permission to the Stella Maris? A.—Last year when this neutral shipping commenced to come for examination, it is to prevent them having to go to various ports in England and therefore having to cross the danger zone, they are going to Holland and Neutral countries and the government said in order that they would not have to go across the danger zone they might come to Halifax to be examined here and the English government sent out officers to do this examination. As a matter of fact until the actual officers arrived in the place I was put in charge of it and for a month I did exactly what Captain Makins is doing now. The harbour authorities, Captain Martin, decided the place for these neutral ships to anchor was up in the Basin and to prevent irregularities they were not allowed to have communication with the shore except under supervision and to prevent irregularities we 40

RECORD. put a guard ship up there; we lent them the vessel and they put their own people on board her to stop any boats going up or stop any irregularities at all, or boats coming down. Every boat that went to a neutral ship had to come back to the guard ship and be examined to see if they were landing papers, documents or anything like that; or contraband.

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Q.—As I understand it, the guard ship is really an Imperial boat?
A.—Carrying out Imperial work.

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Q.—And looking after just such ships as the Imo? She is a neutral boat?
A.—Yes.

Q.—One of the very vessels she is put there to look after?
A.—Yes; 10 but when it comes to the time, the control officer can say to the captain of the Imo we have finished your examination, you are free to go; the captain of the Imo then has to apply to the retaining officer for clearance.

Q.—The Collector of Customs?
A.—Yes, and the pilot who takes him down the harbour is not allowed to lift his anchor without referring the C. X. O.

Q.—Where is that regulation?
A.—The regulation is that the ship is not allowed to move without permission of the harbour master and the harbour master has dropped out and the C. X. O. has taken it over auto-
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Q.—The section 18 you referred to refers to a change of berth?
A.—If he has to move at all, I take it; if he is going to sea he is changing his berth.

Q.—Do you mean to tell me a change of berth within the meaning of Section 19 means going to sea? That means moving from one place to another?
A.—I think likely it does mean that; at the same time I think it also means as leaving the harbour is not mentioned at all.

Q.—It is mentioned. You made a statement that apparently the Imo did something wrong that morning; my pilot and captain are both dead and if you made a statement he did something wrong I have to investigate 30 it; I want to find what regulation she violated if any.
A.—The pilot or the captain of the ship must communicate with the C. X. O. he gives him the time he can go; the main bearing on the point is that down the harbour are two sets of nets with a gate in each of these gates which have to be opened to allow a ship to go out and he has got to inform—or the agent, I am not certain which does it—to inform the C. X. O. such and such a ship will be ready to go at 10 and the C. X. O. says you cannot go until 2.

Q.—What you mean to say is you have got to get the permission of the C. X. O. to arrange for the opening of the gate?
A.—Yes. He arranges 40 the whole traffic up and down the harbour and he cannot do it if people raise anchors as they choose.

Q.—Do you say he undertook to regulate traffic going up and down the harbour before the 6th December? The Stella Maris?
A.—I don't think he took notice of the Stella Maris.

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Q.—And there was no attempt to regulate the traffic in the harbour before the 6th December in respect to other ships than warships, moving?

A.—There was no attempt to stop them crossing but there was an attempt to regulate traffic because of the gate. If there are 15 ships we don't want them all to come and anchor outside the gate in a bunch.

Q.—Assuming there was no gate there the pilot of the Imo would not have to get permission of the C. X. O. to leave; it was only to arrange the proper time for the gate? A.—I should say probably that would be it; if we had no gate we would not be a defended port.

Q.—The C. X. O. has nothing to do with the leaving of a ship like the Imo for sea except with relation to getting him through the gates? 10

A.—That is right.

Q.—You spoke about the red flag being suicidal; all these regulations in Halifax harbour is just about as bad now? A.—I don't agree at all; absolutely I disagree.

Q.—You said the carrying of a red flag before the 6th December would be suicidal because it would give notice to enemy agents a munition ship was in the harbour? A.—It would mark a ship out which was a munition ship.

Q.—If you stop traffic in the harbour now as you say you are going to do, does that not give the information? A.—The latest orders are traffic is to be stopped one way if a ship is coming up the harbour no ship is to go down whether a munition ship or what they are. 20

Q.—There is a general rule no ship must go out if one is coming in? A.—About No. 2 pier Deep Water; that comes into force as soon as the signal station is completed.

Q.—Are you familiar with the Narrows at all above pier 2? A.—I have been there a few times.

Q.—There is quite a sharp bend above pier 9? A.—I would not call it a sharp bend. 30

Q.—Fairly sharp bend? A.—Easy bend.

Q.—A ship going up the Narrows and another ship coming down passing off pier 9, both have to have room to swing. A.—They are under way?

Q.—Yes. A.—That is 300 yards between the five fathom line.

Q.—You think it is all tight? A.—I think perfectly all right.

Q.—Who is the man that can tell us of the convoy and the speed they can take vessels for convoy on the 6th December? A.—I think Rear Admiral Chambers. He is the officer in charge of convoys.

BY MR. MELLISH:

Q.—Are there special hours for having the gates available in the morning and evening for example? A.—No, it is altered daily. 40

Q.—As occasion may require? A.—Yes.

RECORD. BY MR. ROBERTSON:

*In the
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Q.—Are there any instructions to the Pilot Commission that the pilot must get his orders from the C. X. O. before lifting the anchor; before leaving the port? A.—I can only speak from hear say, I believe so; the C. X. O. will speak directly.

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BY MR. HENRY:

Q.—I don't know whether your attention has been called to Section 17 of the Regulations of 1915? The C. X. O. of shipping has authority for movements of all vessels in port and vicinity? A.—I am aware of that.

Q.—Did you have that in mind when saying that the C. X. O. as it were was the last authority and must be consulted before a ship starts to sea? A.—Yes, he is responsible for the movements of ships in the harbour and it is up to him; he must know when a ship is going to move.

By Mr.
Burchell.

BY MR. BURCHELL:

Q.—That includes a vessel like the *Stella Maris* too? A.—No.

Q.—The C. X. O. has authority for the movements of all vessels in port and vicinity; if you make a general statement like you did be fair about it?

A.—When I am talking of vessels and that sort I mean ocean sea going vessels.

Q.—You made a statement whether you made it or not Mr. Henry got you to say it, no vessel could take up her anchor and move without the C. X. O's authority. A.—It is absurd to think every little motor boat is going to ring up and ask if it can move. That is something too ridiculous.

Q.—But with all deference it is no more ridiculous than the statement you made; I want to be fair; you are putting questions very hostile to the ship I am representing; I don't think you mean what you said to Mr. Henry yourself; do you think rule 17—I will read it; do you think that means that every vessel that raises an anchor in Halifax Harbour is first to get the permission from the C. X. O. If you say that— A.—I think the C. X. O. has instructed—that is what I believe—I believe the C. X. O. has instructed the Pilot Commission for the pilots that they are before lifting their anchors they are to inform him.

Q.—You don't know anything personally? A.—No, I don't; ask C. X. O. himself.

Q.—In answer to Mr. Henry the Government counsel, he has made you say—

Mr.
Henry.

MR. HENRY: I have been very patient; I think he should be restrained from making suggestions that I made any witness say anything.

RECORD. I asked the witness a question and he answered it. I think my learned friend should be restrained from making insinuations that I or anybody induced Captain Pasco to say anything.

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Q.—Do you think section 17, for vessels that move an anchor in Halifax Harbour, they must get permission of the C. X. O. A.—I don't mean dinghys, I mean sea going ships. No tugs, but every ship that moves before she moves she must get permission; ships that take pilots which shows she is a certain size; and the Stella Maris don't.

BY MR. BELL:

Q.—The Russian Cruiser—you mentioned Kingstons; that is a phrase 10
peculiar to merchant vessels? A.—It is a large sea valve that brings the water up to the pumps in the various parts of the ships. In the old days when they used salt in the boilers, the outside valve in the bottom of the ship was called Kingston.

By Captain
Demers.

BY CAPTAIN DEMERS:

Q.—If I should ask any questions about which there is any secrecy you need not answer them; who has framed the regulations governing the traffic in the harbour of Halifax prior and up to the time of the 6th December last? A.—Over the signature of Captain Martin.

Q.—Are you subordinate to Captain Martin, because he has the same 20
official title as yours? A.—I happen to be senior to him.

Q.—Whilst you were to take charge of the port of Sydney you said you were guided in the framing of the regulations by those framed by Captain Martin and you made some alterations to suit local conditions.

A.—That is so.

Q.—When you were transferred to Halifax you became head of the port for the time? A.—Yes.

Q.—And you followed the regulations already framed? A.—Yes.

Q.—Did you think it was proper for you to suggest any alterations 30
to these regulations in course of transference and being senior officer?

A.—Unless anything was serious I should not alter any regulations made by my predecessor; if I was only here for a month I would refrain from altering anything if I could.

Q.—And these regulations seemed to you to be proper at the time? There was nothing came to your mind of any change that could be effected?

A.—No.

Q.—Who is this transport officer? A.—Commander Holloway.

Q.—Comes under your guidance for instructions? A.—Yes.

Q.—Does not the examining officer report to you before a ship is al-
lowed to pass the gate as to the nature of the cargo contained in that ship? 40

A.—No.

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Q.—No regulations to call upon to report to you? A.—No, since the explosion I have given him orders to inform me when any ship is coming in with munitions. In the face of your statement that you did not receive the usual information from New York as to the nature of the cargo of the *Mont Blanc*, was the name of the ship reported to you by the Examining Officer when he allowed the ship to come through the gate?

A.—No.

Q.—So you could not surmise then it was the very ship; you had no idea of the nature of the cargo? A.—No.

Q.—Is the Examining Officer supposed when examining a vessel to look at the papers of that ship? And to enquire as to the nature of the cargo she carries? A.—He always enquires the nature. It depends on the ship whether he asks to see her papers. The only object in asking to see her papers would be if he had any suspicion of her being an enemy ship or acting suspiciously.

Q.—I think it was shown in the course of the evidence it was said by Captain Le Medec that the Examining Officer knew, he was told the nature of the cargo when he boarded her? A.—He is sure to have asked.

Q.—He was informed? A.—Yes.

Q.—On the strength of your statement—that the crew should have deserted in a body at New York? A.—I am surprised they did not protest.

Q.—If you had been in the place of the Examining Officer would you have reported to headquarters as to the extrarodinary cargo the ship was carrying? A.—It is very hard now after what has happened to be perfectly certain what one would have done if one had been told in a casual way.

Q.—You would give the information now. A.—Decidedly.

Q.—This red flag business, you say it refers to transferring cargo by lighter, or from lighter to ship; by hoisting the red flag it was a distinguishing signal of some nature; would that be an advertisement for the ship? A.—I think it is giving information where it would be marked; the enemy agents could pass the word to look out for such and such a ship in the convoy, she is the one; look out for her.

Q.—Do you suppose German agents in New York didn't know the nature? A.—Very likely. But when she left New York they might not have known she was coming here.

Q.—Would the hoisting of the red flag have prevented the collision at all? A.—No.

Q.—If you hoist the red flag on board a vessel in transshipment of explosives would that also prevent collision? A.—No, I think it is an old time regulation to prevent steam tugs going along and puffing sparks; or men going on board smoking; keep away from this ship she is handling munitions.

Q.—If you hoist the red flag on board a vessel in transshipment of explosives would that also prevent collision? A.—No, I think it is an old time regulation to prevent steam tugs going along and puffing sparks; or men going on board smoking; keep away from this ship she is handling munitions.

Q.—You have stopped all traffic now since this explosion that concerns vessels of certain tonnage; sea going vessels; do you think there is no dan-

RECORD. ger on the part of a tug boat of a collision and damage being inflicted to a ship by a tug boat? A.—Yes.

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Q.—Even your tenders and patrol boats? A.—Yes, tug boats are more readily handled than big ships; they can twist and turn and there would be less chance of collision.

Q.—But they very often get mixed up? A.—Yes.

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Q.—I have been in enquiries where tug boats did just as much damage; this regulation should concern all ships in the harbour when a munition ship is brought here; would it not be proper? There is always danger even on a tug boat? A.—I take it.

Q.—I am not criticising your regulations? A.—If you asked where to draw the line; a fellow comes in a steamer and he might crash into the wharf; if you bring it to a logical conclusion you would have to mention—take all ships to St. Margaret's Bay and bring in a munition ship and even then she might bump in a wharf.

Q.—You said there would be no danger in bumping against a wharf? A.—If you add on to your order all small craft; where would we draw the line.

Q.—I understand you say it was a logical conclusion? A.—If we come to the bottom of it, you must empty the harbour first and then bring the munition ship up.

Q.—Come to a stand still? A.—She may run into one of these ships at anchor; the munition ship.

Q.—I understand you this interrupting of traffic exists from the gate up to Bedford Basin only; from George's Island? A.—From the gate up at present in force; from the inner gate.

Q.—And the munition ship coming from Chebucto Head is likely to get in collision? How far does it extend—only to the gate or further? A.—The Harbour of Halifax extends to Devils Island.

Q.—Then your interruption is only for a section of the harbour? A.—Yes.

Q.—Is a munition ship constituted His Majesty's ship? A.—No.

Q.—So therefore what Mr. Burchell read in these regulations of hoisting the jack does not apply to munition ships? A.—No; I take the hoisting the jack was due to the size of the ships; those big fellows coming in. If they had to haul out of their way and so on for small craft, they are harder to handle; for ships like the Olympic; they always try to give them clear way.

Q.—The Admiralty has formulated regulations since the war began for ships carrying dangerous goods to have electric lights, since the war it has been formulated and the merchant and all other vessels are supposed to carry oil lighted lamps? A.—I have not seen that.

Q.—I wonder what is hoisted in the day time? A.—I don't know.

Q.—If you show by electric lights the vessel carries dangerous goods,

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does it not apply to T. N. T. picric acid and these things; already a vessel carrying petroleum is advertised by electric lamps which have more brilliancy than oil lamps? A.—I have not seen the orders; as far as I know the orders are the ships goes without lights.

Q.—Since the explosion you have some new rules framed by your department or yourself possibly? A.—Yes.

Q.—These rules that you have framed will they prevent an explosion? A.—They will prevent a collision.

Q.—These regulations only refer to collisions; not explosions?

A.—Collision only, and also a rule that the munition ships are anchored 10 in certain parts of the harbour where it is considered they do less damage if they did blow up.

Q.—Then your regulations cover only from the gate up to Bedford Basin?

A.—In Bedford Basin.

Q.—There would be no danger; the devastation would not be so great?

A.—No.

Q.—Has the harbour master ever asked for help for a boat in order to go and see the anchorage of a vessel from your office? A.—Not since I have been in the office.

Q.—You don't know if he has made a request at any time? A.—I 20 have seen the copy of correspondence where he applied to the Deputy Minister for a boat and he was told to apply to the Naval Service and they said they could not supply the harbour master with a boat.

Q.—As far as you know has he ever applied for a boat to give orders to ships at anchor? A.—I don't know.

Q.—If he did apply would you grant his request? A.—I think we would put it to him he ought to get a boat of his own.

Q.—Then you would refuse? A.—It would depend on the circumstances; if there was a boat available and the thing was urgent, say yes certainly; but for goodness sake apply to your department and get a boat 30 of your own.

Q.—That would be the first reply? A.—Yes.

Q.—And subsequently we will let you out of the scrape and lend you a boat for the time being? A.—Yes.

Q.—Before the disaster things were not watched very closely? Traffic and that kind of thing? A.—I would not like to say that at all; I was here six days before.

Q.—You say a closer watch is established now? A.—I am personally watching this for all I am worth; all my whole time before was taken up with Dock Yard matters and my own energies are in the Yard and this 40 comes under me; since this happened I have been most watchful myself.

Q.—I infer from that statement there might have been dilatoriness on the part of the officials under you? A.—I don't say that at all.

Q.—I infer that because you say you watch closely now? A.—I do.

RECORD. I give it much more attention than I think is necessary. My subordinate is the one who does the show and I am only an overlooker.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

Q.—The overlooker is the responsible one? A.—I don't want to shirk my responsibility for a moment; but I won't say for a moment it was not properly watched before.

Q.—There is more attention paid to it now? A.—I am paying more; I don't say on the part of my subordinates; I say myself.

No. 41.
Evidence of
Captain
Frederick
Claude
C. Pasco,
Direct-Ex-
amination,
January
23rd, 1918.
Continued.

Q.—The new regulations, have you framed them? A.—Yes, and sent them; the regulations that are in force at present moment were framed by Captain Hose while I was sick; the regulations that are coming in force were framed by me and I have sent them to Ottawa for approval, a fortnight ago or sometime ago. 10

Q.—And you have had no reply yet? A.—No.

Q.—And the collision took place on the 6th December? A.—The regulations in force now are sufficient to meet requirements. The regulations coming into force are different altogether.

Q.—The regulations stopping the traffic? A.—That is in force now.

Q.—That has been approved from Ottawa already? A.—The regulations that are in force now are when munition ships are moving; the regulations coming into force are that when another ship is coming down the harbour one is not allowed up; no crossing of ships above pier No.2; these have not been approved yet. 20

Q.—Is there any official gives information from New York about the nature of the cargo of ships coming to Halifax? A.—Yes.

Q.—And this official did not in this instance give you the nature? A.—I could not find the telegram that shows it.

Q.—The captain of the Mont Blanc said that all ships he knew of that type of the Mont Blanc were being loaded similarly as the Mont Blanc; taking benzol on deck; you don't approve of that system? A.—I should not think it was correct; I should not think any more would be loaded like that. 30

Q.—Supposing this collision had not happened and the Imo had left without permission what would have taken place in your office to prevent recurrences? A.—I should have written to the secretary of the Pilot Commission about it and asked him to take steps; if it happened again I should address the Department to bring him into court.

Q.—You are positive instructions had been issued prior to that that no ship should leave without permission? A.—I am of that opinion, the order would come from the C. X. O. he is the authority to regulate the traffic in that way. 40

Q.—The Imo left Bedford Basin without permission; could she have passed the gate without being challenged? A.—If the gate was open for outgoing ships yes.

Q.—So at the gate, these two boats that attended the gate have no instructions to stop such vessels? A.—No.

RECORD. Q.—Have they instructions now? A.—I don't think so.

In the Exchequer Court of Canada, Nova Scotia Admiralty District. Q.—The guard ship has instructions to prevent a vessel sailing at the present time? A.—She has instructions from the patrol officer.

Q.—And not before? A.—He has to do with neutrals; she is there purely in connection with neutrals and when the patrol officer has had this neutral ship examined and finds there is no contraband and nothing wrong, I think he asks permission from the Department or Admiralty as to whether she is allowed to do; sometimes the Admiralty keeps neutral ships here some weeks, when he knows he can get clearance he tells the customs people and also the guard ship that vessel can depart. 10

No. 41. Evidence of Captain Frederick Claude C. Pasco, Direct-Examination, January 23rd, 1918. Continued. Q.—In this case a skipper might have been told he had got clearance and he might have suggested to the pilot to get up anchor and go; that it was all right? A.—I only heard it yesterday the Imo had left without authority and I didn't wish it produced in my evidence; I didn't intend but I was asked if these regulations were always carried out and I said in this particular case I heard it hadn't.

Q.—Prior to the collision the entire control was under the control of the Naval Department and great diligence was exercised? A.—Yes.

Q.—And possibly a ship might leave the port in the face of the officials without having permission? A.—Is that a question? 20

Q.—Is it possible it could be done? You said you were exercising closer supervision now than before and you didn't accept my contention. A.—The pilot takes our orders and we give a pilot an order he is not to move until he gets certain instructions and we take it they carry out our orders; we have not enemy pilots I don't think; the pilot is dead now and we have no means of bringing it up.

Q.—From your office had the permission to come or not; would your office know? A.—The office might have made a mistake but that is what I am informed.

By Mr. Mellish. BY MR. MELLISH: 30

Q.—Having regard to the exigencies of the present time, is it a reasonably practical thing to keep these munition ships outside Halifax harbour altogether and have them examined outside and take the convoy outside? A.—The objection to that is very strong; having a vessel hanging around outside the harbour.

Q.—Dangerous for the vessel? A.—Yes; and many of them want coal or oil; they come here half loaded with certain amounts of munitions and take oil in their double bottoms and they come here to get it. The Military objection is a very strong one.

RECORD. BY MR. BELL:

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 41.
Evidence of
Captain
Frederick
Claude
C. Pasco,
Direct-Ex-
amination,
January
23rd, 1918.
Continued.

Q.—It has been suggested that the ships that come for convoys instead of coming here might go to some other harbours along the coast and receive instructions by wire or telephone to join the convoy up the coast.

A.—If you do that you will have to have that particular port with its defences and mine sweepers and so on, to prevent the enemy laying traps in the way of mines or submarines.

Q.—Have to be equipped the same as Halifax? A.—Yes.

Q.—That would not apply of course to vessels that load munitions here? A.—No; unless you run a railway to Ship Harbour and load them there. 10

Q.—The question of the railway would be a determining question in that respect. A.—I might be wrong but I believe these ships have been loading all the time by Montreal and St. John.

Q.—Would there be any difficulty on the score of ice in these ports down the coast? A.—I should not think this side—the ice could be broken in Nova Scotian ports with tugs.

Q.—Apart from fortifying the port there would be no difficulty in a ship receiving instructions to join the convoy by telephone or wireless?

A.—They do join convoys I believe occasionally at sea; but it is not a 20 plan that recommends itself; merchant ships are not accustomed to moving about in fleets and not accustomed to handling their ships among other ships and so on and it is much better organized—a fleet of convoy is better organized if they can be collected in a port and the captains interviewed and so on.

Q.—I think you told me that question had never been considered by you or the Naval authorities here of munition ships going to another port, another Nova Scotian port. A.—Before the explosion?

Q.—Yes. A.—No, I don't think so.

By Mr.
Cluney.

BY MR. CLUNEY:

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Q.—Captain Demers asked you as to the possible danger from craft engaged in harbour traffic; would it reduce the possible danger from collision with tugs or larger sized boats if the munition ship had a convoy coming up the harbour; would it be greater protection to the ship itself? A.—Personally I don't think so.

Q.—It would not minimise the danger? A.—I don't think so.

By The
Court.

BY THE COURT: This other port idea seems to me like throwing off the burden, we don't want to get blown up ourselves but we don't mind others.

Mr. Bell.

MR. BELL: The risk is not so great; not so much traffic.

40

RECORD BY MR. HENRY:

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 41.
Evidence of
Captain
Frederick
Claude
C. Pasco,
Direct-Ex-
amination,
January
23rd, 1918.
Continued.

Q.—I have here an official publication; it comes from the United States. The Interstate Commerce Commission; for the transportation of explosives and other dangerous articles by freight and by express and specifications for shipping companies. (E./65). Page 63; picric acid wet with 20% water is specified as inflammable; dry it is a high explosive; T. N. T. wet with 20% water is inflammable; dry it is a high explosive. I don't think the picric acid in the hold was moist; that was by far the largest bulk; in between deck was picric dry and T. N. T. and gun cotton in one of the after tween decks. The whole cargo of tween decks was high explosives of one form and another and benzol on deck. 10

AND FURTHER THIS DEPONENT SAITH NOT.

R. ECCLES,

Official Reporter.

No. 42.
Evidence of
Commander
Frederick
Evans
Wyatt,
Direct-Ex-
amined
by Mr.
Henry K. C.

No. 42.

COMMANDER FREDERICK EVANS WYATT, BEING CALLED AS A WITNESS AND DULY SWORN, DOTH DEPOSE AND SAY AS FOLLOWS:

EXAMINED BY MR. HENRY:

Q.—You are a Commander? A.—Yes, R. N. R. 20

Q.—And you have been acting for some time past as Chief Examining Officer? A.—Since about September 1915.

Q.—You are I presume familiar with the regulations governing the traffic of the port? A.—I should be.

Q.—Do you understand that the movements of vessels in the harbour, large vessels not tugs, are under your authority? A.—They have been to a certain extent; to this extent, I allow a ship a berth to go to when she come in; certain ships to certain wharves or places in the harbour, but owing to the harbour master not being able to see that these ships have been in their berths, through not having a boat, which is one of the primary duties of the harbour master on occasions when a pilot has anchored a ship in a wrong place I have had personally had to go and shift her in a proper safe position. I have not been appointed as harbour master. 30

Q.—But doing the harbour master's work? A.—On certain occasions.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 42.
Evidence of
Commander
Frederick
Evans
Wyatt,
Direct-Ex-
amination.
Continued.

Q.—The various officers who are on duty at the examining station at entrance to the harbour are men in your department and get their instructions from you? A.—Yes.

Q.—There were not prior to the 6th December 1917 any regulations which differentiated the treatment to be accorded to vessels carrying explosives in and out from vessels carrying other kinds? A.—Only these ships that came in here—two Furness Withy boats with 50 or 60 tons of stuff which vessels were not allowed to go beyond George's Island.

Q.—Were they going to land the explosives here? A.—Yes.

Q.—With the exception of these; I am speaking of ships coming in with explosives on board or to load here; were they treated any differently up to December 6th from any other cargo, carrying explosives into port? A.—They go up to Bedford Basin as usual for all ships for convoy.

Q.—There was a particular place for all ships for convoy, where all ships of that character were to go and the Examining Officer at the anchorage knew where that place was and it would be his duty to direct the pilot or master to put that ship in that particular place? A.—Yes.

Q.—And that would be the same whether the ship had explosives or a non dangerous cargo? A.—It didn't make any difference.

Q.—Can you tell us who was the examining officer at the anchorage on the morning of the 6th December? A.—Mr. Freeman.

Q.—And he is here this morning? A.—Sitting in court now.

Q.—Did the examining officer have any instructions to report to you or to any other officer especially the nature of the cargoes of vessels coming into the harbour? A.—That is always done.

Q.—Then it was his duty to ascertain the nature of cargoes of vessels coming into port? A.—Yes.

Q.—When would he report that? A.—Possibly anything from a quarter of an hour to 25 minutes to get the signal up.

Q.—That signal would be made out at the anchorage ground? A.—Transmitted from the anchorage ground.

Q.—That was a method? A.—Yes; transmitted by signal all messages of ships coming in to my office.

Q.—Were you informed on the evening of the 5th December that there was a ship at the anchorage ground carrying a cargo of explosives?

A.—Yes, I think about 5.30.

Q.—Was her name transmitted to you? A.—Her name, and all details.

Q.—Did you forward any orders to the examining officer? A.—No. There was no need to; she could not get up that night it was too dark; and no passage after dark.

Q.—And you know as a matter of fact that she would be ordered to a certain anchorage and that she would go up first thing in the morning?

A.—Yes.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 42.
Evidence of
Commander
Frederick
Evans
Wyatt,
Direct-Ex-
amination.
Continued.

Q.—The question has come up accidentally, as it were, with regard to the sailing of the Imo on the morning of the 6th December; was it the practice all ships leading the port were to get permission from you before doing so? A.—Yes, orders were given to the secretary of the pilots on May 4th or 8th of last year of which I can give you copies on file in my office; in which the pilots coming in with ships were to report to me immediately on landing so that I could trace the ships where they had actually put them; and no ship was to be moved from one berth to another or go to sea without first acquainting the C. X. O.

Q.—With regard to the moving of the Imo on the morning of December 10 6th; was a report made to you by the pilot? A.—No report whatever.

Q.—Were you aware she was ready for sea? A.—I had no idea.

Q.—Was she here for examination by Naval Patrol Officers? A.—She was in the ballast for examination and go on to New York.

Q.—In the ordinary course after being examined I suppose the ship's agent would be informed the ship was ready to proceed so far as examination? A.—The idea is to inform the agents.

Q.—The control officers would also advise the guard ship? A.—Yes, that she was cleared.

Q.—That therefore didn't give her permission to sail? A.—No. 20 I might also mention that I also have written quite a time ago to all agents to inform me of any proposed sailings, which was not always carried out.

Q.—You had notified them to that effect? A.—I had no word from the agents; no notification whatever that she had been cleared and wanted to go to sea.

Q.—So that while you knew as a matter of fact the Mont Blanc was coming into the harbour on the morning of the 6th you had no information that the Imo was to sail that morning? A.—No, I thought there would be a perfectly straight passage up.

Q.—Did you know of any other ship leaving that morning? 30 A.—No, there was a ship coming up.

Q.—Had you given permission to any other ship to leave that morning? A.—Nothing.

Q.—So that from your stand point the Mont Blanc had a clear passage up? A.—Perfectly clear passage; no obstruction whatever.

Q.—Do you understand the responsibility for the Imo being allowed to go out that morning was upon the pilot or the master of the ship?

A.—Not the master, because I imagine they have great difficulty in getting ashore and their agents do most of the business for them and that is why on May 4th I put it to the pilots as men to trust and carry out orders. 40

Q.—So the responsibility for the Imo going out that morning would be upon the pilot in your opinion? A.—Absolutely.

RECORD BY MR. BELL, K. C.

Examiner
Case of
Canada
New Scotia
Generally
Admitted
 Nov. 42.
 Evidence of
 Command-
 er Frederick
 Evans
 Direct Ex-
 amination.
 Continued.

Q.—You say you had details of the Mont Blanc and her arrival off the port? A.—Yes.

Q.—Tell us what you knew about the ship? A.—That she was from New York I think; loaded with explosives; had things on board which I am not at liberty to tell; just the bare details of the ship; what she had on board and what she was in for and the name of her agents if any; I forget who.

Q.—All they told you of her cargo was she had explosives? A.—High explosives. 10

Q.—You had no information as to the combination of inflammables? A.—No.

Q.—Would you have allowed it to come up if you had known exactly? A.—Why not; she had to come in for convoy and there was a straight passage up the harbour for her.

Q.—Have you studied explosives at all? A.—I have not seen the effect of a real explosion until this.

Q.—Ordinary explosives you would have considered a risk of collision? A.—There was no risk of collision; none whatever.

Q.—Because you believed there was no ship coming out? A.—Nothing 20 moving at all.

Q.—What would have happened to the Imo? A.—I should try to have stopped her at the outside gate by firing at her, or at the forts.

Q.—Have you had any other instance of ships going out without permission? A.—I had one happened two days ago.

Q.—Before the collision had you any instance? A.—The pilots have not been in the habit of carrying out my instructions as they should latterly; there were one or two instances and I reported to my superior officer; the ships have been shot at and stopped; and let go anchor and I went to see what was the matter. 30

Q.—Previous to the collision ships that violated the regulations were actually stopped? A.—Yes.

Q.—Were the pilots punished? A.—There has never seemed to be any way of punishing pilots for violations.

Q.—Do you know whether your report was forwarded to the pilot commission? A.—I could not tell you anything about that; I reported the matter as far as I was concerned I heard nothing more.

Q.—All the vessels which violated the regulations previous to the collision were actually stopped? A.—Yes.

Q.—You say one happened two days ago? A.—Yes. 40

Q.—What happened to her? A.—Could not be stopped; I was busy in my office and I didn't see her until I heard she had got there. The office is on the Niobe.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 42.
Evidence of
Commander
Frederick
Evans
Wyatt,
Direct-Ex-
amination.
Continued.

Q.—Is this permissible to ask; were there many ships carrying munitions in bulk came to this harbour previous to the collision? A.—What do you describe as munitions?

Q.—Explosives? A.—Munitions do not mean explosives.

Q.—Explosives; I am using the popular term? A.—Before the collision?

Q.—Yes. A.—I could not tell you without looking up.

Q.—Speaking generally have there been many? A.—I should not say above two or three; I don't know even that.

Q.—This cargo was not only exceptional in combination but was it not exceptional in that it carried explosives not loaded into shells? A.—I don't know what they have been loading out of the United States.

Q.—Coming here? A.—She was not loaded here.

Q.—Was she not somewhat peculiar among the ships bringing explosives into this port; bringing it in bulk; have there been many cargoes similarly loaded? A.—Nothing loaded the same way she was.

Q.—When you say that you mean the combination of benzol? A.—Peculiar combination.

Q.—Omitting benzol were there many cargoes of explosives in bulk? A.—I don't think there had been a ship in here before with T. N. T. I won't guarantee that statement but I don't think so.

Q.—Have there been any since? A.—There have.

AND FURTHER DEPONENT SAITH NOT FOR THE PRESENT.

IT BEING THEN 1.10 p. m. COURT ADJOURNED UNTIL 2.30 p. m.

R. ECCLES,

Official Reporter.

J. T. Rowan, Official Reporter.

PURSUANT TO ADJOURNMENT COURT RESUMED ITS SITTINGS AT 2.30 p. m.

30

COMMANDER FREDERICK E. WYATT, CHIEF EXAMINING OFFICER, A WITNESS PREVIOUSLY SWORN DOETH DEPOSE AND SAY FURTHER AS FOLLOWS, UPON BEING RECALLED:—

By Mr.
Robertson
K. C.

BY MR. ROBERTSON, K. C.

Q.—Is this the notice that you referred to as being sent to the Pilotage Commission? A.—That is the same.

Q.—May 4th, 1917. A.—Yes sir.

RECORD. (NOTICE FILED AND MARKED EXHIBIT R. 67).

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—As a matter of fact the notice would be given to you by the pilot himself? A.—From the pilot himself.

Q.—What was the practice after that order was given? A.—By the pilot.

Q.—He gave you the information himself? A.—Yes sir.

Q.—When Mr. Bell was examining you, you spoke about some instances of a pilot disobeying that notice? A.—That has happened once or twice.

Q.—Have you written any letter to the Pilotage Commissioners?

A.—In a case like that I don't lay any complaint before the Pilotage Commission, I refer it to my Superior Officer, the Captain Superintendent of the Dock Yard and he deals with the matter as he sees fit. 10

Q.—I am instructed there is no complaint received by the Secretary of the Pilotage Commission? A.—I know nothing about what the Captain Superintendent does.

Q.—Can you give us the names of the Pilots who you say did break this rule? A.—Not off hand.

Q.—You say there were one or two instances? A.—Yes sir.

Q.—You cannot remember their names? A.—No sir.

Q.—Was it either Pilot MacKay or Pilot Hayes? A.—Only on one occasion did Pilot MacKay forget to tell me, and immediately he had taken his ship out he called me on the phone to tell me he had taken this ship out. 20

Q.—How about Pilot Hayes? A.—I don't think there has been any cause for complaint about Pilot Hayes.

(AND THE FURTHER EXAMINATION OF THIS WITNESS IS POSTPONED UNTIL TOMORROW MORNING ON APPLICATION OF MR. BURCHELL, K. C.)

J. T. ROWAN,

Official Reporter. 30

No. 43.
Evidence of
Terrence V.
Freeman,
Direct-Examined
by Mr.
Henry K. C.

No. 43.

TERRENCE V. FREEMAN, EXAMINING OFFICER, UPON BEING CALLED AND DULY SWORN, DOTH DEPOSE AND SAY AS FOLLOWS:—

EXAMINED BY MR. HENRY, K. C.

Q.—You are in the Royal Canadian Navy? A.—Yes sir, Volunteer.

Q.—And you hold what rank? A.—Mate.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 43.
Evidence of
Terrence V.
Freeman,
Direct-Ex-
amination.
Continued.

Q.—On the afternoon of December 5th were you the Examining Officer at the Examination Anchorage? A.—Yes sir.

Q.—At Halifax Harbour entrance? A.—Yes sir.

Q.—And also on the morning of December 6th? A.—Yes sir.

Q.—Do you remember the Steamer Mont Blanc arriving at the anchorage on the afternoon of the 5th? A.—Yes sir.

Q.—Did you go aboard of her? A.—Yes sir.

Q.—You saw the captain I suppose? A.—Yes sir.

Q.—Did you inquire as to her name and where she was from and all of that? A.—Yes sir.

Q.—Did you also ask about her cargo? A.—Yes sir.

Q.—What information did you obtain as to the nature of her cargo?
A.—That she had high explosives, full cargo.

Q.—Was the manifest of the boat shown to you do you remember?
A.—Yes sir, I think it was.

Q.—Did you ask for it? A.—Yes sir, I always ask to see the papers.

Q.—Was the pilot there when you went on board? A.—The pilot was there.

Q.—Pilot MacKay? A.—Yes sir.

Q.—He was there when you went on board? A.—Yes sir.

Q.—Did you give any instructions as to what should be done with the vessel that night? A.—She was delayed at the examination anchorage until morning and proceeded up the harbour at the usual time in the morning.

Q.—After the gate had been opened in the morning? A.—Yes sir.

Q.—To whom did you communicate your instructions? A.—To the captain and pilot both, as near as I can remember.

Q.—In accordance with your instructions—what were your instructions? A.—To stay at the anchorage until morning and then proceed up the harbour at the usual time if they did not hear further from me.

Q.—In accordance with those instructions she was anchored that night? A.—Yes sir.

Q.—And remained at the anchorage until after daylight the next morning? A.—Yes sir.

Q.—Were there other ships at the anchorage? A.—I cannot remember that— I don't think so.

Q.—Do you remember whether a ship preceded the Mont Blanc up the harbour then in the morning? A.—An American ship did.

Q.—Were you on board again? A.—No sir.

Q.—You did not go aboard the next morning? A.—No sir.

Q.—The instructions you gave to the pilot were to take her to the usual anchorage? A.—Convoy anchorage in Bedford Basin.

Q.—He knew where that was from previous experience? A.—Yes sir.

Q.—Those were the only instructions you gave? A.—Yes sir.

Q.—Did you communicate the information with regard to the name and

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RECORD. the cargo of this vessel to the Chief Examining Officer on the evening of December 5th? A.—Yes sir.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—By signal? A.—By signal, yes sir.

Q.—You would have nothing to do with the movements of steamers coming out of the harbour? A.—No sir.

Q.—Ordering them out or anything of that kind? A.—No sir.

Q.—Do they have to report at the Examination Boat on the way out?

No. 43.
Evidence of A.—No sir.

Terrance V. Q.—You don't have anything to do with them there? A.—We have
Freeman, to take their names as they go by. 10

Direct-Ex- Q.—Have you a record—just for record? A.—Yes sir.

amination. Q.—You had no special instructions with regard to boats carrying high
Continued. explosives? A.—No sir, not at that time.

Q.—They were treated like other cargo boats? A.—Yes sir.

Q.—And if they came in for convoy they got instructions to go to a certain anchorage? A.—Yes sir.

Q.—If they came in, I suppose, to load cargo they would go to another anchorage? A.—Yes sir, we generally had orders about those ships.

Q.—In advance? A.—Yes sir.

Q.—You had no orders in advance about this particular ship? 20
A.—Not out there—I did not receive any orders.

Q.—Did you know she was coming, personally? A.—No sir.

Q.—That is often the case? A.—Yes sir.

Q.—Any ordinary ships that come you don't know? A.—There are lots of ships that come and I don't know anything about them.

Q.—You don't know anything about them before hand? A.—No.
sir.

By Mr.
Bell, K. C.

BY MR. BELL, K. C.

Q.—You say you gave this ship the order to go up to the usual anchorage? A.—Yes sir. 30

Q.—When did you give her that order—at night? A.—Yes sir, if I heard nothing further she was to proceed up in the morning at the usual time.

Q.—You gave that order how long after she came there—how long after she anchored? A.—I should judge about 20 or 25 minutes.

Q.—Then your giving that order did not depend in any way on any knowledge you would have as to any ships coming out of the harbour? A.—No, I knew nothing about any traffic out of the harbour.

Q.—Did your order to go up the harbour in any way depend on whether or not ships were coming out of the harbour? A.—No sir, if there were any ships coming out of the harbour worth while, I am always notified to hold everything. 40

RECORD. Q.—Before you gave the order to come up did you notify Commander Wyatt or did you do it without notifying him?

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

WITNESS: Give the order to come up the harbour?

COUNSEL: Yes.

No. 43. A.—I gave the same orders as I had been given.
Evidence of Terrence V. Freeman, Direct-Examination. Continued.

Q.—Before you gave the other to the Mont Blanc to go up, did you consult with Commander Wyatt, or did you give it in the usual course?

A.—I gave the order in the usual course.

Q.—On your own responsibility? A.—That had been the custom.

Q.—You did not consult with him before giving the order? A.—No 10
sir.

Q.—Had you ever had an order from Commander Wyatt countermanding your order for a ship to go up, because vessels were coming out? Have you ever had an instance in which your order to a ship to go up the harbour has been countermanded because vessels were coming out of the harbour? A.—No sir, if there was anything like that they would generally stop them at the gate.

Q.—The incoming or the outgoing? A.—Whichever they wanted.

Q.—Have you ever known them to be stopped? A.—Yes sir, at the gate. 20

Q.—Before the explosion? A.—I could not tell that.

Q.—Would that be merely to prevent vessels coming along crossing one another at the gate, or if they were coming through the gate?

A.—I could not tell you that.

Q.—Then as far as you know, vessels coming up went up irrespective of what was going out? A.—Well I did not have anything to do with this end of it at all.

Q.—I know that; but I want to know if you know whether the coming of vessels into the harbour was in any way regulated or dependent on what vessels were coming out of the harbour? A.—No sir. 30

Q.—You don't know? A.—No sir.

Q.—Since the explosion has anything different taken place, any change occurred in that respect? A.—Yes sir.

Q.—Tell us what you do now? A.—When there are ships coming out of the harbour now I am notified by the chief examining officer to hold everything out there until those ships get out of the harbour, then he signals to me to let what ships are in the examining anchorage proceed up the harbour.

Q.—That applies to all ships whether loaded with explosives or not? A.—Ship that is loaded with explosives I get special orders about that— 40
she is to go to a certain anchorage or come up at a certain time.

RECORD. BY MR. CLUNEY, K. C.:

*In the
Eschequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 43.
Evidence of
Terrence V.
Freeman,
Direct-Ex-
amination.
Continued.

Q.—You stated to Mr. Henry that up to the time the Mont Blanc passed through the gate you had no special instructions with respect to ammunition ships or any other kind? A.—No sir.

Q.—They all went through in the usual way? A.—No sir.

Q.—Have you received any instructions since that with regard to ammunition ships? A.—Yes sir.

Q.—You treat them differently now? A.—Yes sir.

Q.—They don't come through in the usual way? A.—No sir.

Q.—You make a distinction? A.—Yes sir.

10

By Mr.
Burchell,
K. C.

BY MR. BURCHELL, K. C.:

Q.—Where was the American ship anchored with relation to the Mont Blanc? A.—I don't think that American ship was anchored at all, I think she came up the harbour ahead of the Mont Blanc—I think she came in that morning ahead of the Mont Blanc.

Q.—You examined her that morning and gave her her flags?
A.—Yes sir.

Q.—Where do you do that? A.—Outside Major's Beach.

Q.—Was it clear outside? A.—Yes sir.

Q.—You went aboard the American ship? A.—Yes sir.

20

Q.—Was that close to her the Mont Blanc was? A.—Quite close.

Q.—In sight of each other? A.—Yes sir

Q.—Anybody on board the Mont Blanc, if they were on deck, would see the American ship going out? A.—Yes sir.

Q.—You had gone on board the Mont Blanc the night before?
A.—Yes sir.

Q.—You did not go on board again in the morning at all? A.—No sir.

Q.—The orders you gave the night before were to Pilot MacKay?
A.—Yes, I gave the orders to Pilot MacKay about going in to the Convoy Anchorage, as the Captain could not talk very good English and I did not know whether he would understand me right or not, and I gave the orders to the pilot.

30

Q.—Do you know how long the Mont Blanc started after you left the American ship past the anchorage? A.—It was not very far behind—they were not far behind each other.

Q.—They would be in sight of each other all the time? A.—Pretty much I should think.

Q.—Could you see the Gates from where you were? A.—Not very well, no.

Q.—It was after you went aboard the Mont Blanc on the previous evening that you then went back to your own ship and reported to the Dock Yard what this ship was loaded with? A.—Yes sir.

40

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 43.
Evidence of
Terrence V.
Freeman,
Direct-Ex-
amination.
Continued.

Q.—And you did not go back to the Mont Blanc again after that?

A.—No sir.

Q.—Did they report to you what the full cargo was, did they tell you that they had picric acid and Benzol on board? A.—The papers said so.

Q.—Did the Captain of the Mont Blanc or anybody say that to you?

A.—High Explosives.

Q.—Did you see the manifest? A.—Yes sir.

Q.—The papers of the ship told you? A.—Yes sir.

Q.—You looked over the papers of the ship and you knew they had Benzol on board? A.—I knew she had quite a lot of different things— 10
I knew there were high explosives,—quite a lot of it.

Q.—Did you know what Benzol was? A.—No sir.

Q.—Not at that time. A.—No sir.

Q.—You would not have recognized what it was? A.—No sir.

Q.—Did you know what T. N. T. was? A.—I knew it was a very high explosive.

Q.—And picric powder—did you know they were on board? A.—I did not know what the nature of them were.

Q.—You did not realize this was an especially dangerous cargo?

A.—Yes sir, I knew it was. 20

Q.—Did you know it was as dangerous as it afterwards turned out to be?

A.—No sir.

Q.—For instance when you saw 494 drums of benzol on deck, you did not realize what it was? A.—I realized it was something that would do some damage alright.

Q.—The benzol would not do any damage—you did not consider benzol in itself is a very dangerous cargo—it would not destroy a city?

A.—I did not think so—I don't know the nature of it very much.

Q.—Did you realize that if one of those drums were broken that the gases would be very inflammable? A.—No sir. 30

Q.—You did not know that? A.—No sir.

Q.—And you just knew T. N. T. as a high explosive in a general way? A.—Yes sir.

Q.—Did you know it was one of the most powerful explosives there is? A.—Not at the time.

Q.—You had no previous advice at all that a munition ship was coming in? A.—No sir.

Q.—When the Mont Blanc appeared in sight this was the first intimation you had she was coming? A.—That is the first I knew of it.

Q.—Is that usual? A.—It has been up to that time. 40

Q.—Up to that time you did not get any advice when any munition ship was coming at all? A.—No sir.

Q.—Is it changed now? A.—Yes sir.

Q.—Now when a munition ship is coming you expect her do you? A.—I know her, and if I don't get orders about her I hold her there until I find out what they are to do with her.

RECORD. Q.—You hold her outside until you get special orders now? A.—Yes
sir.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

Q.—At that time that was not the practice? A.—No sir.

Q.—Before December 6th you did not distinguish a munition ship from
any other ship? A.—No sir.

Q.—No different orders with regard to her at all? A.—As long as
she was for convoy.

No. 43.
Evidence of
Terrence V.
Freeman,
Direct-Ex-
amination.
Continued.

Q.—No matter what she was loaded with? A.—She went to the
Basin.

Q.—You told her to go to the Basin and that was all the orders you 10
gave her? A.—Unless I was notified by C. X. O. where I was to put her.

Q.—Now the orders are that if a munition ship is outside and another
vessel is coming down the Narrows or Harbour the munition ship has to
wait outside until the other ship passes her? A.—She always waits
outside any way, sir, until I hear from the office. I anchor her there and
hold her there until I hear further.

Q.—That is the rule since December 6th? A.—Yes sir.

Q.—Before the 6th that was not the practice? A.—No sir.

By Mr.
Henry,
K. C.

BY MR. HENRY, K. C.:

Q.—I understood you to say Mr. Freeman that the order you gave the 20
pilot in the evening of the 5th was to the effect that he was to go up to the
usual anchorage ground unless he heard from you in the meantime?

A.—Yes sir.

Q.—And you subsequently reported the arrival of this ship in the office?

A.—Yes sir.

Q.—And if you had received any orders from the officer what would
you have done? A.—I would have boarded him again and given my
special orders.

Q.—There are special regulations in which the fact of vessels coming
out of the harbour is taken into consideration by the examination officer 30
when arranging for vessels to go out? A.—Yes sir.

Q.—That is since the 6th December? A.—Yes sir.

Q.—This is the present condition of affairs? A.—Yes sir.

By Captain
Hose. BY CAPTAIN HOSE:

Q.—You say you informed the Chief Examination Officer about the
cargo of the Mont Blanc? A.—Yes sir.

Q.—By signal? A.—Yes sir.

Q.—What time was that you actually informed him? A.—I could
not give the exact time sir, somewheres in the vicinity of five o'clock, or
between five and five-thirty.

Q.—P. M. on the 5th? A.—Yes sir.

RECORD. Q.—Have you ever been instructed to take any steps to stop a vessel going out of the harbour? A.—No sir, not to my knowledge.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

BY CAPTAIN DEMERS:

Q.—When you notified the chief examination officer did you give him the nature of the cargo that was contained in the Mont Blanc?

No. 43.
Evidence of
Terrence V.
Freeman,
Direct-Ex-
aminat.on.
Continued.

A.—No sir.

Q.—You examined the manifest? A.—Yes sir.

Q.—You saw there were various stuffs? A.—I did not know it was as high explosive as it was at the time.

Q.—You were not called upon to give any notification to the examination officer of the nature of the cargo as far as explosives are concerned? A.—No sir.

Q.—You told him it was an explosive cargo—high explosives? A.—Yes sir, full cargo of high explosives.

Q.—Did you notice the speed of the Mont Blanc after you gave her permission to start in the morning? A.—She was going very slow.

Q.—How was she painted? A.—War colour, grey, sir.

By Mr.
Burchell,
K. C.

BY MR. BURCHELL, K. C.:

Q.—Have you a gun on your ship? A.—No sir.

Q.—If a ship is stopped down there she is stopped by the forts? A.—Yes sir. 20

AND FURTHER DEPONENT SAITH NOT.

J. T. ROWAN.

Official Reporter.

No. 44.
Evidence of
James Hall,
Direct-Ex-
amined
by Mr.
Henry, K.C.

No. 44.

JAMES HALL, SHERIFF OF THE COUNTY OF HALIFAX AND CHAIRMAN OF THE HALIFAX PILOTAGE COMMISSION, BEING CALLED AS A WITNESS AND DULY SWORN, DOTH DEPOSE AND SAY AS FOLLOWS:—

EXAMINED BY MR. HENRY, K. C.:

30

Q.—You are I believe, Chairman of the Pilotage Commission here? A.—Yes sir.

Q.—Have you known the two pilots Hayes and MacKay who were concerned in this collision? A.—For many years.

RECORD. Q.—How long have you known the late William Hayes? A.—I have been on the board for 14 years.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.
No. 44.
Evidence of
James Hall,
Direct-Ex-
amination.
Continued.

Q.—And you have known him all that time? A.—Yes sir.

Q.—Tell us what you know of him? A.—The fact is I could not say anything but the highest regard for Pilot Hayes inasmuch as we never had a charge of any kind against him and his work was done satisfactorily.

Q.—Was he a man of good character? A.—So far as I am aware.

Q.—And habits? A.—Yes, I think without a doubt his habits were good.

Q.—How about Pilot Mackay? A.—I have known him for probably 10 25 or 30 years.

Q.—What would you have to say about him as a pilot? A.—For many years while I was in the shipping business, the shipping trade, I was brought into direct intercourse with him and we always looked upon him as one of the best pilots, sober industrious and attentive to his duties. We never had any reason to complain of his habits in any respect.

Q.—Neither as a Pilotage Commissioner nor as a shipping man?

A.—No sir.

Q.—It has been suggested here that Pilot Mackay might have been a drinking man? A.—I never saw him take a drink in my life. 20

Q.—Have you ever known of him being under the influence of liquor?

A.—No sir.

Q.—Have you ever heard it reported? A.—No sir.

Q.—I am told,—I don't know whether it is true or not,—that Pilot Hayes was practically, if not actually a teetotaler. A.—I think that he was, yes sir.

BY MR. BURCHELL, K. C.

Q.—There is a Pilotage Commission for this harbour? A.—Yes sir.

Q.—You are Chairman are you? A.—I am Chairman.

Q.—Who else are on the Commission? A.—Captain Rudolf, Captain 30 Neil Hall, Mayor Martin, Mayor Williams, Walter Mitchell and J. E. De-Wolf.

Q.—The Commission has a Secretary? A.—Yes sir.

Q.—Who is the Secretary? A.—J. W. Creighton.

Q.—His office is down in the City? A.—Yes sir, Bedford Row, —Bedford Chambers.

Q.—The pilots who are standing by to go on duty make that their headquarters? A.—Yes sir, they have a room adjoining the Secretary's room.

Q.—They have a clerk there? A.—The Pilotage Commission has a 40 boy.

Q.—What is his name? A.—I could not tell you that.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 44.
Evidence of
James Hall,
Direct-Ex-
amination.
Continued.

Q.—If ship agents were wanting a pilot say to take a vessel from Bedford Basin to sea, they would call up the Pilot Office—the ship agent—and inform the secretary? A.—Yes sir, the boy may take the message; but he would pass it on to the secretary.

Q.—He would inform him the name of the ship? A.—Yes sir.

Q.—Where the vessel was to be moved to? A.—Yes sir.

Q.—From Bedford Basin out to sea or out to another anchorage?

A.—Yes sir.

Q.—That is done in all cases? A.—Yes sir.

Q.—The ship agents would not call up a pilot himself and ask him to 10 come? A.—No sir.

Q.—That would not be allowed? A.—No sir.

Q.—These notices that the pilots get—is there a place to post them down there? A.—Yes sir, post it on the outside where the pilots would have access to them, on the walls of the building.

Q.—There are not copies mailed to each pilot? A.—In some instances that has been done, where perhaps the matter was more than minor importance, where it was thought well that the pilots should be familiar with them they would have copies made.

Q.—For instance take an order in council that was passed on the 15th 20 November, 1916—have you seen that before? A.—Possibly I may have in a general way, in looking them over when I go down to the officer; but I would not say I have seen it.

Q.—What would be done with an order in council like that, if the secretary received a copy of it? A.—It would be posted in the pilot's room on the wall.

Q.—I suppose the secretary could tell us more about the details of the office? A.—Yes sir.

Q.—You meet once a month or so? A.—Regularly once a month, 30 and as often as circumstances require.

Q.—It is a voluntary Commission—the members are not paid?

A.—Not paid.

By Captain BY CAPTAIN HOSE:
Hose.

Q.—Do you know personally whether the Commission have received any special instructions concerning out going pilots reporting to the Chief Examination Officer before they leave their vessels? A.—I think I remember hearing of an order to that effect having been given. I think I do—that is orders from the Admiralty to the Pilotage Commission.

Q.—Was the matter taken up by the Commission at any of their meet- 40 ings? A.—Yes, in the earlier stages several of those matters were taken up by the Commission.

Q.—Are there minutes kept? A.—Yes sir.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

*No. 44.
Evidence of
James Hall,
Direct-Ex-
amination.
Continued.*

Q.—Have you ever had brought before you, any complaints by the Chief Examination Officer, or by the Captain Superintendent of the Dock Yard, of pilots not complying with that order or reporting themselves to the Chief Examination Officer before leaving? A.—I would not be sure on that point; but I am inclined to think there were one or two cases where complaints came in and were investigated by the Commission.

Q.—Do you think the pilots concerned were brought before the Commission and the matter investigated? A.—In every instance where a complaint has been made I invariably insisted on the pilot being brought before the Commission for the purpose of getting the fullest information 10 in respect to it.

Q.—You cannot remember any definite case in connection with that point of a pilot being brought up? A.—No, I could not give any particular case.

*By His
Lordship.*

BY HIS LORDSHIP:

Q.—Your minutes will show? A.—Yes sir, should show it.

*By Mr. Burchell,
K. C.*

BY MR. BURCHELL, K. C.

Q.—The secretary would have the minutes? A.—Yes sir.

*By Mr. Cluney,
K. C.*

BY MR. CLUNEY, K. C.

Q.—Have you a sufficient number of pilots now to handle the general 20 shipping trade that is going on in this Port? A.—No, we think we have not. There has been a complaint made on account of the shortage of the pilots.

Q.—There has been a complaint made that on account of the shortage the pilots are not able to give the time to deliberately do their work, and they have to do their work hastily, and pilots have to bring ships in and out at an excessive speed, and use an excessive speed—do you know if there have been any complaints? A.—I think there were one or two verbal complaints in that respect—I think brought about by conditions that could not very well be governed—I think in the case of a convoy going out, a large convoy.

Q.—That would necessitate a shortage? A.—Yes sir.

Q.—Under the ordinary circumstances do you think there are enough pilots to attend to the shipping in this port? A.—No sir.

Q.—You think there is a shortage of pilots? A.—Yes sir.

Q.—There should be more? A.—Yes sir.

30

RECORD. BY HIS LORDSHIP:

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 44.
Evidence of
James Hall,
Direct-Ex-
amination.
Continued.

Q.—How do you appoint your pilots? A.—They usually work up from apprentices—whenever we find there is likely to be a shortage, we appoint three or four apprentices—they have to serve four years before they get a license as a pilot.

Q.—Any examination? A.—Yes sir.

Q.—Who conducts it? A.—It usually takes place before Captain Rudolf and Captain Hall—the practical men on the Commission—they are examined with respect to eyesight, soundings, whistles, buoys, etc.

Q.—An eye test? A.—Yes sir, that is the first. 10

Q.—That is as a board you exercise judgment before you give a man a certificate? A.—Yes sir.

Q.—It is subject to an examination? A.—Yes sir.

Q.—And a man must know how to work a ship before he gets it? A.—You can understand that once he serves his apprenticeship we have to be governed a good deal by the make up of the man himself whether we think he is a competent man, or will make a competent pilot.

Q.—Who does he serve his apprenticeship with? A.—Under the pilots.

Q.—He has to be an apprentice under an existing pilot? A.—Yes 20
sir, there are two pilot boats—as a rule we try to have from two to four apprentices working in all the time, to take the places of any of the older pilots who may have to drop out.

Q.—I just wanted to know about your system—how you appointed them.

By Mr.
Robertson,
K. C.

BY MR. ROBERTSON, K. C.

Q.—How many pilots are there now? A.—14.

Q.—How many does your Comstitution permit you to have—how many pilots altogether? A.—We had 19 last year.

Q.—And 14 now? A.—Yes sir. 30

Q.—And in addition to that there are how many apprentices? A.—8.

Q.—Some of them are senior? A.—Four of them have served about two years and four months.

Q.—And the other four? A.—Have from about four to six months.

Q.—Has the Board taken any steps to have pilots appointed for a two year term under the Shipping Act, masters of registered ships—what steps have you taken? A.—We passed a by-law asking that the Commission be empowered to employ shipmasters to supplement the present service and during the rush.

Q.—For a period of two years? A.—Yes sir. 40

Q.—Has that been approved from Ottawa? A.—We have not had confirmation.

RECORD. BY HIS LORDSHIP:

In the
Exchequer
Court of
Canada,
New Scotia
Admiralty
District.

No. 44.
Evidence of
James Hall,
Direct-Ex-
amination.
Continued.

Q.—Do you require any actual seagoing experience? A.—In this case we felt that it should be masters holding certificates of competency.

Q.—But what have the apprentices got to have—have they to have some time at sea as well as going around in the pilot boat? A.—Yes sir.

Q.—Do you insist on seafaring experience? A.—They have to serve six months at sea before they are qualified as a full fledged pilot.

Q.—That is they have to have a sea-faring experience plus time around the pilot boat as an apprentice with the pilots? A.—Up to a certain 10 period they get what is called a second class commission enabling them to take vessels up to a certain tonnage, 700 tons if my memory serves me right.

BY CAPTAIN DEMERS:

Q.—The sight test examination Mr. Hall is only when you receive the pilot—give him his branch? A.—Yes sir.

Q.—If he is ten years in service is he examined for eyesight afterwards, or during that time? A.—No, I think not.

Q.—How are the apprentices trained—do they accompany the pilots on board ship? A.—I think in some instances only. Not as a rule sir.

Q.—How can they be trained to pilot if they don't—they remain on 20 board the cutter? A.—Yes sir.

Q.—Do they get any experience by remaining on board the cutter until they get up to two years? A.—When they get two years in they bring in second class ships—ships below 700 tons.

Q.—After two years they are allowed to navigate and pilot ships? A.—Yes sir.

Q.—And the Commission thinks it is sufficient experience to allow them to navigate a ship up to a certain tonnage? A.—Yes sir.

Q.—Is Pilot Mackay allowed to pilot at the present moment? A.—Yes sir.

Q.—Is it right that whilst that pilot Mackay is under examination and pending the finding of the Court—that he should be exercising his duties as a pilot? A.—Pending the decision of the investigation the Pilotage Commission have not seen their way clear to interfere.

Q.—They have not suspended him from his functions for the time being? A.—No sir.

Q.—Did the pilots ever report to the Commission any accidents happening to them, no matter whether they are trivial, slight or unimportant, by writing or verbally? A.—I think we have had one or two, you would not call them collisions; but perhaps ships moving from dock, where there 40 has been some slight injury done, where they pilots themselves have reported to the Commission.

RECORD. Q.—That is one or two during the time you have been on the Commission? A.—Perhaps more than that—I have been Chairman only a little over a year.

In the Exchequer Court of Canada, Nova Scotia Admiralty District. Q.—There have been more than one or two accidents in the port of Halifax? A.—Yes sir.

Q.—And those things were not all reported to the Commission? A.—I would not like to say; but I know personally that there were reports to the Commission.

Q.—During that time you have been Chairman has there been any accident which has not been reported to you? A.—I could not say 10 that.

No. 44.
Evidence of
James Hall,
Direct-Ex-
amination.
Continued.

By His
Lordship.

BY HIS LORDSHIP:

Q.—I suppose it depends on recommendation who gets the appointment largely? A.—We have tried to avoid that as far as possible, we have tried entirely to have the appointment made on merit.

Q.—I don't see how you can know very much about merit when you take a man who is out in a boat for a little while? A.—That is true.

Q.—Have you no superintendent of pilots? Q.—No sir.

Q.—No boss pilot? A.—No sir, we have the captains of the respective boats. 20

By Captain
Demers.

BY CAPTAIN DEMERS:

Q.—The captains of these two boats, do they have to perform the duties of pilot as well? A.—Yes sir.

Q.—Each pilot takes it in his turn to be a captain? A.—We call them captain.

Q.—Just for the day just? A.—Yes sir.

Q.—They don't keep that title very long they become pilot the next steamer that arrives? A.—Yes sir.

AND FURTHER DEPONENT SAITH NOT.

J. T. ROWAN. 30

Official Reporter.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

GEORGE DIXON, BEING CALLED AS A WITNESS AND DULY SWORN, DOTH DEPOSE AND SAY AS FOLLOWS:—

EXAMINED BY MR. HENRY, K. C.:

No. 45.
Evidence of
George
Dixon,
Direct-Ex-
amined
by Mr.
Henry K. C.

Q.—Where do you live? A.—Tuft's Cove.

Q.—That is north of Dartmouth? A.—In the County of Dartmouth.

Q.—And a little north and east of where the explosion took place?

A.—Yes sir, abreast of No. 9 pier.

Q.—Were you at Tuft's Cove on the morning of the collision?

A.—Yes sir, working there.

Q.—Working in the open? A.—Yes sir, for the McKeen Ship Building Co.

Q.—Near the shore? A.—Right down on the shore.

Q.—Opposite No. 9 pier? A.—Right abreast of No. 9 pier.

Q.—Did you see the two ships that came into collision? A.—Yes sir.

Q.—Which one did you see first? A.—The Imo.

Q.—Coming where? A.—Down the Narrows—down this way—I did not notice her until she got pretty near down to the north end of No. 9 pier.

Q.—What kind of speed was she making then? A.—I could not tell I am no judge of ship's speed. 20

Q.—About the same time did you see the Mont Blanc coming up—the Frenchman? A.—No sir, not then.

Q.—Which part of the channel was the Imo in when you saw her, with respect to the middle of the channel—nearer the Dartmouth side or the Halifax side, or about the middle? A.—About the middle from where we were I should judge.

Q.—A little above you? A.—Yes sir, when I first saw her.

Q.—Which way was she heading? A.—After she passed us she steered to turn to the Halifax side. She was heading down pretty straight we could see all the port side. 30

Q.—When you first saw her? A.—Yes sir.

Q.—Then she turned more to the starboard side? A.—More to the Halifax side.

Q.—That is her starboard side? A.—Yes sir.

Q.—Was that following the trend of the channel? A.—I don't know where the trend of the channel is there.

Q.—I mean the middle? A.—Yes sir.

Q.—She followed down the middle? A.—Pretty well.

Q.—Where did you first see the Mont Blanc? A.—When she was pretty near on the Richmond Pier, pretty near across the harbour—I thought she was going to dock at No. 8 pier—I remarked that to Mr. Graham who was working with me. 40

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 45.
Evidence of
George
Dixon,
Direct-Ex-
amination.
Continued.

Q.—Did you hear any whistles? A.—I did not pay any attention to them. We hear so many there, locomotive whistles and everything that we don't pay any attention to them.

Q.—How far were the two vessels apart when you first say you saw the Mont Blanc coming across the Richmond Pier? A.—The Imo was about the centre of No. 9 pier.

Q.—She was down that far? A.—Yes sir, and then I noticed the French ship.

Q.—Can you give us any estimate of how far they were apart?

A.—No sir, I don't know what the distance is.

Q.—They were not very close? A.—No sir.

Q.—In any danger of collision? A.—No sir, not at that time I don't think so.

Q.—Then did the French ship continue to come across? A.—The way it looked to us it did.

Q.—Then the Imo continued to come down? A.—No, she started to go across to the Halifax side and we thought she was going across to get around the bow of the French ship.

Q.—Then they both were heading towards the Halifax side?

A.—Yes sir.

Q.—You said they were not very close together? A.—Yes they would be.

Q.—They must have been some minutes heading towards the Halifax shore, both of them? A.—Yes, they would be.

Q.—For some little time? A.—Yes, I guess so.

Q.—Where did the actual collision take place? A.—It was nearer the Halifax shore from where we were. I said to Mr. Graham when I saw them colliding I thought I could throw a stone to one of those ships from the Richmond pier.

Q.—Which way, as nearly as you could tell, was the Frenchman pointing at the very moment of the collision? A.—She was pointing between No. 8 and 9 piers.

Q.—And the Imo was pointing towards what pier? A.—About the Lorne Club, because I made the remark if she misses that ship she will go ashore at the Lorne Club.

Q.—Can you give us any idea about the angle of the collision—whether the angle between them was a narrow angle or a broad angle?

A.—Pretty broad angle.

Q.—Was it, in your opinion, less than a right angle, or about a right angle, or greater than a right angle—as near as you can Mr. Dixon will you show the angle between them when they came together, on this piece of paper? A.—There is the way they looked to me.

(DRAWING IS FILED AND MARKED AS EXHIBIT R. 68).

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 45.
Evidence of
George
Dixon,
Direct-Ex-
amination.
Continued.

Q.—Could you hear any noise of the collision? A.—Yes, I could hear the crash when the two ships came together.

Q.—Can you describe what kind of noise it was? A.—No sir, I could not.

Q.—Could you tell whether the ships were metal or wooden ships from the sound? A.—I never heard a collision before.

Q.—Can you give us any estimate of how far you were away from the collision when it happened? A.—I am no judge of that.

Q.—You would be several hundred yards anyway? A.—I guess I would be, if not more.

Q.—Did the collision move the Mont Blanc around at all—did she change her position in the harbour? A.—Judging from where we were at I thought it did.

Q.—She turned more to the southward there then? A.—Yes sir, more to the southward.

Q.—Could you tell whether either of the boats or both of them were going astern on their engines at the time of the collision? A.—I could not tell anything about the French ship because I could not see; but I know the Imo was.

Q.—You could see her stern? A.—Yes sir.

Q.—Could you see the propellor turn? A.—Yes sir I could see the white foam going forward of the ship.

Q.—That is at the moment of the collision? A.—Yes sir.

Q.—Can you give us any idea of whether these ships were moving rapidly or slowly at the time of the collision? A.—I could not say about the Frenchman—at least I don't think she was going very fast; but I am pretty sure the Belgian Boat was not, because she went astern just a little below us first, and then she stopped.

Q.—She went astern shortly after she passed you? A.—Yes sir.

Q.—Astern on her engines? A.—Yes sir.

Q.—You saw that? A.—Yes sir.

Q.—Did she complete by stop her weigh in the water? A.—No sir, not completely.

Q.—She slowed up? A.—Slowed down a lot.

Q.—That would be some minutes before the collision I suppose?

A.—I guess it would.

Q.—Then after reversing the first time she went ahead again on her engines? A.—No sir, not that we saw.

Q.—You never saw her going ahead again after that? A.—No sir, we thought she was drifting along as we did not see any wake from her propellor at all.

Q.—She went astern twice? A.—Yes sir.

Q.—And in between she did not go ahead? A.—Not that we could notice by the propellor.

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RECORD. Q.—The fact of going astern the first time was to slow and slacken her speed? A.—I guess so.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—That is the way it looked to you? A.—Yes sir.

Q.—Did she back away from the Mont Blanc after the collision?

A.—Yes sir.

Q.—Could you see any scar on the Mont Blanc or cut in the side of the Mont Blanc? A.—No sir, we could see smoke coming from the French ship.

Q.—What part? A.—Right forward.

Q.—What part with regard to the side of the ship? A.—Appeared 10 to be close down to the water first.

Q.—See any flame down near the water? A.—Not at the first but it came up later up on the deck like.

Q.—A little above the water small flames first? A.—Yes sir.

Q.—And then subsequently up on the deck? A.—Yes sir.

Q.—And I suppose you stayed there and watched her drifting in towards the Halifax shore? A.—Yes sir.

Q.—Were you still watching at the time the explosion came off?

A.—Yes sir.

Q.—Was the explosion severely felt where you were? A.—Yes sir. 20

Q.—House blown down in your neighbourhood? A.—Yes sir.

Q.—Were you injured yourself? A.—No sir, just a scar on myself.

Q.—Were you thrown down? A.—Turned a somersault.

Q.—Any other men with you injured? A.—No sir.

Q.—Were you knocked unconscious? A.—No sir.

Q.—Was there much flying metal around where you were there?

A.—Yes there sure was, the water was just boiling with it.

By Mr.
Burchell,
K. C.

BY MR. BURCHELL, K. C.

Q.—Perhaps you could just mark on this chart M. B. R. 4 whereabouts on the shore you were on this chart here? A.—Right about here. 30

(POINT INDICATED BY "K").

Q.—Do you know the Tug Stella Maris? A.—I was not acquainted with her.

Q.—Did you see that morning any tug? A.—Yes sir.

Q.—With some scows in tow? A.—Yes sir, two scows.

Q.—After the collision did you notice the Stella Maris go back—this tug? A.—Yes sir.

Q.—What did you see her do after the collision happened? A.—She moored the scows just abreast of us, they had a couple of men on them, and then she went back to the Mont Blanc, before she got there the flames 40 were coming out and she had a stream of water going.

RECORD.

*In the
Eschequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 45.
Evidence of
George
Dixon,
Direct-Ex-
amination.
Continued.

Q.—When the Stella Maris turned back where would she be in relation to No. 9 pier? A.—About the end of No. 9 shed, or probably a little north of that.

Q.—Did you notice the Stella Maris when the Imo was going down?

A.—Yes, we noticed her coming up by No. 8 pier then.

Q.—Did you notice the propellor of the Belgian Relief ship—was it under water or above the water? A.—I don't remember.

Q.—When the Imo reversed the first time did you notice if she swung one way or the other? A.—She swung to the Halifax side, continuously—gradually to the Halifax side.

Q.—On the shore did you see anything like a tidal wave? A.—I guess I did.

Q.—Describe it? A.—When we got on our feet we looked around and saw a wave coming and my brother-in-law said we might as well have been killed by the explosion as find this thing coming at us—it went up around the bungalows where we were working right up on the land.

Q.—Quite a high wave? A.—Yes sir.

BY MR. MELLISH, K. C.:

Q.—Were you at home Mr. Dixon? A.—No sir, at work.

Q.—At whose place were you working? A.—Mr. McKeen's ship 20 building plant.

Q.—That is the old Tuft's Cottage? A.—It might have been before Mr. Busch bought it.

Q.—That is Mr. Walter Busch the Architect? A.—Yes sir.

Q.—That is north of the little cove that is called Indian Cove?

A.—Where the ferry used to run in summer there is a wharf in there—there is a cove above right in here where the ship building plant is called Clam Cove.

Q.—It is just between these two coves? A.—Yes sir.

Q.—There is a little wharf at the cove just south here? A.—Yes sir. 30

Q.—There is a little ferry used to run there? A.—In the summer time.

Q.—Where you were, right opposite was the north end of No. 9 pier. A.—Yes sir.

Q.—What is your occupation? A.—Laborer.

Q.—Do you belong over there or Halifax? A.—I belong to Tuft's Cove.

Q.—Just lived there now—have you lived there all your life?

A.—No sir, I have been over there going on five years now.

Q.—When you saw the Imo first was she above pier 9? A.—She 40 was a little to the north of pier 9.

Q.—And there is a turn in the Narrows just about there? A.—I guess there is.

RECORD. Q.—Just as you come to pier 9 there is a turn there? A.—Yes sir, she appeared to be heading pretty straight down the harbour when I first noticed her.

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Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—Seemed to have made her turn before you saw her? A.—Yes sir.

Q.—Was she nearly opposite? A.—When I first saw her.

Q.—Yes? A.—Yes, pretty near.

Q.—A little bit to the north? A.—Yes sir.

Q.—Then of course you would see her full port side there? A.—Yes sir.

Q.—Sometime after you saw her you saw her reversing? A.—After 10 she had passed by us where we were working.

Q.—You noticed her reversing? A.—Yes sir.

Q.—And after she reversed you noticed her course change?

A.—Yes sir.

Q.—And she seemed to you to be heading towards the Sugar Refinery?

A.—As I remembered between the Lorne Club and the Sugar Refinery.

Q.—Had you seen the Mont Blanc before the Imo reversed? A.—I cannot remember—I don't think I did.

Q.—Now the Lorne Club is close to the north of the Sugar Refinery?

A.—Yes sir.

Q.—It is the next building? A.—Yes sir.

Q.—Is that about the way the Imo was heading at the time of the collision? A.—That is what it looked like from where we were standing.

Q.—Heading about to the north of the Lorne Club? A.—Yes sir.

Q.—At the moment of the collision how was the Mont Blanc heading?

A.—At the jog between No. 8 and 9 piers.

Q.—Have you seen this chart before? A.—I don't know whether I did or not.

Q.—You have seen something like it perhaps?

(COUNSEL REFERS TO EXHIBIT M. B. R. 17)

Q.—You were about half way between these two coves then? Right on the South corner of Calm Cove?

Q.—This is the Lorne Club, you could see it very plainly? A.—Yes sir.

Q.—Was the Imo about the stern of the Mont Blanc at the time of the collision? A.—Yes sir.

Q.—And you thought heading for the Lorne Club? A.—Yes sir.

Q.—And the other vessel was heading how, as you thought then?

A.—Between 8 and 9 piers.

Q.—That brings them together a little differently from what you put it— a little different angle from what you thought? A.—Yes.

Q.—She appeared to you to be heading between 8 and 9 piers, that would bring the vessels more together in this way. The sketch you have marked shows a little differently from that? A.—Yes sir.

No. 45.
Evidence of
George
Dixon,
Direct-Ex-
amination,
Continued.

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RECORD. Q.—I suppose you have put them together like this before? A.—No

*In the
Exchequer
Court of
Canada,
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Admiralty
District.*

sir.

Q.—That is the first time you have done it? A.—Yes sir.

Q.—I want you to reconsider this sketch in your memory of what happened—is that not like it? A.—No sir.

Q.—You saw how they came together? A.—The Imo appeared to be coming across more this way sir.

Q.—She was heading for the Lorne Club? A.—Yes sir, somewhere about there—somewhere about the jog between the Lorne Club and the Sugar Refinery.

Q.—That is a good deal different from this sketch? A.—That is the way it looked to us from the shore.

Q.—You could not tell very well? A.—No sir.

Q.—But if you were right there she was heading up for the jog of pier 8? A.—Yes sir.

Q.—And the other vessel was heading for the Lorne Club, and the Imo was pretty well like this, you looking at her stern—this sketch cannot be right? You would have to have the Imo away around like this to make the picture like you have it here. You are not a sailor? A.—No sir.

No. 45.
Evidence of
George
Dixon,
Direct-Ex-
amination.
Continued.

By Captain
Demers.

BY CAPTAIN DEMERS:

Q.—Did that point of land there where you were standing, hide your view from seeing things out there? A.—On the Halifax side we could see pretty plainly.

Q.—The ships were about half way between the Halifax side and the Dartmouth side? A.—They looked to be nearer the Halifax side.

Q.—Was there anything in the point of land interfering with your view? A.—No sir.

Q.—Are you a judge of distances? A.—No sir.

By Mr.
Mellish,
K. C.

BY MR. MELLISH: K. C.

Q.—Was there any mist on the water? A.—No sir.

Q.—At this time? A.—I never took notice of it.

By Captain
Hose.

BY CAPTAIN HOSE:

Q.—When the Imo passed you did you have a good look at her? A.—I did not take a good look at her—I just looked at her name on the side.

Q.—Did you notice from where bow, just by the stem whether there was any wave? A.—No sir.

Q.—Did you notice any American Ship going up harbour before? A.—Yes sir.

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RECORD. Q.—Which side of the harbour did she go up? A.—She appeared to come up the Dartmouth side.

*In the
Exchequer
Court of
Canada,*

Q.—Closer to you? A.—Yes sir.

*Nova Scotia
Admiralty
District.*

Q.—After the American Ship passed you did you look at her to see if she kept over to your side? A.—No sir, just saw the American flag and then went on with our work, passed some remarks about it.

No. 45.
Evidence of
George
Dixon,
Direct-Ex-
amination.
Continued.
By Captain
Demers.

Q.—When you saw the Stella Maris going up with some scows in tow, was she close in to the pier or how far do you think she was from the piers when you first saw her going up? A.—She was pretty good distance off No. 8 pier and then she cut in a bit towards No. 9 pier. 10

BY CAPTAIN DEMERS:

Q.—Did you hear any whistles between the two boats? A.—We heard them but we did not pay any attention to them.

Q.—You heard some? A.—Yes sir.

Q.—Did you hear some from the American ship or the Imo? A.—I could not tell.

Q.—You said the American Ship was on the Dartmouth side of the harbour? A.—Yes sir.

Q.—That was closer to you? A.—Yes sir.

Q.—Did the sound of the whistles appear to be near to you? A.—No 20 sir.

Q.—You did not take notice? A.—No sir.

By Mr.
Burchell,
K. C.

BY MR. BURCHELL, K. C.

Q.—After the American ship got past you through the Narrows, which side of the Narrows did she go up on? You don't know which side she went up on after she passed you? A.—No sir, I did not take notice of it.

AND FURTHER DEPONENT SAITH NOT.

J. T. ROWAN,

Official Reporter.

AND IT BEING 4.10 p. m. COURT IS ADJOURNED UNTIL 10 30 a. m., JANUARY 24th, 1918.

TWELFTH DAY'S SESSION.

RECORD

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

10 a. m. January 24, 1918.

PURSUANT TO ADJOURNMENT COURT RESUMED ITS SIT-
TINGS AT 10 a. m. THURSDAY, JANUARY 24, 1918.

No. 46.
Evidence of
Command-
er Frederick
Evans
Wyatt,
Cross-Ex-
amined
January 24,
1918.
by Mr.
Burchell.

COURT AND COUNSEL PRESENT AS STATED ON PAGE 385
ALSO MR. F. H. BELL, K. C.

No. 46.

DEPOSITION OF COMMANDER FREDERICK E. WYATT,
CHIEF EXAMINING OFFICER A WITNESS PREVIOUSLY
SWORN, DO TH DEPOSE AND SAY FURTHER AS FOLLOWS, 10
UPON BEING RECALLED.

By Mr.
Burchell.

CROSS EXAMINED BY MR. BURCHELL:

Q.—Is your title Captain or Commander? A.—Commander.

Q.—You spoke to me after you left the witness stand yesterday morning and expressed regret that you had to make these charges against the late Pilot Hayes, as you didn't think it right to lay a charge against a dead man or words to that effect? A.—Yes.

Q.—Even if a charge of this kind is true you don't think it British fair play to make the charge against him? A.—I have to clear myself.

Q.—And to clear yourself by throwing the responsibility upon him? 20
A.—I clear myself by declaring the absolute fact.

Q.—I suppose if it is unfair and unwarranted it would be still more against British fair play? A.—I am stating the fact.

Q.—You are an Englishman? A.—Yes.

Q.—You know what British fair play is? A.—Yes.

Q.—For a man to make a charge against a dead man which is unfair and unwarranted would be very much against British fair play? A.—Neither unfair or unwarranted, seeing it is an absolute fact.

Q.—Assuming it is unfair and unwarranted it would be against British fair play? 30

Mr. Mellish objects.

Q.—I understood from the evidence of Captain Pasco that he did not know of this charge against pilot Hayes until the day before yesterday?

A.—So I see in the report.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 46.
Evidence of
Commander
Frederick
Evans
Wyatt,
Cross-Ex-
amination.
Continued.

Q.—That is correct I presume? A.—I never told him.

Q.—He is the superintendent of the Dock Yard? A.—Yes.

Q.—You never reported to him at all? A.—No.

Q.—You didn't report to anybody? A.—No.

Q.—And until Tuesday evening, the day before yestrday, the day before you were on the witness stand you had not told captain Pasco?

A.—Nobody knew anything about the pilot not having reported except my office on board of the ship.

Q.—Where is your office? A.—On the Niobe.

Q.—How many assistants have you? A.—I have two assistants. 10

Q.—Their names? A.—Mr. Faulkner and Mr. Icton; they are mates in the R. C. V. R.

Q.—You are in the employ of the Dominion Government not of the Imperial government? A.—No, I gather I am lent—from what I understood when I was in the Niobe, I was lent from the R. N. R. to the Canadian Government.

Q.—Now under pay of the Dominion Government? A.—Yes.

Q.—And since you came under the Department of Marine and Fisheries? A.—Department of Naval Service.

Q.—And the Minister is— A.—Admiral Kingsmill is the man I 20 recognize.

Q.—You are familiar with the regulations of the port of Halifax? A.—I should be.

Q.—Your title is that of Chief Examining Officer? A.—That is correct.

Q.—And Captain Pasco told us that you had also assumed the duty of Harbor Master because he didn't have a boat? A.—I think I stated yesterday on certain occasions I had to perform the duty; I had not ere been detailed for the Harbour Master's duty.

Q.—Is the statement correct generally as made by Captain Pasco that 30 the Harbour Master had no boat therefore you had to perform his duties? A.—On several occasions.

Q.—Has there been any conflict between you and the harbour master? A.—No, I have even asked him about a certain ship being in a wrong place and his reply was he could not attend because he had no boat.

Q.—Have your relations with him always been pleasant and nice? A.—I have not known him otherwise; I only know him slightly.

Q.—How many times have you seen him last year? A.—I can't tell you.

Q.—Half a dozen times? A.—Probably; except over the telephone. 40

Q.—Exhibit R./51. No vessel may exchange her berth without the permission of the harbour master; that rule has not been observed in Halifax Harbour or Bedford Basin? A.—Not that I know of.

Q.—You undertook to give permission for vessels to move from their berths and not the harbour master? A.—I had to do it because he had not the means at his disposal to do it.

RECORD

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 46.
Evidence fo
Commander Frederick
Evans
Wyatt,
Cross-Ex-
amination.
Continued.

Q.—There have been occasions, when the harbour master has cancelled an order given by you? A.—No, I don't know; I don't remember any.

Q.—Do you remember about three weeks ago an empty tank steamer coming out to Roche's wharf? A.—Yes.

Q.—I am instructed that—the boat didn't actually come over? A.—No. She was to come over; I gave permission at first and after a conversation with the harbour master decided she was not to come over.

Q.—Did you know previously to your giving permission for that steamer to come over to Roche's wharf the harbour master had refused permission? A.—No.

Q.—And the harbour master told you he considered an empty tank steamer more dangerous than a full steamer? A.—That is correct.

Q.—And you immediately cancelled your order. A.—Yes.

Q.—And you sent your boat out to give water to this boat? A.—Somebody sent a water boat, I don't know who.

Q.—She wanted to come to Roche's wharf to get water? A.—Yes.

Q.—A ship like the Imo, do you know when she came into port? A.—I can't tell you; some days before, Not many days before.

Q.—I was told on Monday before the explosion—the collision was Thursday? A.—Somewhere around Sunday, Monday or Tuesday; 20 a few days before.

Q.—That steamer was sent in Bedford Basin? A.—Yes.

Q.—Before the steamer could leave port the captain or somebody representing him has to get the permission under Rule 21 of your regulations (E. R./5) from the Detaining Officer in writing? A.—That is clearance.

Q.—I will read section 21 of these regulations; (read) you are familiar with that regulation? A.—Yes.

Q.—The Imo could not leave port without the permission of the detaining officer? A.—That does not give the Imo the right to leave the port but the right to have his clearance to go to sea. 30

Q.—No vessel may leave the port without the permission of the detaining officer? A.—Yes.

Q.—Before leaving port Captain From should obtain the permission of the detaining officer? A.—He has to get his clearance in any port from any custom house.

Q.—Is there not a special officer detailed with the title of detaining officer? A.—Yes, I see that; that is correct.

Q.—Captain From or somebody representing him had to go to the detaining officer in order to get this permission to leave port? A.—Yes.

Q.—Do you know as a matter of fact he did go the day before the collision? A.—No, I don't. 40

Q.—As C. X. O you don't keep in touch with the detaining officer at all? A.—No.

Q.—In addition to getting permission from the detaining officer, Captain From I am instructed had to go on board the Niobe and see another Naval Official, Captain Eldridge? A.—Yes.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 46.

Evidence of
Commander Frederick
Evans
Wyatt,
Cross-Ex-
amination.
Continued.

Q.—And he got sailing instructions and so on from him? A.—Yes.

Q.—Do you know Captain From personally came on board the Niobe on the afternoon before the collision to see Captain Eldridge? A.—No.

Q.—How far is your office from Captain Eldridge's? A.—About 100 feet on the deck underneath him.

Q.—In addition to that when the pilot goes up the Basin to take a steamer out, before going to the ship he has to go on board the guard ship at the entrance to the Narrows and tell the officer in charge there what he intends to do and what ship he intends to bring out? That is right? A.—I would not say whether that is right or not; I don't know 10 what regulations the patrol people have; I think it is right in connection with a neutral ship.

Q.—There is a telephone connection? A.—No, It was bust up in the explosion.

Q.—I am not talking of the explosion; I am talking before the explosion there was a telephone connection between your office and the guard ship in Bedford Basin? A.—There is no telephone connection between my office and the guard ship.

Q.—Between the Niobe and the guard ship? A.—Between the Staff Office and the guard ship. 20

Q.—There is also telephone communication between the Niobe and the gate in the boom? A.—Yes.

Q.—So that there is then telephone communication between the guard ship in Bedford Basin and the gate in the boom? A.—By certain round-about methods, yes.

Q.—A man can speak from the guard ship to the man at the boom? A.—No.

Q.—Not direct? A.—No.

Q.—He has first to telephone to the Niobe and the Niobe has then to repeat the message to the boom? A.—Yes. 30

Q.—I am instructed that when this pilot who was going to take out a ship like the Imo goes to the guard ship he is given a flag with a number? I am speaking now entirely of the practice before the 6th December? I am instructed he is given a flag with a number and that when passing the guard ship he has to fly a flag containing that number, or distinctive flag, and that the guard ship will not let the ship pass and the ship could not pass unless a corresponding flag is flown on the guard ship? A.—That may be their regulations; I don't know what arrangements the control have for allowing their ships out.

Q.—Is it part of your duties at all to keep in touch with vessels that are moving in and out of Bedford Basin before the explosion? Did you consider it any part of your duties as C. X. O. acting harbour master, whatever you choose to call yourself, to keep in touch with the vessels moving in and out of Bedford Basin? A.—I do that through the pilots. 40

RECORD.

In the
Exchequer
Court of
Canada,
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Admiralty
District.

No. 46.
Evidence of
Commander
Frederick
Evans
Wyatt,
Cross-Ex-
amination.
Continued.

Q.—That is the only way you attempted to keep track of the vessels moving in and out of Bedford Basin through the pilots? A.—That is my easiest way to keep track of a ship sailing from Bedford Basin or anywhere else.

Q.—Is that the only way? A.—It is the easiest, quickest and most accurate way.

Q.—Is that the only way before the explosion that you attempted to keep track of vessels going in and out of Bedford Basin? A.—Yes.

Q.—And you made no use of the guard ship as far as your office was concerned at all? A.—That would not help me. 10

Q.—Don't you think it would be of assistance and valuable to you if you asked the guard ship to keep in touch with you and advise your office when a vessel was properly or improperly leaving Bedford Basin?

A.—She probably would advise me if a ship was leaving improperly.

Q.—If she was not flying the proper flag corresponding to the flag on the guard ship? A.—If she had not carried out the regulations of the control for neutral ships they probably would inform us immediately.

Q.—I am speaking about your office? I understand you were attempting in some way, some measure at least, to keep control as C. X. O. of the ships moving in and out of Bedford Basin? A.—Yes. 20

Q.—And I also understand the only way you attempted to keep control of these vessels was through the pilots? A.—Yes.

Q.—That is to say you had issued an order, or letter, which is marked R. /67? A.—Yes, I saw that yesterday.

Q.—You had issued that request of the secretary of the Pilot Office and that was the only step you took and you depended absolutely on the pilots? A.—Absolutely.

Q.—And you didn't take advantage of the fact that there was a guard ship in Bedford Basin which could control the matter very easily for you if you requested them? A.—The guard ship would see the ship leaving; I want to know when she is going to leave and the pilot is the man to tell me. 30

Q.—If the guard ship saw the ship leaving they could immediately send word by telephone to the Niobe? A.—Yes, possibly.

Q.—And word could be immediately given to you at your office? A.—Yes.

Q.—In that way you could keep absolute control of the ships coming down Bedford Basin if you so desired? A.—I preferred to keep control through the pilot as being simpler.

Q.—And you could also if you were so anxious to keep ships from leaving Bedford Basin without your knowledge; you could also have made arrangements I assume with the detaining officer that no clearance should be given to a ship without your consent? A.—No, I don't know I would have the authority to do that. 40

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 46.
Evidence of
Commander
Frederick
Evans
Wyatt,
Cross-Ex-
amination.
Continued.

Q.—You don't know that under the provisions of Notice to Mariners, which the government counsel has put in evidence that the regulation of the internal traffic in Halifax harbour is placed under the Captain Superintendent of the Dock Yard? A.—Yes.

Q.—And don't you think if the Caprain Superintendent of the Dock Yard had been requested by you to make a regulation that the customs officer, detaining officer, he could not give a permit to a ship to leave port without your consent, don't you think the detaining officer would have followed out that order? A.—Yes, it could have been done but it would be no help.

Q.—Would not that have given information to you as to what ships were leaving port? A.—Very inaccurate information.

Q.—What do you mean by that? A.—I want information as to just when the ship is going; and when the pilot telephones me he is going on such and such a ship I know he is going within a certain time.

Q.—What are your office hours? A.—My office hours are 24 hours out of 24; I am never off the end of a telephone.

Q.—Where do you live? A.—Live on Vernon Street.

Q.—Married? A.—Yes.

Q.—What are your office hours? A.—I get down about 7.30 or 8 20 and leave at 10 or 11 at night; never before 6.30, that is the earliest I ever get off; Sundays, Christmas day or any other day; and I go straight home; I am more or less in the house and if I go out I leave my telephone number wherever I am.

Q.—When you are boating or motoring? A.—I don't indulge in that luxury.

Q.—If a pilot should get word at 11 at night as I am instructed they do to be ready to leave at 6 in the morning to take a ship out, you expect them to telephone you? A.—Not me personally; they ring my office up; there is always a man on watch.

Q.—Would there be anybody on watch at 11 in your office? A.—My assistant and two messengers; that is all.

Q.—In your office all night? A.—Yes.

Q.—In other words you say there was always somebody in your office? A.—Yes.

Q.—Day or night? A.—Yes.

Q.—Either Mr. Iceton or— A.—Either Iceton or Faulkner.

Q.—And these are both mates? A.—Yes.

Q.—Would they have authority supposing a pilot called up to notify—either of these men, is that all they have to do? A.—They would 40 immediately notify me.

Q.—I understand you made a statement yesterday deliberately that since this regulation was made by you, R. /67, made by you, that prior to the time, you say, the late Pilot Hayes left port without reporting to you? That on only two previous occasions did the pilots take ships out of the

RECORD. harbour without first acquainting you and on these two occasions you say both ships were fired at; that was your statement yesterday?

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A.—Yes. I believe so.

Q.—Upon further consideration over night will you still say that statement is correct? A.—I will give you three instances.

Q.—I am speaking of the fact that you stated to be a fact that all the pilots had reported to you on every occasion when they took steamers out between the 4th May and the 6th December; is that statement correct?

A.—I don't understand that.

Q.—The statement I understood you to make yesterday was that no pilot had taken a ship out of Halifax Harbour from the time you issued this order on the 4th May, 1917 until the 6th December without first acquainting you except on two occasions and on those occasions the ships were fired at and brought back? A.—Yes.

Q.—That statement you say is correct? A.—I didn't say they were brought back.

Q.—They were fired at? A.—Yes.

Q.—Is the rest of the statement correct? A.—I have no specific cases, but I can produce a letter which I wrote to the Captain Superintendent, I don't know the date, I have it in my pocket now, complaining the pilots had not carried out my orders in regard to that regulation.

Q.—That is what I want to get at? The statement you made yesterday was all the pilots had been faithfully obeying this regulation? A.—You wanted specific cases.

Q.—You made a statement deliberately yesterday on two or three occasions to the effect that all the pilots had been carefully obeying that regulation from the 4th May, to the 6th December except on two occasions when the pilots were taking Steamers out of the port without first acquainting you and you ordered the ships to be fired at and I understood yesterday Pilot Hayes when taking the Imo out was the only third occasion since the 4th May, on which a steamer left the port without first acquainting you? A.—You understood wrong.

Mr.
Mellish.

MR. MELLISH: If a statement is made to the witness it should be accurately made; I referred to the evidence and the statement he made was it happened once or twice; he should not cross examine a witness on what he said yesterday unless he tells him accurately.

Q.—Was it once or twice or three times you meant yesterday?

A.—You asked yesterday if I could give you specific cases and I said I thought I could remember two or three cases of this happening, of violations leaving port without my permission.

Q.—Then I asked you to give me yesterday afternoon, to furnish the names of the two pilots of these ships and the names of the ships; that is right? A.—That is correct.

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Q.—And you called me up later in the afternoon and said there was no pilot on the ships at all? A.—Not on one, I said the Ubier.

Q.—You told me the case of the two ships? A.—The Ubier and the Liege, they—

Q.—The Ubier was not fired at? A.—They tried to stop the Ubier but they dared not fire.

Q.—I asked for the names of the two vessels and the pilots? A.—I told you they were coasting ships and had no pilots, and I was not aware of it; the Sovereign, a three masted schooner, or two masted; and the C. G. S. Tyrian.

Q.—The question was asked you yesterday if the vessels which violated the regulation previous to the collision were actually stopped and your answer was yes? A.—Yes.

Q.—And the regulation you referred to was R. /67? A.—Yes.

Q.—Will you tell me why this schooner was fired at? Tell me first the other case; the other case you gave me yesterday; is that your writing? A.—Yes; (Witness reads). "The Belgian S. S. Ubier passed through the outer net defence at the same time the Belgian S. S. Liege was entering; although signals were set for incoming vessel; Ubier not only committed violation of regulations but had not reported his intention to sail to me; gate vessel No. 1 tried to stop Ubier, he did not dare fire owing to other boats in proximity; reported to Captain Superintendent."

Q.—What time was that? October 18, 1917? A.—4.25 or 4.30 in the afternoon.

Q.—That is additional to the one you gave yesterday? A.—That is a specific instance.

Q.—You were mistaken about there being pilots on the two ships fired at? A.—No; the Tyrian and the Sovereign.

Q.—Where was the Sovereign stopped and what for? A.—At the outer gate because she ran into the outer gate with a strong breeze of 30 wind and put her bowsprit up and did slight damage, and the patrol boat tried to get hold of her and she got away and I had orders to seize her when she came back. You dared not fire it is too dangerous.

Q.—Your statement was wrong they were fired at? A.—That was exaggerated; unless you want a 12 pounder shell up in the town. They were not actually fired at; I found from the gate vessels.

Q.—Tell me about the Tyrian? A.—She committed a breach of the regulation in trying to get out; signals were against her and the patrol boat stopped her twice, and the captain superintendent took it up and it was said the Captain of the Tyrian would be relieved of his command the next time he committed a breach of the regulations; the signals were set against him; he was going out and the signals were set for another ship coming in and he tried to barge his way out.

Q.—Can you give me any other specific instances? A.—I can't give specific instances.

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Q.—I have talked with four pilots— A.—I gather that yesterday afternoon.

Q.—Four or five of the pilots since you were on the stand yesterday and these pilots all tell me that for several months prior to the 6th December they had not reported to you? A.—I have that letter in my pocket here in which I reported it to the Captain Superintendent.

Q.—Then that statement is correct that a number of the pilots never reported to you at all? A.—Have not been doing so.

Q.—Prior to the 6th December? A.—Yes.

Q.—Didn't you intend to give us the impression yesterday that all 10 pilots had been reporting to you and this case of pilot Hayes was extraordinary? A.—No, I didn't.

Q.—You didn't intend to give that impression? A.—No.

Q.—And I also think it fair to tell you I have been talking to the Secretary of the Pilot Commission and to the clerk of the pilot Commission, both of whom will be on the stand and they told me after this order of yours R. /67 was sent down first to their office that the pilots themselves tried to keep in touch with you and give you the information that you asked for and found it impossible to do so because they could not get in touch with you; then an arrangement was made in an attempt to carry out the order, 20 that the clerk in the pilot office should be informed by the pilots when they were going to take a ship out and that the clerk in the office kept informing your office for some weeks giving the information. A.—That goes on now.

Q.—I am speaking after the 4th May for several weeks the clerk in the pilot office was giving the information to your office? A.—As far as I can remember I had no information from the clerk; it was always the pilots rung up personally themselves.

Q.—I am instructed by the clerk in the pilot office that for six or seven weeks after the 4th May he carefully advised your office each day of the 30 steamers that were going to move? A.—It may have been him or the pilots; I thought it was the pilots themselves ringing up.

Q.—I am also told by the clerk in the pilot office that he would give each day a long list of steamers, sometimes 14, 15 and 16, by telephone to someone in your office? A.—Myself.

Q.—Or some one in your office? A.—Myself practically every time; I receive this information.

Q.—And you didn't know who was giving it the pilot or the clerk? A.—Now I know because I know the clerk's voice, at that time I always thought it was pilot so and so was taking a ship out; it was not from the 40 clerk all the time.

Q.—The clerk tells me that on several occasions, in fact almost every day he would call over the telephone to someone in your office the names of several steamers sometimes as many as 14 and 15? A.—Very seldom.

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Q.—And if the clerk was on the stand and tells what he said to me, he did it every day? A.—He did it every day to the 6th Decemb̄r?

Q.—No, for six or seven weeks after the 4th of May? A.—I can't tell whether it is so or not.

Q.—You said the clerk always spoke to you? A.—One pilot would report he had taken a ship in and another would do the same.

Q.—No one pilot would call up and give the names of 14 or 15 vessels at one time? A.—And I never had such a report in my office of 14 or 15 at one time except since the explosion.

Q.—You said the only information you received after the 4th May was 10 individual cases? A.—Individual cases, yes.

Q.—And if the clerk in the pilot office says he called up and gave the names of several steamers at one time you say that is not correct? A.—My word is as good as his, is it not; that is the way I look at it; he says it is, and I say it is not.

Q.—Would it be possible that the clerk would be speaking to some one in you office? A.—I personally attend the telephone from the time I get there until I leave; you can't trust messengers, and I do it myself every telephone call I receive myself.

Q.—What time do you go to lunch? A.—12.30 to 10 to 1; the ward 20 room is right by my office and if the telephone rings I attend to the telephone myself.

Q.—And you on all occasions attend to the telephone yourself? A.—Practically on every occasion.

Q.—The clerk further tells me that after keeping up this practice of calling up your office and giving the names of these ships for six or seven weeks he found you were not taking the names down and, as he puts it, you were laughing at him at the other end of the telephone and then he discontinued the practice at the end of the six or seven weeks?

A.—He had a peculiar idea in his head.

Q.—You agree at all events since say the 1st of July there have been no reports from the pilotage office sent in by the clerk or by the secretary of the commission to your office of vessels intending to leave port?

A.—I won't state any date, I could not tell you.

Q.—For some months? A.—For some time.

Q.—For some days? A.—For some time.

Q.—Some weeks? A.—I might say some weeks.

Q.—Are you familiar with the letter Captain Hose sent on the 20th December to the secretary of the Pilotage Commission? A.—Covering that same letter I think.

Q.—(Letter read) You are familiar with that letter? A.—Yes.

Q.—Captain Hose at this time you told us had no information that the Pilot of the Imo had not carried out this order of yours? A.—Yes.

Q.—So this letter must refer to other instances before the collision? A.—Generally.

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Q.—What do you mean by that? A.—You are trying to make out I am trying to put Pilot Hayes in very bad for not giving information; the pilots generally, not one pilot in particular, had not been reporting.

Q.—Then the real fact of the matter is for some weeks prior to the 6th December the pilots had not been reporting to your office? A.—It is pretty well shown in that letter.

Q.—Don't you think that is in direct contradiction to the statement you made yesterday? A.—No; you were trying to tie me down to specific cases which I cannot be.

Q.—Your evidence will speak for itself; had any one pilot previous to the 6th December and for some weeks prior thereto, been reporting to you in accordance with Exhibit R./67? A.—For some weeks previous to December 6th I can safely say none of them had. 10

Q.—And no reports had come in from the secretary or clerk of the pilot commission? A.—No.

Q.—There was nothing extraordinary of the pilot of the Imo not reporting if he didn't? A.—Nothing beyond the incidents following were rather extraordinary.

Q.—No complaints prior to the 6th December were made by the captain of the Dock Yard to the secretary of the Pilotage Commission with regard to the failure of the pilots to report? A.—I don't know if the captain superintendent has complained; I personally have complained and written to the captain superintendent about it; what he does afterwards is none of my business. 20

Q.—The secretary of the Pilotage Commission will tell us whether or not any complaint was made to the commission about the matter?

A.—That does not interest us; I write to the Captain Superintendent and I am finished.

Q.—You don't think it is any part of your duty to see the regulations are carried out? A.—I can't go over the head of my superior officer. 30

Q.—You throw the responsibility upon the captain—captain Pasco? A.—He was not here at the time.

Q.—On whom now do you throw the responsibility? A.—The superintendent at the time, Captain Martin.

Q.—He was over you? A.—Yes.

Q.—Is it not a fact that for some weeks prior to the 6th December this letter R./67 was not being obeyed and was practically a dead letter?

A.—You have already ask that question; I say the order had not been observed prior to the 6th December for some weeks.

Q.—And was practically a dead letter? A.—I am not saying it was a dead letter at all. 40

Q.—You say you complained to the captain superintendent and you say he should have complained to the Pilotage Commission about it?

A.—He may have; for all I know.

RECORD. Q.—Do you know when Captain Martin is coming back? A.—I don't know; I wish he was back here now.

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Q.—I take it on the morning of the collision that you are the one man who was responsible for the traffic regulation in the Halifax Harbour?

A.—Yes.

Q.—And I take it that since the 6th December and to the present time you also are the man responsible for the traffic regulations in Halifax Harbour? Is that right? A.—No, I won't accept that responsibility; I am acting under orders to do such things and I am not the harbour master of this harbour.

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Q.—I am instructed that on occasions you have gone out to meet ships which were coming in and you have represented yourself as the King's Harbour Master? A.—I have had to do so; that is practical going on board a foreign battleship, that would be my position on her coming up the harbour; I have not been appointed.

Q.—It is not in fact your real position? A.—No, Commanding Examination Officer.

Q.—Captain Pasco told us of the regulations which are in force now in regard to munition ships passing up and down the narrows; what are they? A.—A ship coming up, all traffic is stopped, all big ships traffic is stopped, a certain signal is used on the guard ship in Bedford Basin to stop anything leaving; my own patrol boat goes up 200 or 300 yards ahead to push anything out of the way; gate signals are set against anything going out, and theoretically it is not possible for anything but tugs and motor boats to be moving, and even then they are pushed out of the way by the patrol boat; as ship coming down goes in convoy; and the whole harbour is cleared; they come down at three minute intervals.

Q.—Has an incident been reported that at 11.30 yesterday two ships, one an oil tank going up and one a munition ship, passed in the narrows at the same time? A.—I was in court.

Q.—Have you heard about it since? A.—I was told this morning by letter that a ship had passed through the gate the same time as the convoy was going out which is not correct; the convoy had finished.

Q.—I am instructed yesterday morning at 11.30 while Captain Pasco was on the stand here, between 11.30 and 11.45 that a tank ship called the Appalache carrying oil was going up the Narrows about the place of the collision and she passed a munition ship, the Galileo coming down, at about the place of the collision? Know if that is correct? A.—I was in court.

Q.—Who runs your office; does it stand still? A.—My assistant carries on the work.

Q.—When you leave your office is there anyone there? A.—One of the assistants.

Q.—And if this thing happened you throw the blame on one of your assistants? A.—I take the blame for anything going wrong in my office.

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Q.—If you were in court I suppose you could not— A.—It is up to me when anything goes wrong wherever I am.

Q.—Would it not be the fault of somebody on the guard ship possibly?

A.—No.

Q.—I am instructed under the regulations that Captain Pasco told us yesterday, that when a flag bearing the letter N is hoisted on the guard ship that no ship is allowed to leave Bedford Basin? A.—That is correct.

Q.—Then if a ship left Bedford Basin yesterday morning while another ship was coming in that flag could not be flying with N on the guard ship? 10

A.—I don't suppose it would be flying or the ship would not have left.

Q.—Have you anything to do with the guard ship personally?

A.—I have.

Q.—Since the collision has happened you have some working arrangement with the guard ship which you did not have before? A.—If I want that flag hoisted I send a motor boat to the guard ship to hoist that flag.

Q.—You have an arrangement now which you did not have before?

A.—I have a working arrangement to hoist that flag and that is the only thing I have to do with it. 20

Q.—You did not have that arrangement before the collision?

A.—It was not necessary.

Q.—And it is necessary since the explosion? A.—No, I don't consider it is necessary, the Narrows is perfectly safe place for any two ships to pass.

Q.—You think this regulation prepared by Captain Hose is a foolish one? A.—It is a safe guard.

Q.—It is not much of a safe guard if you allow it to be violated?

A.—I am sitting in court and I don't think it fair to cross examine me about something that happened while I was here. 30

Q.—We are trying to find out who is responsible for the traffic in Halifax Harbour? It is one of the things in this investigation; upon what individual would you place the responsibility? A.—I don't know quite where; I don't know what has happened or anything else; you may be making the thing up for all I know; trying to get at me.

Q.—Is my information to you this morning the first information you had of this matter; I have given the names of the two ships, told you what occurred; have you any information or is my information the first you have received about the matter? A.—That is the first I knew of any two ships passing in the Narrows. 40

Q.—And your assistants report to you carefully? A.—They look after things and would let me know at once.

Q.—And if it occurred they would report to you? A.—Yes.

Q.—And you would investigate it? A.—Yes, at once.

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Q.—Be good enough to investigate and I will call you at a later date?

A.—Yes.

Q.—Did I ask whether or not you knew that pilot Hayes before he went on board the Imo on the morning of the explosion had first to go to the guard ship? A.—You asked me if I knew if he had gone; I believe it was the practice on the way down.

Q.—And you have no information to the contrary to the statement he did go on board the guard ship that morning? A.—I don't know if he did.

Q.—You made no enquiries? A.—No.

Q.—There is at least three Naval Officers that Captain Fron—three government officials we will say, that he had to obtain permission from the detaining officer, Commander Eldridge— A.—He does not get permission from him to leave the port.

Q.—Information he is leaving the port? A.—For routing information.

Q.—He has to see him before he can leave the port and go on board the Niobe for that purpose? A.—Yes.

Q.—And he has to get permission from the officer on board the guard ship in the Basin; that is the practice? A.—That is arranged between him and the Naval Patrol people; I don't know what their arrangements are.

Q.—And he goes down the harbour and there is a boom? A.—Two booms.

Q.—And ships on both booms? A.—Gate vessels; one on one and two on the other.

Q.—With an officer in charge? A.—Petty officer.

Q.—And outside there is another ship, detaining ship or examining ship? A.—She has nothing to do with the ships going out; the examining ship is for ships coming in.

Q.—I called Mr. Henry, the Government counsel up last night and I asked him to make a request to you that you should bring into court this morning the records kept by you or any of your office staff showing the reports received by you from pilots or from the pilotage office of vessels intending to leave the port, under this rule passed by you 4th May, R./67; did he communicate with you? A.—He did.

Q.—Have you any records? A.—No, my records are made from 24 hours to 24 hours; and kept out with what comes down from the bridge, reporting ships passing up and down, and sailing lists at night; and when all checked off, the sailing list is sufficient record.

Q.—Supposing it to be correct as the clerk in the pilot office will tell us that he telephoned to your office, the names of 14 or 15 ships that were sailing on that day would you keep any record in your office of the names? A.—No such case ever happened of 14 or 15 sailing on one day except a convoy which is not reported by the pilot office as all arrangements are made previously and it is not necessary.

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Q.—And you didn't regard this order of yours of May 4th as being applicable to ships going in convoy? A.—Those arrangements are made with the convoy officer who informs me that they are going out; he makes his own arrangements with the pilots and informs me when they will start.

Q.—I understand your statement earlier in the morning you relied prior to the 6th December you relied on information received from the pilots as to the time they left port and didn't try to get the information elsewhere—will you stand by that? A.—I am not talking about convoys; you are trying to get me on that—outside of convoys, yes. 10

Q.—So if the pilots had not been reporting for several weeks prior to the 6th December you had no information at all about the intention of ships leaving the harbour? A.—Isolated ships I got; no.

Q.—And you say that was not your fault because you complained to the captain superintendent and you shifted the responsibility on him? A.—I am not shifting responsibility.

Mr. Henry.

MR. HENRY: I object to his speaking of shifting responsibility; it is high time I said something; my learned friend from the first, with regard to the evidence of any witness that did not suit him, has persistently abused and used language in regard to these witnesses I do not think should be used. 20 It is no interest to me whatever the result of the inquiry, but my learned friend should be restrained from asking questions involving criticism of others.

His Lordship.

HIS LORDSHIP: It is enough for counsel to get the facts; he says they got into loose habits and he reported to the captain Superintendent.

Q.—Do the harbour regulations apply to your own navy boats? A.—I don't know what you mean.

Q.—Do you exercise any control over your own navy boats? A.—What are they?

Q.—Is the Lansdowne in your employ? A.—Not now; only for a 30 short time; I could not tell you when. She was around Sydney being used as a gate vessel.

Q.—Was she not used in Halifax harbour this month? A.—For a short time.

Q.—Who was captain when she was here? A.—I don't know.

Q.—Did you exercise any supervision over her movements? A.—I have nothing to do with the Lansdowne.

Q.—So if a munition or hospital ship was coming in the Lansdowne was at liberty to go down and move about as she pleased? A.—The Lansdowne is a small ship. 40

RECORD. Q.—And she could move about as she pleased? A.—Inside the inner harbour.

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Q.—Hear anything about the Lansdowne this month nearly being in collision with another ship? A.—What ship? State the name.

Q.—Any ship? A.—I have not; have you heard?

Q.—Yes. A.—Give me the name of the ship?

Q.—I cannot. It was a hospital ship coming up the harbour?

A.—Perhaps your idea and others ideas of collision are different.

Q.—Did you hear anything about it at all? A.—No.

Q.—How far does your jurisdiction extend? A.—I don't know what 10
you call the Halifax harbour; I would say inside the defences, that is the harbour.

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HIS LORDSHIP: They are defined in the regulations.

Q.—How far down the harbour did you attempt to regulate the movements of ships? A.—To the outside entrance.

Q.—There has been a great many steamers coming in and out the past year? A.—Yes.

Q.—Sometimes as many as 75, 100 ships in Bedford Basin? A.—I don't know that occasion; I think the biggest amount was 68; there was never more I am quite certain of that. 20

Q.—Coming back to the question of records; you said any records would be destroyed? A.—At the end of the day it is checked up with my shipping lists; they are all tallied together, and except what are sent in to put on my signal pad are destroyed and the same thing the next day.

Q.—Did you ever ask permission from the harbour master before performing any duties in the harbour? A.—Ask his permission?

Q.—Yes. A.—I don't understand.

Q.—You know Captain Rudolph the harbour master? A.—Yes.

Q.—Did you ever ask permission for instance before you changed a vessel in her berth? A.—I am not aware; if he could not do it himself 30
I would do it; you could not ball up the port because he could not do his duty.

Q.—If Captain Rudolph did not think it was a proper berth and he moved it— A.—I know more about positions and berths than ever he would know in the whole of his life.

Q.—You are a better man? A.—I think my records will show.

Q.—Can you tell me what would happen if he wanted to move a ship? A.—He would have the right to move her; it is laid down.

Q.—Under rule 18; that rule was absolutely ignored? A.—It had to be; he cannot look after it and someone else must. 40

Q.—Because the government did not supply him with a boat? A.—I understand that is the reason.

Q.—That is the only reason? A.—Yes.

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Q.—Never made any complaint to the government about the matter?
A.—I understand it was taken up from the Dock Yard. I don't know what correspondence went on about it; I believe it was taken up.

Q.—So the position has been, there has been a harbour master in this harbour for some months prior to the 6th December and up to that date he was not performing any duties at all and you performing all the duties yourself? A.—That is what it practically amounts to.

Q.—When you started to do the work of harbour master did you look up the various rules and regulations, orders in council, relating to the port of Halifax? A.—The only things I have done in regard to the duties of 10
harbour master have been if ships have been anchored in an unsafe position or in a place not to make room for the number of ships I have to put in the harbour I go down and anchor them in a right position.

Q.—Is that all the duties? A.—That is as far as I have interfered with the harbour master's work; he has not a boat.

Q.—What work have you been doing yourself? Outside of that?
A.—Identification of all ships coming in; you don't want a German ship in here. I run the net defences; upkeep etc., regulate the hours of the gates, night and day; and various other jobs which does not interest the 20
court.

Q.—Pretty busy man? A.—I am.

Q.—Do you consider it part of your duties to enforce all the harbour regulations? A.—What particular regulations do you mean?

Q.—For instance, the regulation about petroleum, are you familiar with it? A.—I know they are supposed to fly a red flag.

Q.—How long have you known that? A.—Quite a time.

Q.—Captain Pasco told us he only learned it yesterday. A.—That is a very old regulation.

Q.—What kind of red flag? A.—Red Burgee.

Q.—Plain red flag? There is only one kind of red burgee. 30

Q.—Have they only to fly any kind of red flag? A.—What are you getting at?

Q.—Is there anything on the flag? A.—It is a red flag that shape (indicating).

Q.—With nothing on it at all? A.—Plain red flag.

Q.—You can't know the regulation calls for a red flag with Petroleum on it? A.—No.

Q.—Ever seen an Order in Council R. /54? A.—I don't think so; No, I have not seen that regulation.

Q.—Are you familiar with that regulation M. B. E. /64? A.—Yes. 40

Q.—Is that enforced in Halifax harbour? A.—At the present moment that has gone out of fashion; it was enforced nearly all last summer; it is out of fashion now; I have not observed it being done lately.

Q.—Is that an unusual thing for a rule to go out of fashion? A.—It has nothing to do with me what men of war do.

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Q.—Do you know why this order in council was not published as part of the harbour regulations? A.—No.

Q.—You drafted that order yourself? (R. /67). A.—After approval.

Q.—By whom? A.—I asked Captain Martin—I had his approval to give these orders and I sent them out.

Q.—You don't think it necessary to have such an order as that incorporated in the harbour regulations? A.—I don't know; I suppose it would have been a good idea. We don't think of these things like we do six months afterwards.

Q.—If it was incorporated in the harbour regulations the captain of a 10 ship would be likely to see it? A.—He should.

Q.—If it is posted in the pilot office the captain of the ship has no means of seeing it? A.—I don't suppose he goes to the pilot office very often.

Q.—If there was no blame on anybody for not obeying this regulation there could be no possible blame on the captain and officers of the Norwegian ship Imo? A.—I don't think so.

Q.—Could there possibly be any blame on the captain and officers of the Imo? A.—Not so far as I know.

Q.—The whole blame according to you, you put on pilot Hayes?

A.—I am making the statement he did not report to me; I have nothing 20 to do with the blame.

Q.—And all the other pilots for weeks previous didn't? A.—He did not report the way all the others should have done; he didn't do it.

Q.—What was the expression you used about M. B. E. /64—fallen out of fashion? A.—Not through my wish.

Q.—It had? A.—I was trying to keep it up so it didn't.

Q.—But so far as the pilots were concerned it had? A.—They absolutely ignored it as far as they were concerned.

Q.—As far as His Majesty's ships E. /64 it has fallen out of fashion?

A.—It might have been cancelled; I cannot tell you. 20

Q.—You are the Chief Examining Officer of this port and have taken on yourself the duties of harbour master?

MR. HENRY; Some of the duties.

Q.—Some of the duties and you cannot tell me whether this order in council of November 15, 1916. E. /64 has been cancelled or not? A.—No, I cannot. It is H. M. Ships; I have nothing to do with it.

Q.—Would you not supposing a British or Canadian ship or another vessel in charge of H. M. Officers is about to pass in or out of the harbour hoist the Union Jack, would you have anything to do with it if, in accordance with this regulation all other vessels gave way to her? A.—I am 40 not certain of that question.

Q.—I will read the whole rule. (Read rule). A.—I know all about it.

RECORD.

In the
Ex-quer
Court of
Canada,
No. Scotia
Admiralty
District.

No. 46.
Evidence of
Commander
Frederick
Evans
Wyatt,
Cross-Ex-
amination.
Continued.

Q.—As I understand Rule 4 A. of the harbour regulations of Halifax passed by Order in Council, the fact is that when any of H. M. ships, whether British, or Canadian, or other vessels in charge of H. M. Officers are about to pass in or out of the harbour of Halifax, and they hoist the Union Jack at the foremast head then all other of H. M. ships whether British or Canadian shall also hoist the pilot jack as a general warning—all craft and boats of every description shall keep out of the way of the said ship flying the Union—you are familiar with that rule? A.—Yes.

Q.—If in accordance with that rule all other ships; craft or boats, do not at once keep out of the way of the ship flying the Union Jack, would it be any part of your duties to see they did so and report them if they did not? A.—If H. M. ship finding a ship getting foul of him under those conditions would report in at once—? 10

Q.—You are on the harbour front? A.—You expect me to go personally down to every little motor boat and tug and see if clear of every ship coming in the harbour?

Q.—If you or any of your officials were on the water front and saw another vessel did not get out of the way? A.—I should promptly get alongside and put him out of the way.

Q.—If your regulation is in force you can't do that. A.—If the Union Jack is there I know it is in force. 20

Q.—It might be for other purposes? A.—There is a distinct purpose there.

Q.—You don't consider it necessary to keep in touch with all regulations? A.—I do as long as they are given to me.

Q.—Therefore do you say you don't know whether this R. /64 is repealed or not? A.—No.

Q.—And you have not seen R. /54 before? A.—No.

Q.—Do you consider it any part of your duties to see that the Narrows before the explosion were kept clear of other craft while a munition ship was coming in? A.—I didn't see any reason at all. I have had the Mauretania and the Olympic pass together in the Narrows; a collision did not take place and that is a perfect specimen of what can be done. 30

Q.—Then you didn't consider it necessary to try and regulate traffic in the Narrows before the explosion? A.—There has never been any need for 3½ years.

Q.—And you never made any attempt to regulate it? A.—No.

Q.—And you thought it would be quite all right for a ship like the Stella Maris with two barges in tow—one with 75 yards of line to be going up the Narrows at the same time as one ship going down and another one going up? A.—I didn't know there was another ship coming down. 40

Q.—Do you consider it a part of your duties to regulate a tug like the Stella Maris going to Bedford Basin in the Narrows with two scows and a long tow line, while a munition ship was coming up? A.—They were both going up.

RECORD. Q.—Was it a part of your duties looking after the Stella Maris?

A.—No.

In the Exchequer Court of Canada, Nova Scotia Admiralty District.
Q.—And you thought it was all right for her to go up with two scows for the purpose of dumping ashes in the Basin? A.—Yes.

Q.—And you never attempted to regulate her and give orders? A.—No. If you expect me to give orders to every tug and motor boat in the harbour it is a stringent job; there are hundreds running about.

Q.—Know how large the Stella Maris was? 120 feet long?

A.—Somewhere around there.

Q.—And with a tow line 75 yards, that would be 225? A.—Yes. 10

Q.—The scow herself was 20 feet long—30 or 40 between the two scows—and the second scow 20 feet long—415 feet? A.—That is not long.

Q.—You consider it quite all right for it to go up while other vessels are coming down? A.—The Olympic is 480.

Q.—You consider it right for her to be going up while other ships were coming down or up? A.—Perfectly.

Q.—That would not be allowed under the new regulations since the explosion? A.—No.

Q.—And you consider in your judgment the regulations since the explosion are unnecessarily careful? A.—I don't say unnecessarily care- 20
ful at all.

Q.—Where were you at the explosion? A.—On the coaling jetty at the Dock Yard.

Q.—Before making that regulation which we have here May 4th, 1917, did you confer with the harbour master? A.—No.

By Mr. Mellish. BY MR. MELLISH:

Q.—Did you see the ships that were in collision before the collision? A.—No, I must have been by the time they collided—I was just walking over the railway track; I only saw the explosion, that us all.

By Mr. Bell. BY MR. BELL:

30

Q.—Until Mr. Burchell asked you about this munition ship the Galileo had you heard of it? A.—No.

Q.—Or the tank? A.—No.

Q.—After you left here last night you went back to your office on the Niobe? A.—Yes.

Q.—And no report had come in then of these two ships? A.—No.

Q.—Up to what time was that? A.—5 o'clock I left to go to Mr. Burchell's office.

Q.—Assuming the statement of facts Mr. Burchell made to be correct these ships must have arrived off the harbour in the morning? A.—Yes. 40
The Appalache arrived fairly early yesterday morning; I know that.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 46.
Evidence of
Commander Frederick
Evans
Wyatt,
Cross-Ex-
amination.
Continued.

Q.—Did you give her any orders to allow her to go up? A.—She was held up until the convoy sailed and then she had orders to proceed up.

Q.—Can you account in any way, assuming Mr. Burchell's statement to be correct, for these two ships crossing one another in the Narrows?

A.—If it is so, I think I can; just as I came out of the Dock Yard gate—I was rung up from the North gate to say this one ship had been delayed in coaling and he wanted her to go out any time between 12 and 3 and I managed to get my assistant before coming here and told him to look after it and see she was properly arranged for.

Q.—The result would be these two ships would cross one another in 10 the Narrows? A.—I don't know the facts.

Q.—Assuming that would be contrary to the instructions he gave there would be a possibility of these two ships passing in the Narrows? A.—There would not have been if my instructions had been carried out.

Q.—You knew this ship was coming in? A.—Yes.

Q.—And you also gave permission for the ship which had been delayed to go out? A.—No. She was to go out sometime between 12 and 3 and I gathered over the telephone—in a hurry—and I left word with my assistant to make arrangements to see it was all right.

Q.—She was liable to go any time between 12 and 3; you were depend- 20 ing on you assistant stopping the out going ship if he heard the other ship was coming in? A.—Yes.

Q.—If there was such a thing as Mr. Burchell has said, and I have received the same information, your assistant must have made some mistakes or something went wrong? A.—I don't know.

Q.—Assuming that our instructions are correct there must have been a hitch somewhere? A.—Yes.

Q.—Can you go that far, assuming the statement Mr. Burchell made, these two ships actually crossed in the Narrows? A.—Something has 30 gone wrong somewhere.

Q.—I think you said yesterday when you gave permission for the Mont Blanc to go up you believed that she would have an absolutely clear course? A.—Yes.

Q.—I certainly gathered from you that the Imo going down without notification was a rather unusual occurrence? If I understand you now, the pilots had not been carrying out the instructions and it was not at all uncommon for vessels to go down? A.—No.

Q.—If it was not an uncommon thing what assurance had you that the Mont Blanc would have this clear course? A.—Had I known the Imo was coming out even although there is no danger in the Narrows, with a 40 ship like the Mont Blanc I would not have taken chances and I would have stopped her down below until the Imo was out.

Q.—If the pilots were not carrying out your instructions you had no assurance whatever the Mont Blanc would have a clear course?

RECORD. A.—Merely thought there would be because I did not know there was anything coming out.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—I am referring to a letter in which you reported to Captain Pasco that the pilots were not carrying out your instructions? A.—Captain Martin.

Q.—What date was that? A.—I rather fancy—I can't tell you off hand—July or September.

*No. 46.
Evidence of
Commander
Frederick
Evans
Wyatt,
Cross-Ex-
amination.
Continued.*

Q.—And so far as you know no action was taken? You considered your duty done when you reported to your superior? And no action was taken as far as you know? A.—I won't say.

10

Q.—Did you find any improvement in respect to the pilots obeying your regulations after that letter? A.—No.

Q.—And as far as you know nothing was done? A.—I won't say that.

Q.—About what percentage would you say of the cases of out going vessels failed to comply with your regulations, can you give any approximate idea? A.—I should say not many, because there are not many single ships leaving port the last few months; they are nearly all convoys.

Q.—You say if you had known a vessel was likely to go out of the Basin on the 6th December you would not have allowed this ship with explosives to go up? A.—With what she had on board—her steering gear might have broken down.

Q.—You referred to the explosives or the combination? A.—Just high explosives.

Q.—Have you ever held any ships in the Basin, I am speaking before the 6th December, until an explosives laden vessels had got safely up or vice versa? A.—There has never been occasion to do it.

Q.—Do you know whether or not reports are sent here to any authority here from any authority say in New York, or any American port, as to the loading of vessels with explosives? Do you receive reports of the fact vessels are sailing from an American port for Halifax loaded with explosives? A.—We get telegrams from various parts saying such and such a ship is leaving with such and such a cargo on board and these telegrams are given to certain officials in the Dock Yard.

Q.—These would be official? A.—Yes.

Q.—Would they be sent from some officials? A.—Absolutely.

Q.—Then it would be correct you would know the possible arrival of a ship laden with explosives before she came here? A.—Yes.

Q.—At the present time I understand you are making preparations so that all possible precautions are taken for passage up and down the harbour? A.—Yes.

Q.—You think that? A.—Yes.

RECORD. BY MR. MELLISH:

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 46.
Evidence of
Commander
Frederick
Evans
Wyatt,
Cross-Ex-
amination.
Continued.

Q.—You stated yesterday—I am reading it—in case there is misapprehension, at page 1097? “Q.—Have you had any other instance of ships going out without permission? A.—I had one happened two days ago. Q.—Before the collision had you any instance? A.—The pilots have not been in the habit of carrying out my instructions as they should latterly; there were one or two instances and I reported to my superior officer; the ships have been shot at and stopped; and let go anchor and I went to see what was the matter. Q.—Previous to the collision ships that violated the regulations were actually stopped? A.—Yes. 10
Q.—Were the pilots punished? A.—There has never seemed to be any way of punishing pilots for violations”. As I understand you, if a ship did go on without permission you would be sure to know about it? A.—I would know, but probably in nine cases out of ten not in time to stop her I would know she had gone out. That would be reported from either the outer gate or the examining boat.

Q.—Tell us if you can whether there are many cases or any cases in which the ships have actually gone out and got away without having been reported? A.—Not without having been reported.

Q.—Having gone without permission and got away? A.—They 20
have got through; although it has been reported to me too late to get hold of them.

Q.—In many cases? A.—I can't say how many; very few I should say.

Q.—In fact as you state, these ships that sail single are not very numerous? A.—Very small percentage indeed.

Q.—In one two or three instances the ships were detained?
A.—Stopped for the time being and then let go on.

By Mr.
Burchell.

BY MR. BURCHELL:

Q.—Can you give me how many say since July, or the 1st August 30
to the 6th December, can you tell me approximately how many single ships have gone out of this harbor? A.—I could not say, not even approximately.

Q.—Up in the dozens? A.—It is a long time since August.

Q.—Hundreds? A.—No.

Q.—Approximately at least a hundred? A.—I cannot give any
idea; four months is a long time.

Q.—It has not been three or four? A.—More than that.

Q.—More than 50? A.—I could not tell you; If you like to have my
records sent for I can tell you right away. 40

Q.—The number of isolated ships going over are very few—what do
you mean by few? A.—Very few.

RECORD. Q.—You said the percentage was very few? A.—There may be some days not a single ship goes out.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—Is there not an average of 25 to 30 a month? A.—No, I think I can say it does not average that; not counting coasters, ocean going ships do not average one a day going single.

No. 46.
Evidence of
Commander
Frederick
Evans
Wyatt,
Cross-Ex-
amination.
Continued.

Q.—There have been a great many munitions ships coming in and out during the last few months? A.—I don't think; I think the Mont Blanc was the first ship with high explosives; I am not certain.

Q.—A great many munition ships? A.—Munition ship does not signify anything; air planes, empty shell cases; munitions are not explosives. 10

Q.—With high explosives? A.—I don't know of one.

Q.—I am speaking of explosives? A.—Ordinary explosives we have had several to come in and discharge.

Q.—Up in Bedford Basin with explosives on board? A.—I don't think so; I have a trace of every ship in the harbour.

Q.—The Picton, what about her? A.—She is not explosives.

Q.—What do you call her? A.—She could not blow up if you tried; she has shells on board; I think they are loaded; she will not blow up.

Q.—A ship loaded with loaded shells are not explosives? A.—Not 20
the way she is loaded.

Q.—Munition ship? A.—Yes.

Q.—How many ships with cargo of similarly loaded shells of that kind?
A.—I could not tell you off hand.

By Mr.
Mellish.

BY MR. MELLISH:

Q.—The explosives you speak of—outside the Mont Blanc which was laden with high explosives—it was stuff that was coming here in Furness Withy boats 50 or 60 tons of powder to be landed here? A.—Yes.

Q.—As far as munitions of war? A.—That was the only one up to that. 30

By Mr.
Burchell.

BY MR. BURCHELL:

Q.—Did you know that evening before the Mont Blanc was coming with high explosives? A.—I knew on the morning of the 3rd.

Q.—You knew more than Captain Pasco knew? A.—I don't know he gets the same copies of telegrams I get.

Q.—He told us he didn't know she was loaded with high explosives?
A.—He should have known.

Q.—You knew that three days before? A.—I will pass that on to His Lordship and ask if that can be shown. (Passes a document to His Lordship). His Lordship: That bears out what he said. 40

RECORD.

*In the
Eschequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 46.
Evidence of
Commander
Frederick
Evans
Wyatt,
Cross-Ex-
amination.
Continued.

Q.—You knew on the 3rd December? When the Mont Blanc came in did you recognize her as the ship? A.—Yes.

Q.—You knew T. N. T. and Benzol? A.—Yes.

Q.—Picric acid? A.—No, I didn't know about that.

Q.—What did you know? A.—That she had T. N. T. high explosives and Benzol.

Q.—Know the Benzol was on deck? A.—Could not be anywhere else? It is not usual to load it under deck; it is very dangerous.

Q.—You knew the nature of Benzol? A.—Yes.

Q.—And you also knew T. N. T.? A.—I can't say I know it. 10

Q.—You knew it was a very high explosive? A.—By reputation.

Q.—When the Mont Blanc came in and was reported as being outside on the evening of the 5th you recognized her as the ship with these high explosives on board? A.—Yes.

Q.—You issued no special orders that evening to hold up traffic in the harbour while this ship was going up the Harbour? A.—No.

Q.—If anybody should have issued the order you should have issued it? A.—No need to issue it.

Q.—Because you thought ships could navigate in the harbour without collision? A.—Any ship ought to be able to navigate this harbour 20 without danger of a collision. My experience in command of big ships since I was 26 years old teaches me that

Q.—That is the reason you didn't give orders? A.—Yes.

By Mr.
Cluney.

BY MR. CLUNEY:

Q.—When did it first come to your knowledge the pilots were taking ships out without notice? A.—About June.

Q.—How long after that did you make the complaint to Captain Martin? A.—I have complained several times.

Q.—First time? A.—I can't tell you.

Q.—Verbally or written? A.—Written. 30

Q.—Made more than one written? A.—Written and personally.

Q.—And you don't know if any complaint was made to the pilotage commission or not? A.—I could not say.

Q.—The practice still continued to your knowledge from that time on? A.—Yes.

Q.—I understood you to say to Mr. Burchell that the rule was practically ignored by the pilots? A.—I would get in a spasmodic report occasionally.

Q.—And as far as you know nothing was done by the pilotage commission to put a stop to it? A.—Not as far as I know. 40

Q.—How since the explosion? A.—Very good; everything.

Q.—Any report of a ship leaving without your permission? A.—Only one. That was three days ago. now.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 46.
Evidence of
Commander
Frederick
Evans
Wyatt,
Cross-Ex-
amination.
Continued.

Q.—You say that they are observing the rule now since Captain Hose wrote the letter to the Board December 20th and up to that time they ignored it? A.—Practically.

Q.—And your department has no control over these men at all?

A.—Absolutely not. As far as I gather we have no control.

Q.—Any regulations that may be made these men can if they see fit ignore them? A.—I don't see how they cannot be punished under the defence of the Realms Act.

Q.—Can you suggest to the court any means by which that practice could be stopped? A.—Have them up in the courts; under the De- 10
fence of the Realms Act; that is a suggestion—I don't know if it can be done.

Q.—The safety of the shipping in this harbour is depending upon the whims of the pilots who will not take the trouble to notify no matter how stringent the regulations may be, that is the fact? A.—Yes.

By Mr.
Robertson.

BY MR. ROBERTSON:

Q.—But as far as you can say you never complained to the pilot commission or its officers about this practice; personally? A.—I have written one or two letters to the Secretary of the pilots in one or two cases where a pilot has put ships in a bad position pointing out it should not be 20
done.

Q.—I am referring to outgoing ships? A.—I have complained straight to my superior officer.

Q.—And regarding any pilot not being punished you have never taken any steps to have any pilot punished? A.—I have no power.

Q.—You have never reported any pilot for punishment, you personally? A.—I have suggested they should be punished to my superior officer and his opinion was it could not be done.

Q.—That is all there was as far as you know? A.—Yes.

By Mr.
Henry.

BY MR. HENRY:

30

Q.—You have mentioned in your examination several times “control”; I think perhaps we don't understand entirely the functions in so far as it is proper to mention them, as far as Naval control officers; as I understand it neutral ships come in here for some time past for examination and lie for a certain length of time in the Basin and go out again and I also understand that a special body of officers have been detailed to do that work, but are not officers of the Canadian Naval Service at all? There are one or two of them but—the heads are not? A.—The heads are Imperial.

Q.—They would be on the guard boat in the Basin? A.—Yes. 40

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 46.
Evidence of
Commander
Frederick
Evans
Wyatt,
Cross-Ex-
amination.
Continued.

Q.—And that guard boat up to December 6th was there simply and solely for the purpose of controlling the movements of neutral vessels?

A.—Absolutely.

Q.—And your department and the other departments—any department presided over by Captain Eldridge had nothing to do with that guard boat? A.—Nothing at all.

Q.—A neutral ship wanting to go out had to get clearance from the Custom House and permission as far as the customs were concerned from the Collector of Customs? A.—Yes.

Q.—Routing instructions from the proper officer? A.—Yes. 10

Q.—The pilots would have to get a flag to fly from the guard ship? A.—Yes.

Q.—And in addition to that by the regulations he must get permission to sail from the C. X. O.? A.—Yes, for a neutral ship.

Q.—A vessel like the Imo in for examination? A.—Yes.

Q.—Those in charge of the ship—

MR. BURCHELL: You are leading the witness right along. He is getting the witness to say things which are not correct; he is not doing it intentionally; he is cross examining the witness to lead him to tell the story exactly opposite to me. 20

HIS LORDSHIP: Go on and finish; I do not think there is any reason to complain.

Q.—Somebody representing either the ship or the pilots has to get under the regulations permission from the C. X. O. before the vessel should sail? A.—That was up to the pilot.

Q.—As a matter of fact you told us yesterday that you had notified the agents as well as the pilots—every shipping agent in Halifax? A.—I had asked them for any sailings. 30

Q.—You told one of the counsel on the morning of the collision you were just approaching the Dock Yard when the collision occurred?

A.—Crossing the railway track to go into the North gate.

Q.—Did you become aware of the collision? A.—My assistant came running half way up the hill and I promptly ran to the coaling wharf south of the Niobe to try and get hold of the W. H. Lee, she was on the other side of the slip and while I was waiting for her the explosion took place; I was doing all I could do.

By Captain Demers. BY CAPTAIN DEMERS:

Q.—When you say it is up to the pilot you mean the pilots themselves or the pilotage office? A.—I took it the pilot himself would ring me up. 40

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 46.
Evidence of
Commander
Frederick
Evans
Wyatt,
Cross-Ex-
amination.
Continued.

Q.—What constitutes the position of a pilot—that of a subordinate position, or does the office of the pilotage commission precede them, or are the pilots obedient servants of the commission? A.—My letter was written to the Secretary of the Commission.

Q.—The thing should have been ruled by the office itself and you notified by the office and not the pilot? A.—I won't say which.

Q.—As a rule it was the pilot himself notified you when things were going proper? A.—Yes.

Q.—Following this line of examination, I must take advantage of some conversation you and I had last year when you were assisting me; on two occasions you mentioned to me about the behaviour of the pilots—unruly and you could not get orders obeyed at all? A.—Yes.

Q.—I think that was the purport of your information? A.—Yes.

Q.—That was early in the Summer on the first enquiry? A.—Yes.

Q.—And you made some assertion on the second, and I think it has been keeping on to the time of the collision? A.—Yes.

Q.—There is a letter written by Captain Hose on the 20th December and from the 6th December to the 20th the pilots acted the same as before the explosion? A.—Everything was upside down.

Q.—This upset business disarranged everything in the organization? A.—No telephones or anything.

Q.—You don't mean to say the pilots were following the same line of conduct as before the collision? A.—I can't say.

Q.—There was no unwillingness to obey your orders? A.—Not at a time like that.

Q.—What relations are between the detaining officer and yourself? Is he subordinate coming under your control? Is he supposed to give you information? A.—No.

Q.—By leaving things to the pilots to report do you try to divest yourself of responsibility? A.—That is to help me.

Q.—Did you get the advice as to the cargo of the Mont Blanc prior to the arrival or was it given to you by the examining officer at the anchorage when she came in? A.—I was advised right away.

Q.—Did you receive advice before that? A.—I knew two days before that.

Q.—When you were acquainted with these things—there are officials and the staff also, your superior officers are supposed to know them? A.—They get copies of the telegrams.

By Captain
Hose. BY CAPTAIN HOSE:

Q.—You said you knew the Mont Blanc had T. N. T. and Denzol on board and not picric acid; how did you know? A.—As far as I can recollect from examining officers report I don't remember picric acid.

Q.—It was from his report you knew before? A.—That was when she arrived.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 46.
Evidence of
Commander
Frederick
Evans
Wyatt,
Cross-Ex-
amination.
Continued.

Q.—Do you happen to know the position of the Imo's anchorage in the Basin? A.—Not exactly; she was in the specified place laid down for neutral ships.

Q.—When your assistant came up to you at the Dock Yard gate and told you there had been a collision did he also say she was on fire? A.—Yes.

Q.—As you were just by the North gate there is a policeman there; did it occur to you to send any telephonic warning to the fire brigade? A.—I was half way down the hill.

Q.—Did it occur to send a warning to the fire brigade there was high explosives on board? A.—My one thought was to get hold of the Lee 10 to get down there.

BY MR. CLUNEY:

By Mr.
Cluney.

Q.—Would it be feasible independent of this question of permission for the pilots—would it be feasible to adopt any system by which they could be checked; single ships—holding up the ship at the gate and requiring them to produce written authority from the proper officer; would it be feasible to check up negligence or defiance on the part of the pilots?

A.—I hardly think so; they would probably be just going through the gates before I got the telephone message from the gates.

Q.—Would any system be feasible whereby they required to get your 20 written permission and produce that at the gate; outgoing ships? To stop at the gates and produce written permission; would it be feasible?

A.—If they did not stop they could be fired at?

By Mr.
Burchell.

BY MR. BURCHELL:

Q.—It would be quite feasible for you to require the pilot should show written permission from you at the guard ship at Bedford Basin before they could go out? A.—That would be possible.

Q.—That could easily be arranged? A.—Yes, any ship wanted to go out I could give a written permission.

Q.—And the pilot has to go on the guard ship before taking a steamer 30 out? A.—Yes.

Q.—And you required the pilot to show this written authority from you to the man on the guard ship before he was let pass that could easily be arranged? A.—That would be an authority to leave at a certain time—given a specified time, say 7, and if he took it into his head the captain did not want to go until 9 that would watch out.

Q.—It is impossible for you to control it in any way? A.—It is next door to it.

Q.—According to the evidence Pilot Hayes went board that ship on Wednesday afternoon, the day before the collision, intending to get the ship 40 out but was prevented because the coal had not arrived; if pilot Hayes

RECORD. had called you up on Wednesday afternoon and told you he was going up to take the ship out that would be in compliance with your regulations?

In the
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A.—Yes.

Q.—And if she could not get coal and he took it out the next morning you would not know anything about it? A.—That would be going against orders; I had given permission to go that afternoon not next morning.

No. 46.
Evidence of
Commander
Frederick
Evans
Wyatt,
Cross-Ex-
amination.
Continued.

Q.—I will read the regulations, No ship will in future be allowed to leave port or move anywhere in the harbour without the pilot acquainting C. X. O. as to what ship he is moving and to what anchorage or wharf or if going to sea; If pilot Hayes called you up on Wednesday afternoon and said he was taking the Imo to sea and was going aboard that afternoon for that purpose that would be in compliance with your regulation? 30

A.—He has to tell me what time he is going.

Q.—You say you required the pilot to tell you the time he is going?

A.—Yes.

Q.—Therefore according to your evidence now if Pilot Hayes had gone on board that afternoon and found she could not get the coal and decided to stay on board all night then he could not leave in the morning without going ashore and telling you? A.—Getting into communication by some means. 20

Q.—Do you contend that? A.—Absolutely.

Q.—Then you do mean to say you were keeping track of the hours at which vessels were leaving port? A.—I have records for 2½ years of every ship that left and what time she left.

Q.—I asked you yesterday to bring any records showing what reports had come in from pilots as to the time they were leaving port or as to the ship they were taking from port from May 4th to the 6th December. Have you any such records? A.—That was not the question you asked me just now. 30

Q.—Answer that question; you have records? A.—Yes, ever since I have been in this position.

Q.—You have records between 4th May and the 6th December? A.—Of the times that every ship left this port. Passing through the outer gate, that when she finishes with the harbour; and he told me what time she passes the bridge of the Niobe; every ship going up and down; it is instantly reported; when a ship passes the bridge of the Niobe it is brought down to me on a ship.

Q.—And when she passes the guard ship? A.—They can't see the guard ship from the Niobe. 40

Q.—Was it instantly reported to you before the 6th December of any ship passing the guard ship going out? A.—She does not report ships to me; she is not there for the business of reporting ships.

Q.—Do they keep any records? A.—I don't know anything about it at all.

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No. 46.
Evidence of
Commander
Frederick
Evans
Wyatt,
Cross-Ex-
amination.
Continued.

Q.—Now they have to report to you under the new regulations?
A.—They don't have to report; everything goes up has to personally satisfy myself the flag is up.

Q.—Are they Canadian Officers on that guard ship or Imperial?

A.—Used to be Imperial Officers for the purpose of controlling neutral ships for examination.

Q.—Then the men on the guard ship are Imperial Officers and Imperial pay, and not Canadian? A.—I don't know who were on board. The heads are Imperials; I think the junior officers are Canadians.

Q.—You are an Imperial Officer yourself but in Canadian pay? 10

A.—Yes.

Q.—Do you know whether the men on the guard ship are in the same position as yourself? A.—I don't know their standing at all.

Q.—Coming back to these records I didn't ask for records at the gate?

A.—Your question said so.

Q.—Do you keep any records of the time that ships left anchorage in Bedford Basin going to sea? A.—I don't.

Q.—And if any pilots send in to you information with regard to that you don't keep it? A.—I never had any information from pilots. How can they give information when they heave up anchor in Bedford 20 Basin.

Q.—Do they give you what time they intend to leave? A.—They say our proposition is to take this ship to sea at 8; does that suit; yes, it suits fine.

Q.—If the ship could not get away until 9 they would have to report to you again? A.—There is a reasonableness to all things; don't tie him down to one minute.

Q.—What is the object of reporting? To prevent collisions in the Narrows? A.—To keep trace of ships leaving port to send to people in different parts of the universe. 30

Q.—You get it from the gates? A.—That is not sufficient; I have to have a check on everything; you can't rely on one particular set of men.

Q.—You destroy the record? A.—No, it is not.

Q.—Where is the record given by pilots they intend to leave the port?
A.—It is checked up from my reports with ships passing and a nightly report sent in.

Q.—You can not check it up then you don't get the reports?

A.—That is a fact.

Q.—Why was it you wanted to get from the pilot the exact time he was leaving anchorage in Bedford Basin? A.—For several reasons. 40
Reasons already stated and for passing through the net defences.

Q.—Is that not the chief reason? A.—Not necessarily.

Q.—Didn't you know it was a fact the hours of leaving were very irregular; he could not tell what time he would get away, he might say 8

RECORD. and get away at 12? A.—That is rot; if he says he wants to go at 8 and does not go until 12.

In the Exchequer Court of Canada, Nova Scotia Admiralty District.
Q.—If pilot Hayes expecting to get away the previous afternoon didn't go away until morning? A.—He should have informed me; there is reasonableness.

Q.—And do you suppose the pilot can tell you the hour he is going to sail? A.—The agents should say; 16 hours is a difference.

No. 46.
Evidence of Commander Frederick Evans Wyatt, Cross-Examination. Continued.
Q.—The time depends on coal and supplies? A.—It does not take a matter of 16 hours; 4 p. m. until 8 next morning; he could let me know; that is a long time.

Q.—Two or three hours would not be so long? A.—It is not so bad; we make reasonable allowances.

Q.—Captain Pasco told us yesterday the reason why it was thought necessary to get pilots to report to you the time they were going to sea was so that arrangements could be made to get them through the gate
A.—That is one of the reasons.

Q.—The chief? A.—No, the chief reason I want to keep track of the ships. I have to send in certain records; I am not making up these things for fun; they go to responsible people not only in this country but out of it; sailings and arrivals and they have to be exact.

Q.—This was to be a check on the man at the gate? Is that the way you put it? A.—Not necessarily a check; a check if you like to call it that.

Q.—You get a report from the man at the gate of ships coming through it would also help you if the pilot also informed you and gave a surer record?
A.—His was the main record.

Q.—Which? A.—The pilots; very many of these ships going out have no names on their side and you cannot find out the name passing through the gate; but if I know the ship is leaving at 7 and reported from the gate at 7.30 I have pretty good grounds for knowing it is that ship.

Q.—Do you say the man at the gate will let a ship through without letting you know what it is? A.—He is not there to stop ships going through.

Q.—And the man at the gate is there for the purpose of getting information for you? A.—And various other jobs.

Q.—Not to stop ships improperly trying to get through? A.—Not unless they are ordered.

Q.—Don't they fly any signal as to what ship they are? A.—Some of them will put up their four flags signals in which case it is all right.

Q.—Is it not a fact every ship going out of the port must fly certain flags and they indicate to anybody who knows what they mean—the name of the ship? A.—What certain flags?

Q.—I understand, take a ship coming in the harbour, she goes to the detention boat and gets certain flags and she puts these flags up?
A.—Yes.

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No. 46.
Evidence of
Commander
Frederick
Evans
Wyatt,
Cross-Ex-
amination.
Continued.

Q.—Don't these flags indicate to anybody who knows that they mean the name of the ship? A.—Certainly not.

Q.—What do they indicate? A.—These flags are confidential and secret between the examining myself and the military and have nothing to do with this case or anything else, it is a signal to allow the ship to come up the harbour and not to be fired on by the military.

Q.—Does a ship coming down fly flags? A.—No; most of them put up their four flags signal spelling their name, in which case it is all right; sometimes a man forgets, and the name is not painted on his side.

Q.—Does the regulation provide for flying these flags? A.—I 10
don't think there are any regulations enforcing a ship to fly his name on the way out.

Q.—These orders of yours in respect to the pilots we have two reasons now for it; one was to arrange to get them through the gates and the other for the purpose of your records? A.—Yes, you can take those are the two main reasons.

Q.—Are these gates open all day or for each ship? A.—No, we open them at different hours.

Q.—For each ship? A.—Not necessarily.

Q.—But it could be opened for each ship? A.—No, we would be 20
all day and night; perhaps an hour at a time at different times—changed every 24 hours.

By Mr.
Robertson

BY MR. ROBERTSON:

Q.—Mr. Burchell put a case of pilot Hayes if he had notified you the day before 4 he was going out you would know by 5 the gates would be closed and not being signalled by the Niobe you know she had not gone and it would be natural to assume he would go early in the morning? A.—You can't assume anything.

Q.—The port was closed until what hour? A.—That morning I think it was 7.30.

Q.—Your point is if he was given permission at 4 and not gone at 5 he should come back at 7.30? A.—Any variation in the time of sailing be reported. 30

By Mr.
Mellish.

BY MR. MELLISH:

Q.—These ships laden with explosives such as the Mont Blanc; could they not reasonably be handled outside the harbour? A.—You can't handle a ship outside the harbour here? You can't do it; if you have ever been out in any of this weather on this coast it is impossible. You can't handle a ship outside Meaghers Beach.

Q.—Inside? A.—You are up against it; there is not much differ- 40
ence between Mc Nabs and here.

RECORD. Q.—There is a sheltered spot inside the lighthouse? A.—You could put one ship in there; at the same time she would run a very good chance of a submarine coming in and torpedoing her. And you might have the danger of collision down there, traffic coming in and out continuously.

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Q.—There is a well sheltered bay? A.—In McNabs cove, yes.

No. 46.
Evidence of
Commander
Frederick
Evans
Wyatt,
Cross-Ex-
amination.
Continued.

BY MR. HENRY:

Q.—As a matter of fact, assume, it seems to be pretty well established this collision occurred at 10 to 9? A.—I think pretty well earlier; a $\frac{3}{4}$ to 9.

Q.—As a matter of fact could the Imo have got out that morning? A.—I very much doubt it; might have found the gates closing on top of her.

Q.—They were to close at what time? A.—9 o'clock I think.

Mr.
Burchell.

MR. BURCHELL: He should bring the record book.

Mr. Henry.

MR. HENRY: If it is necessary we will get it.

A.—I don't keep a record of a confidential thing like that for anybody to get it; at the end of 24 hours that is destroyed.

Q.—If pilot Hayes had communicated to you either the evening before or early in the morning, he would have been informed, leaving the explosives ship out altogether, he would have been informed it would close at 9 o'clock? A.—If he had given me a time I would have told him whether he could go but I would not tell him about the gate, and if I told him he could go I would say the gates were ready for him.

By Captain
Demers.

BY CAPTAIN DEMERS:

Q.—These two mates, Faulkner and the other, are they men of experience? A.—They have been with me a long time and I have absolute confidence.

Q.—When you said about something going wrong with these two ships yesterday have you the same confidence? A.—Absolutely.

Q.—Did that affect your confidence? A.—I don't know what happened.

Q.—You didn't know until you were informed here? A.—Nothing at all.

Q.—If such had happened they should have informed you yesterday? A.—They should have done so.

Q.—Then have you the same confidence if they did pass? A.—I want to see whether it is so before I lose my confidence; I will make enquiries at once.

RECORD. BY CAPTAIN HOSE:

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No. 46.
Evidence of
Commander
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Evans
Wyatt,
Cross-Ex-
amination.
Continued.

Q.—If pilot Hayes had reported that particular morning December 6th he was going to get under way at the time he did would you have let him go on? A.—If he had not been very late.

Q.—I don't know exactly what time he did weigh anchor, but say 8 or 8.30; supposing he had reported he had intended to go at 8 that morning would you have stopped him? A.—No, I would have given him the opportunity to get right down.

BY MR. HENRY:

Q.—Are you saying that with reference to— A.—That is outside 10 of the munition ship at all.

By Captain
Hose. BY CAPTAIN HOSE:

Q.—With the facts as they were, whatever knowledge you had, whether munition ship or not, or any other ships, that particular morning supposing pilot Hayes had come to you and said he was—taking into consideration all the knowledge you had, would you have told him not to go? A.—It would depend what time; if he had rung me up and let me know I should have told him to come and keep the other fellow down below.

By Mr.
Burchell.

BY MR. BURCHELL:

Q.—And this would be the first occasion on record you ever did such 20 a thing? A.—The first occasion it ever happened; that the occurrence cropped up.

Q.—The first occasion you ever stopped one ship going out and another coming in? A.—The first occasion where such an occurrence happened.

Q.—About this second explosion—did you know anything about that; the threatened second explosion at the Dock Yard? A.—I don't know anything about it. I understand and I feel almost sure it was a scare started by the military owing to this magazine outside the Dock Yard they were fighting the fire in, and they thought there would be an explosion.

Q.—On the morning of the explosion I happened personally—I was 30 starting off on rescue work—I met a person from the Dock Yard who had been warned out of the Dock Yard by you personally because you said there was danger of a second explosion? A.—Would you mind giving me the name?

Q.—I will give it later on. A.—I must have his name in the open court.

Q.—Was there an alarm in the Dock Yard about that second explosion?

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No. 46.

Evidence of
Commander
Frederick
Evans
Wyatt,
Cross-Ex-
amination.
Continued.

A.—My first business was, after putting a few dead bodies on a cart, was to get to the examination service and as to telling anybody—I never spoke to anybody in the Dock Yard after the explosion, and if you give me the name of the man I will take the necessary action.

Q.—I don't insinuate anything about it; I wanted to know if there was any danger of a second explosion; because that was the report I got?

A.—If there had been a strong northerly wind it might have got to the magazine before we shifted it all. I want to get the name of the man who said I had ordered him out.

Q.—Suggested. A.—I want to know who it was.

Q.—There is nothing wrong. A.—I would not suggest a thing like that to get out when they were all wanted.

Q.—Was there any danger of a second explosion and a general alarm given to clear out of the Dock Yard, from the Dock Yard? A.—That is not true; there was not a man went out of the Niobe. They carried the shells out of the magazine.

Q.—Would you be surprised to know I saw at least 40 sailors from the Niobe down town? A.—There were hundreds of us up there fighting the fire; there may have been isolated cases of men running to their homes to see after their families; but as to saying there was a stampede in the Dock Yard that is rot.

Q.—Do you know one of the sailors from the Niobe was running around in a motor car? A.—I was on the examination service at Richmond and I don't know.

Q.—There was considerable commotion because of the fear of the second explosion? A.—I didn't notice in the half hour I was there.

Q.—Did people leave the Dock Yard because of the fear of the second explosion? A.—If a man in my own attempted to leave he would not have left.

Q.—Did you think there was danger? A.—There is no question of thinking you have to stop it.

Q.—The men did splendid work there in moving it? A.—Yes.

Q.—The question I asked you, if anybody had been told—sailors or anybody else, because there was danger? A.—No such order was given to my certain knowledge; not by anybody else.

Q.—If that is correct my statement is not correct; it was from a sailor who came down and was with me on relief work; he mentioned your name and if it is incorrect— A.—It is up to you to let me have that name and I will deal with him on the ship.

Q.—He was with me one hour until he was taken back by one of your officers. A.—A statement like that does not do one much good.

BY CAPTAIN DEMERS:

He should have the name.

RECORD. HIS LORDSHIP:

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Give the name of the person.

BY MR. BURCHELL:

It was a sailor on rescue work with me. Two people told me.

No. 46.
Evidence of
Commander
Frederick
Evans
Wyatt,
Cross-Ex-
amination.
Continued.

WITNESS: Then I should have both names.

HIS LORDSHIP:

If anybody told you commander Wyatt gave an order or told you, give the names.

By Mr.
Burchell.

BY MR. BURCHELL:

The order was there was a report in the Dock Yard of a second explosion and people not helping left the Dock Yard and Captain Wyatt's name was mentioned; the man said they were not working and they had better get away. 10

His
Lordship.

HIS LORDSHIP: He denies that.

WITNESS: Absolutely. I didn't speak to anybody after the explosion in the Dock Yard; in an open court and an investigation like this there is a certain charge being made against me by a sailor suggesting that people get out of the Dock Yard and it is cowardly.

Mr.
Burchell.

MR. BURCHELL: It was a man who was not working. It was quite the proper thing to do. 20

WITNESS: No, we could use them.

Mr. Henry.

MR. HENRY: I understand your Lordship has directed he should give in open court the names of the two people who made this charge.

His
Lordship.

HIS LORDSHIP: I think is fairness he ought to do it.

Mr.
Burchell.

MR. BURCHELL: One of the nurses in the hospital was one who told me the other was a sailor from the Dock Yard; he told me he had been ordered out of the Dock yard. Miss Barnstead was a nurse. The sailors name I don't know. He was helping me in rescue work. Tell him where I picked him up.

RECORD. WITNESS: Then you should not have brought it up. That is hearsay evidence;

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CAPTAIN HOSE:

No. 46.
Evidence of
Commander
Frederick
Evans
Wyatt,
Cross-Ex-
amination.
Continued.

In connection with the two ships that crossed each other yesterday, mention was made that orders had been given to hold the ships outside on account of the convoy which was leaving; I would like no mention of the convoy having left on a certain particular day. .

HIS LORDSHIP: I would ask the members of the press to kindly pay attention to that; don't mention that the convoy left.

AND FURTHER DEPONENT SAITH NOT.

10

R. ECCLES.

Official Reporter.

IT BEING THEN 12.50 P. M. THE COURT ADJOURNED FOR LUNCHEON UNTIL 2.30 P. M.

PURSUANT TO ADJOURNMENT COURT RESUMED ITS SITTINGS AT 2.30 P. M.

No. 47.
Evidence of
James W.
Creighton,
Direct-Ex-
amination,
by Mr.
Henry.

No. 47.

JAMES W. CREIGHTON, SECRETARY OF THE HALIFAX PILOTAGE COMMISSION, BEING CALLED AS A WITNESS AND DULY SWORN, DOTH DEPOSE AND SAY AS FOLLOWS:— 20

EXAMINED BY MR. HENRY, K. C.:

Q.—You are secretary of the Pilotage Commission of Halifax?

A.—Yes sir.

Q.—And you have held that position for a number of years?

A.—Four years.

Q.—You received this letter Exhibit R. 67? A.—Yes sir.

Q.—You received it? A.—Yes sir.

Q.—What steps did you take, Mr. Creighton, to communicate the information to the pilots? A.—I communicated with the pilots verbally and stuck it up on the board as is usual.

Q.—The usual notice board? A.—Yes sir.

30

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No. 47.
Evidence of
James W.
Creighton,
Direct-Ex-
amination.
Continued.

Q.—And I suppose you have no doubt that this order came to the knowledge of all the pilots? A.—I have no reason to think any of them were ignorant of it.

Q.—Have you any personal knowledge, Mr. Creighton, of what was done on the part of the pilots, or the Pilot Office subsequent to the receipt of this notice in the way of communication information to the Examining Officer? A.—I had a notice from the Dock Yard

to the effect that this had been disregarded for a few days, and I found the pilots had not been taking any notice of it. I then instructed the clerk to undertake that work as far as possible, and to telephone each day the result of the days work. 10

Q.—After the day had closed he would report what had been done in the course of the day? A.—Yes sir, or if it was necessary through the day if the ships were single inbound. Where there were a large number of ships coming into port he would report them alltogether.

Q.—That is regarding the incoming ships? A.—Yes sir.

Q.—Did you institute any system where the examination officer would be notified of the intention of the pilots to take a ship out of the harbour with the request for the permission to do so? A.—Nothing very particular. 20

Q.—Your system then, was confined in the main to notifying the examination officer at the close of each day of the work of the pilots done on that day? A.—Yes, as far as incoming ships.

Q.—And as far as outgoing ships? A.—If it occurred.

Q.—At the time it occurred? A.—At the time we get the orders from the captain.

Q.—Your intention was to notify the examination officer at the close of each day of the work of the day? A.—Yes sir.

Q.—You intended also to notify the examination officer that an order had been received to take a certain ship out at a certain time? 30

A.—Yes sir.

Q.—Was that invariably carried out? A.—I cannot say it was—I gave it to the clerk to attend to.

Q.—The name of the pilot would be given I suppose as well?

A.—Not always—sometimes.

Q.—The pilots name would not be given as an essential part of the information? A.—We did not consider it entirely essential.

Q.—Your work so far as it was done, was done by the clerk and not by you personally? A.—Yes, I did not do it personally.

Q.—How long after you received this letter of May 4th, 1917, R. 67, 40 would it be that the subsequent letter received complaining that the orders were not carried out? A.—That was not received until December.

Q.—The first letter was in April, the last week in April? A.—Yes sir, that was accompanied by a reminder that we had not been carrying out their instructions—then the next notice was in December.

RECORD.

*In the
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No. 47.
Evidence of
James W.
Creighton,
Direct-Ex-
amination.
Continued.

Q.—After the collision? A.—Yes . . .

Q.—In between during the months that elapsed from the receipt of the notice, in May, and the time of the explosion, had the pilots office been reporting to the examination office the orders that they received, to take out out going ships? A.—No, only for a length of time.

Q.—How long? A.—I have not any note of it myself, at the time; but I have since gained the knowledge. I was not aware that it had been discontinued really until this inquiry came up, and then I found out that it had only been kept up a matter of six or seven weeks.

Q.—After that was received? A.—Yes sir. 10

Q.—Did you at any time ascertain why it had been discontinued? A.—Yes, I cautioned the boy as to the cause and he said one of the causes was that he found the person receive it at the other end seemed to be careless about the matter, and evidently did not take much stock in it, and he could hear them, as he said laughing over the telephone, and he got careless and discontinued.

Q.—Does this refer to notices in connection with incoming ships or outgoing ships? A.—Both I suppose—I think it had more reference to incoming ships than the outgoing. 30

Q.—Was he, during the six weeks you speak of, reporting as you told us, at the end of each day, the amount of the business done in the day? A.—I have reason to believe so. 20

Q.—Were there any instructions given to this clerk to invariably report to the Examination office and get permission, particulars for each ship to be take to sea? A.—It did not come to us in the way of a permission—the idea was simply to notify them that such a vessel was moved.

Q.—Did you read this notice Exhibit R. 67?

(COUNSEL READ NOTICE REFERRED TO).

A.—We thought that having given the necessary information that was all there was to it, the permission came as a matter of course. 30

Q.—You did not consider it was necessary, that before that ship was moved the examination officer should approve of the moving of the ship?

A.—No, we did not take it in that way as long as they got notice she was being moved.

Q.—You would always get the order before she moved? A.—Yes.

Q.—Are you prepared to say Mr. Creighton, that during the first six or seven weeks after this order was received, that the intending movements of ships out of the harbour was invariably reported in advance to the Examination office? A.—Not personally, I can only say from the assurance of my clerk. 40

Q.—Has he stated to you that he did that invariably? A.—Yes, I phoned up personally myself for quite a while, then I lost sight of it.

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Q.—And you did not become aware until the investigation started, that for a number of months past, no such reports had been made? A.—I know there were no reports made—I did not know it had been discontinued or when.

BY MR. ROBERTSON, K. C.

No. 47.
Evidence of
James W.
Creighton,
Direct-Ex-
amination.
Continued.

Q.—What was the method in the office? A black board is kept, is it?
A.—A large slate kept.

Q.—What was that for? A.—For notifying the pilots of any vessels that had to be moved or had to be taken to sea.

Q.—The name of the ship? A.—And where she was to be moved to. 10

Q.—And the hour? A.—Yes sir.

Q.—That she was to sail? A.—Yes sir.

Q.—That was posted in the day time in the pilot's office? A.—Yes sir.

Q.—Where was the black board? A.—In the pilot's room.

Q.—Your office adjoins that? A.—Yes sir, in the rear.

Q.—There was a telephone there for the use of the pilots? A.—Yes, in my office.

Q.—Can you say as to whether the pilots did ever notify the examining officer of the port? A.—I have frequently heard them notifying him. 20

Q.—That they were going to take a ship to sea? A.—Yes sir.

Q.—Who was clerk during this time? A.—Edward Beazley.

Q.—He is still with you? A.—Yes sir.

Q.—You have already said that no complaints were made? A.—None whatever.

Q.—There was something came up yesterday about the complaints as to pilots—if any complaint is made to you what is your practice?
A.—Usually the complaints were as to moving the vessels to the wrong berth.

Q.—What was your method of dealing with the complaints? A.—I 30 summoned the pilot into the office and showed him the letter and asked his explanation and I usually marked on the foot of the letter the substance of the reason, and I communicated it to the person who made the complaint.

Q.—Was that your invariable practice? A.—Almost invariably—we had one investigation.

Q.—Except for the one investigation you had, your practice was to report to the complainant of the explanation made by the pilot? A.—Yes, that I think, is the secretary's duty.

Q.—You have had one investigation? A.—Yes sir. 40

Q.—How do you draw the line—when do you hold an investigation before the board? A.—This was rather a serious matter—the agent of the ship complained that this vessel had been damaged in docking.

RECORDED.

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Exchequer
Court of
Canada,
Nova Scotia
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District.*

No. 47.
Evidence of
James W.
Creighton,
Direct-Ex-
amination.
Continued.

Q.—The practice as to when you have an investigation before the Board—was it the rule? A.—We have a special meeting for the purpose.

Q.—If it is a serious case? A.—Yes.

Q.—Another matter that came up, respecting a munition ship being brought up since the explosion—it was suggested that there was almost another collision since—did you hear anything of that? A.—No sir.

Q.—So far as you know that was not the case? A.—I heard nothing of that at all.

Q.—You don't believe it to be true? A.—No sir.

BY MR. BURCHELL, K. C.

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Q.—Have you got the letter that you referred to, of December 20th? A.—Yes sir.

Q.—This is the letter with copies of the previous letters attached?

A.—Yes sir.

(LETTERS REFERRED TO ARE FILED AND MARKED AS EXHIBIT R. 69).

Q.—This is a letter to the secretary from Captain Hose. (COUNSEL READS EXHIBIT R. 69). And your office I understand you, undertook to make reports to the Chief Examining Officer? A.—Yes sir.

Q.—In accordance with these two letters? A.—At the time. 20

Q.—And continued that for six or seven weeks? A.—Yes sir, so the boy told me.

Q.—And you had no further complaint about these orders being carried out until December 20th? A.—No sir, none whatever, either verbally or written.

Q.—You said you frequently heard pilots notifying the Chief Examining Officer, from your office? A.—Yes, I have heard them over the phone.

Q.—What time? A.—All through the season there would be some telephoning. 30

Q.—And any particular day? A.—I could not say any particular time.

Q.—You don't know whether it was shortly after these orders were given or more recently? A.—I could not tell any particular time—I know it was done in my hearing.

Q.—You know, in your office, how many single ships go out on an average by the month, say for the past six months, or the six months previous to the first of December? A.—I guess I should say at least two a day on an average.

RECORD BY MR. CLUNEY, K. C.:

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 47.
Evidence of
James W.
Creighton,
Direct-Ex-
amination.
Continued.

Q.—Do I understand you to say Mr. Creighton, that is the first communication you received from the examining officer on the 28th of April?

A.—Yes sir.

Q.—And the next one was on what date? A.—Fourth May.

Q.—And the next was? A.—20th December.

Q.—So that you received no communication, written or verbal between the 4th of April and the 20th of December? A.—No sir.

Q.—Are the rules being carried out now? A.—Yes sir.

Q.—Are they rigidly carried out now? A.—Yes sir.

Q.—By whom by the pilots themselves, and under the direction of the Pilotage Commission? A.—Yes sir.

Q.—Who attends to the carrying out of that? A.—The clerk attends to it.

Q.—How old is the clerk you speak of? A.—About 15 I suppose.

Q.—A boy? A.—Yes sir.

Q.—It was on the strength of his report to you no further inquiry was made as to whether these orders were being carried out? A.—No sir.

Q.—You did not take any steps to verify what he told you? 20

A.—The pilots around, hearing the conversation agreed with what he said.

Q.—You took no steps yourself to verify the statement that the boy made to you that his communications were laughed at or ignored?

A.—I heard the pilot say so at the time of the conversation.

Q.—Did you attempt to verify it by communication with the Naval Authorities or the Examining Officer? A.—No sir.

Q.—You did not? A.—No sir.

By Captain
Hose. BY CAPTAIN HOSE:

Q.—Was the order to the clerk made about informing the chief examining officer when pilots intended to take a vessel out of the harbour, 30 given to him in writing? A.—No, verbally. He would see the order that I received stuck up on board as well.

Q.—Did you at any time receive any communication from the Captain Superintendent relative to the laxness of the pilots in complying with orders? A.—I know I received letters of that kind from the Dock Yard whether it was from the Captain Superintendent or some other person I could not say at the moment; but I had complaints that pilots were disobeying instructions and doing wrong things.

Q.—Have you copies of these instructions in evidence now? A.—No sir.

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RECORD. BY HIS LORDSHIP:

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—That would be Captain Martin's? A.—Yes sir, first, I think.
Q.—Have you it on file? A.—It would be on the file.

BY MR. ROBERTSON, K. C.:

*No. 47.
Evidence of
James W.
Creighton,
Direct-Ex-
amination.
Continued.*

Q.—This is your complete file of letters to you? A.—Yes sir.

BY HIS LORDSHIP:

Q.—Pick them out and let us see what you got.

By Captain Hose. BY CAPTAIN HOSE.:

Q.—You mentioned just now that there were times when complaints were made about the pilots having put the ships not exactly in their 10 proper berths? A.—Yes sir.

Q.—And that you investigated? A.—Yes sir.

Q.—Do you know if the Harbour Master was informed of these cases of a vessel being in the wrong berth? A.—No, I don't know in any official way at all. I think I have heard him remark to me and talk to the pilots about it; but he never did make any regular communication to me about it.

Q.—Were there any steps taken to see that the pilots shifted the vessel and put her in the right berth—do you know what steps were taken to have the vessel put in the right berth? A.—I think once in a while 20 the pilot rectified the error; but in most cases the Admiralty did it themselves; but it was usually shown that there was no other course than to put them in the berths they complained of.

Q.—You don't know that the Harbour Master was in fault?
A.—I don't know.

Q.—In times of peace if a ship were put into a foul berth, where she would foul another vessel and a complaint came to the pilot office about that, would that matter be reported to the harbour master? A.—I don't know of my own knowledge whether it would or not.

Q.—Supposing the complaint came to you what would you do about 30 it? A.—The complaint I referred to was simply that the pilots had put the ships in the wrong berths and usually coupled by the fact that they had been removed out of these berths and to call the attention of the pilots to the matter, not to do this again, or repeat it, otherwise there was sometimes a threat to refer it to higher authorities.

Q.—Had the Harbour Master any connection whatever with the complaints as they were made at any time, of ships being in the wrong berth—

RECORD. you would tell the Harbour Master about it? A.—I never had any official information about it.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

BY CAPTAIN DEMERS:

Q.—What was your occupation prior to your appointment as secretary of the Commission? A.—I was Accountant of a firm in Halifax.

Q.—You have been four years there? A.—Yes sir.

Q.—Your supervision of the pilots, the conduct of the pilots is simply as they come into the office? A.—In a general way.

Q.—You trust that boy of 14 to carry on that work you have there?

A.—No sir.

Q.—You assume the responsibility yourself? A.—Yes sir.

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No. 47.
Evidence of
James W.
Creighton,
Direct-Ex-
amination.
Continued.

By His
Lordship.

BY HIS LORDSHIP:

Q.—Do you let the boy give the directions about that letter?

A.—With the terms of it.

Q.—Trusted a 15 year old boy? A.—I could not personally attend to that.

Q.—Who gave the instructions to the pilot to see that that was carried out—you or the boy? A.—The pilots have instructions from me by having the letter in the pilot office.

Q.—That is you did not take any responsibility about it at all, you just took the letter and put it on the wall? A.—They were carrying out the instructions. 20

Q.—And whether they were carried out or not you were depending on what the boy told you? A.—The boy did not tell me anything about it for the matter. He would just go on and do what I told him to.

Q.—And you would stick a letter on the wall that a pilot should do this, and trust to the pilots doing it if they liked. Is there no control of the pilots in your office, nobody to look after the pilots to see they obey the orders? A.—I could not see after that personally, that the pilots transmitted this information. I simply had to trust to them. 30

Q.—You have a Commission? A.—Yes sir.

Q.—They meet how often? A.—Once a month.

Q.—Did they take no control, see whether orders like this were carried out or not? A.—No sir, that is all left to me.

Q.—And you left it to the boy? A.—I gave the instructions to him to carry it out sir.

Q.—Who put it on the wall—you put it there, that is all, and trust to luck? A.—I could not personally inquire into every individual case as it occurred through the day.

Q.—It strikes me as a kind of a loose system where you get orders to instruct the pilots, and you make no effort to see that the pilot carries the 40

RECORD. orders out? A.—Do you appreciate the number of vessels that are coming in and out in a day. I had quite enough to do to look after the business in connection with the finances, and so on.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 47.
Evidence of
James W.
Creighton,
Direct-Ex-
amination.
Continued.

Q.—The fact is you put the notice on the wall and trusted to luck to see that it was carried out, and trusted to the pilot's good judgment, and if it were not carried out you would not make any inquiry? A.—There were very few complaints relatively; they did not amount to anything in the whole season.

Q.—Do you refer complaints to the Board? A.—I refer to the complaints Mr. Robertson is looking up now. 10

Q.—Do you refer to your Board? A.—It was not necessary to do so, because I had jurisdiction in the matter, to inquire into the cases, and if there was anything wrong to get substantial reason from the pilots why these occurred, and very often the pilots were justified.

Q.—And you would be the judge whether they were justified or not? A.—The justification consisted in this, that I had no reply from the Dock Yard with reference to it. I suppose they were satisfied with the answer I sent in regard to these things.

By Mr.
Burchell,
K. C.

BY MR. BURCHELL, K. C.

Q.—How many vessels would there be some days? A.—Sometimes 20 15, sometimes more than that come in here.

By Captain
Demers.

BY CAPTAIN DEMERS:

Q.—When the Commission assembles once a month they deal with the finances, etc.? A.—Yes.

Q.—Only? A.—Anything.

Q.—The conduct of the pilots would be in your own hands? A.—Largely.

Q.—You said there were so many ships you could not attend to that work and do your other duties besides? A.—No sir.

Q.—You have the finances only to handle? A.—Yes sir. 30

Q.—You have only 14 pilots under your supervision? A.—Yes sir.

Q.—You had 15 ships one time? A.—We had 18 to 19 pilots then.

Q.—Is that a great number of men to supervise during a day's work? A.—There is a great deal of work in connection with that number of men.

Q.—They would not all be at work on the same day, not altogether? A.—Half of them would be continuously at work. I suppose we would have from 10 to 12 voyages throughout the day.

By Mr.
Cluney, K.C.

BY MR. CLUNEY, K. C.

Q.—With reference to these communications of April, May and December, which you received from Captain Martin, Captain Wyatt and Cap- 40

RECORD. tain Hose, did you communicate the contents, or submit the contents to the Board? A.—I dealt with them.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—On your own responsibility? A.—Yes sir.

Q.—Were they communicated at all to the Board? A.—I may have mentioned about them to the Chairman.

Q.—More as a matter of course. A.—No sir, they were trifling.

Q.—I am speaking now with reference to those letters that you received from Commander Wyatt and Captain Hose—any communication you received from the Dock Yard—did you deal with them on your own responsibility, without reference to the Board at all, in the matter? 10

A.—Yes sir.

Q.—You did not communicate the contents to the Board, or submit it in any way? A.—No.

MR. ROBERTSON, K. C.

I have the letters sorted out now my Lord.

BY HIS LORDSHIP:

Those are letters received by him?

BY MR. ROBERTSON, K. C.

Yes from different parties.

MR. HENRY, K. C. 20

Complaints from the Dock Yard is what Captain Hose asked for.

CAPTAIN HOSE:

Complaints about the carrying out of orders.

MR. ROBERTSON, K. C.

These are the letters here.

(COUNSEL READS THE LETTERS AND THEY ARE FILED AND MARKED AS EXHIBITS R. 71, R. 72, R. 73, R. 74, R. 75, R. 76, R. 77, R. 78, R. 79, R. 80, R. 81, R. 82, R. 83 R. 84, R. 85, R. 86 R. 87, R. 88 R. 89 and R. 90)

RECORD. BY CAPTAIN HOSE:

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

*No. 47.
Evidence of
James W.
Creighton,
Direct-Ex-
amination.
Continued.*

Q.—I understand from you that none of these complaints were brought before the Pilotage Board? A.—I don't think any of them were. The only one that was investigated was an investigation into some damage that occurred at No. 2 pier last March. That was outside of the Admiralty—it was brought by a merchant in the city. All these were disposed of either by the pilots explaining the matter or by my writing a letter or telephoning to some one at the Dock Yard.

Q.—You are not empowered to inflict any punishment on the pilots? A.—Yes sir, the Act empowers us to inflict punishment. 10

Q.—You personally? A.—The Commissioners.

Q.—You have to inform the Commissioners before you inflict any punishment? A.—Yes sir, It has to be done by them.

Q.—Has any punishment ever been inflicted by any pilot for any disobedience of orders since the war broke out?—to your knowledge?

A.—No sir.

BY MR. ROBERTSON, K. C.:

Q.—Did you write any letters between May 4th 1917 and December 6th, 1917, dealing with the question of pilots, informing the chief examining officer before taking ships to sea? A.—No. 20

Q.—No correspondence on that subject, either to you or from you? A.—No sir.

Q.—Did you reply to the letter of April? A.—No.

Q.—Did you speak about it, have any telephone communication? A.—That may be, I cannot charge my memory with that. I may have telephoned—I did not acknowledge it by letter.

AND FURTHER DEPONENT SAITH NOT.

J. T. ROWAN.

Official Reporter.

*In the
Eschequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

GEORGE R. SMITH, OF PICKFORD AND BLACK, BEING CALLED AS A WITNESS AND DULY SWORN, DOTH DEPOSE AND SAY AS FOLLOWS:—

EXAMINED BY MR. HENRY, K. C.:

No. 48.
Evidence of
George
R. Smith,
Direct-Ex-
amination
by Mr.
Henry K. C.

Q.—You are in the employ of Pickford and Black? A.—Yes sir.

Q.—And were last December? A.—Yes sir.

Q.—What is your occupation there? A.—Since these neutrals have been coming here for examination it has been in looking after them.

Q.—Ships for which you are the agents? A.—Yes sir. 10

Q.—You remember the Norwegian Ship the Imo putting in here and being here in the early part of December? A.—Yes sir.

Q.—Can you tell us from your own knowledge anything that you did on the 5th of December in connection with the sailing of the vessel from this port? A.—On December 4th I got a request from the master to obtain 50 tons of coal at this port, and I applied for permission to supply this coal, from the Naval Patrol Officer—this is contrary to the ordinary procedure; but as the ship was going to New York he granted the permission on the morning of the 5th to take it, and I tried to arrange with the Dominion Coal Company but they could not give it to me, and I arranged with Messrs. William Roche and we were endeavouring to get it in time for the ship to sail on December 5th; but it did not arrive in time and she was delayed in sailing until the morning of the 6th. On the morning of the 5th I had occasion to go up to the Basin, and we had to bring that captain down to the Niobe to get his route instructions and orders to proceed to New York. 20

Q.—On the morning of the 5th you brought him to the Niobe? A.—Yes sir.

Q.—Did you go on board with him? A.—No sir, there were several small craft anchored near the Niobe at the time and the captain of my boat did not deem it advisable to go alongside at the time, and we brought the captain down to our wharf and he took a taxi back to the Niobe. 30

Q.—Did you go with him? A.—No sir.

Q.—All you know he left your office to go to the Niobe? A.—Yes, between 12 and 1 on the 5th.

Q.—Did he return to your office? A.—Immediately, and the same boat that brought him down was waiting there and took him with the pilot back to the Basin.

Q.—That would be on the 5th? A.—Probably in the vicinity of 2.30 when he left the wharf. 40

RECORD. Q.—Did he show you any route instructions he received? A.—No sir.

In the Exchequer Court of Canada, Nova Scotia Admiralty District.
Q.—You don't know whether he received them or not? A.—I know he had an envelope containing a message to the Clerk of Customs, which is customary for them to have and which I know shows that he had been routed and it was an order for the clerk to clear him.

No. 48.
Evidence of George R. Smith, Direct-Examination. Continued.
Q.—Was that delivered to the Customs? A.—It is customary for the Customs Officer, who puts the clearance and papers on board the ship to pick that up on board.

Q.—Then it would not be necessary for the captain to go to the Collector of Customs in town? A.—He is not supposed to.

Q.—He would deliver it to the Customs Officer in the Basin?
A.—Yes sir.

Q.—The captain went away in the tug somewhere about 2.30 on the afternoon of the 5th and Pilot William Hayes was in the tug also?
A.—Yes sir.

Q.—Tell us anything further you know about it—do you know anything beyond that? A.—I know that evening I received a telephone communication asking me for the destination of the Danish ship in port and asking if the ship had sailed.

Q.—Which ship? A.—The Danish ship Kentucky, and he also asked me at the same time if the Imo had sailed.

Q.—Who asked you? A.—The Examining Officer at the Niobe—I did not recognize the voice.

Q.—Did he say who it was? A.—Just examining officer at the Niobe.

Q.—One of the questions he asked was whether the Imo had sailed.
A.—Yes sir, I replied that she had not finished taking her coal; but would be sailing the following morning.

Q.—On the evening of the 5th can you give us approximately the time?
A.—No sir, I could not say when it was—I was at home at the time.

Q.—Would it be in the early evening? A.—Early evening.

Q.—Between 7 and 8? A.—It would be before 8.

Q.—You received a message from somebody who stated that the message was from the examining officer of the Niobe, inquiring whether the Imo had sailed or not? A.—Yes sir.

Q.—Did you answer that by saying she had not received her coal in time to sail that afternoon; but would be sailing in the morning?
A.—Yes, the first thing in the morning.

Q.—Is that it? A.—Yes sir.

Q.—You had, I suppose learned in the meantime that the coal had not been supplied in time? A.—I knew when the boat came back that brought the pilot back—they brought him back with them at the time.

Q.—Did the pilot tell you he was going to take her out in the morning?
A.—He told me he would be down at 7.30.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—To go up to the steamer? A.—Yes sir.

Q.—Were you there at 7.30 the next morning? A.—No sir.

Q.—Were orders given to have the tow boat there? A.—She was ordered to be ready to take the pilot up in the morning.

BY MR. BURCHELL, K. C.

No. 48.
Evidence of
George
R. Smith,
Direct-Ex-
amination.
Continued.

Q.—The practice is that there is a special customs officer called the detaining officer go out there? A.—It comes under the special clearance office.

Q.—Is that different from the detaining officer? A.—Yes sir, I believe it is. 10

Q.—Have they got to go to the customs twice—two customs offices to be released from? A.—The green label clearance which is given by the detaining officer is one—then there was another clerk, the regular clearance.

Q.—That is for the cargo? A.—To cover the cargo.

Q.—Are those both issued on board the ship in the Basin? A.—At the Customs House and they are handed over to the special clearance officer who delivers them on board the ship.

Q.—The same officer delivers both papers? A.—Yes sir.

Q.—The green label clearance? A.—It is more or less of an Admiralty clearance. 20

Q.—Who would take the customs officer on board the ship? A.—They have their own boat.

Q.—Do you know the customs officer at that time? A.—Mr. Lovett is ordinarily the officer that directs that—delivers it.

Q.—Speaking to this examining officer did you say what time she was to sail in the morning? A.—I said the first thing in the morning, which was understood to be on the first gate.

Q.—You have had a great deal to do with the clearance of neutral steamers similar to the Imo? A.—Yes sir. 30

Q.—Since the war broke out? A.—Since they have been coming here last February.

Q.—Pickford and Black are agents for a great many of these steamers? A.—Started with the Frederick 8th—she was the first one we took out.

Q.—You said that before a ship can be cleared from the Customs she has to be routed? A.—From the Naval Staff Officer on the Niobe.

Q.—And the Customs Officer will not give a clearance unless there is a paper given to him from the officer on the Niobe that she has been routed? A.—They must have this before she can be cleared.

Q.—There has been some evidence here from Commander Wyatt that he made a request from the Steamship Agents to notify him of the sailing of the vessels? A.—Yes. 40

Q.—Do you remember getting that? A.—Yes sir.

RECORD. Q.—What do you know about it—what time was that received?

A.—I don't remember.

Q.—Some months ago? A.—Yes sir.

Q.—What was done about it? A.—It was customary to notify him and we later received a telephone communication that the pilots were reporting from which we inferred it was not necessary to report to him what the pilots were doing, as they were reporting when they were going to move a ship.

Q.—You stopped reporting after that? A.—On several occasions on which the pilots came from their houses to the ship, and asked me to report for them I did.

Q.—You telephoned—this telephone communication you received from what officer was it? A.—The examining officer.

Q.—Was that to you personally? A.—I was told personally over the 'phone while reporting of some of the movements of the ships that they were receiving word of the movements from the pilots.

BY MR. MELLISH, K. C.

Q.—The pilot went up to the Imo on the evening of the 5th? A.—Yes sir.

Q.—You personally know that? A.—Yes sir, and I saw him leave the wharf.

Q.—At what time was that? A.—About 2.30.

Q.—It was expected she would sail that afternoon? A.—We were hoping she would get away that afternoon.

Q.—Was it after that the master came down? A.—He went up on the same boat with the pilot.

Q.—He had been down? A.—He came down shortly after noon.

Q.—Did you visit the Niobe with him? A.—No.

Q.—Somebody did? A.—He had been there before and it was not necessary to send a special clerk with him.

Q.—Who got his clearance paper from the detaining officer and the customs papers? A.—I presume they were delivered to him—I did not see the captain afterwards.

Q.—You don't know personally about his getting his papers from the Customs Officer or from the detaining officer? A.—No sir, the boat is supposed to deliver them on board. The customs are supposed to deliver those on board after the ship has been loaded.

Q.—It is necessary to apply, for the master, or somebody on behalf of the ship, to apply at the customs office? A.—We are notified from the customs when the ship may be cleared.

Q.—How do they know when she will be cleared? A.—They get communication from the Naval Control Officer dealing with neutrals when

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.
No. 48.
Evidence of
George
R. Smith,
Direct-Ex-
amination.
Continued.

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40

RECORD. they may be cleared, and then we have to send for the masters of the Belgian Relief ships and bring them down to the Naval Staff Office to be routed.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 48.
Evidence of
George
R. Smith,
Direct-Ex-
amination.
Continued.

Q.—Did you do that? A.—Yes sir.

Q.—Who did that? A.—I was personally on the two boats when they went up.

Q.—Do you know whether he went to the officer on board the Niobe—or whether you went with him—did you go with him? A.—I left him—he left our wharf in a taxi to get his orders.

Q.—Who went with him? A.—Nobody.

Q.—And he could do the business himself? A.—Yes sir.

Q.—You saw him after that? A.—Yes, when he came back.

Q.—What time was that? A.—He was in the office a couple of minutes before the pilot came over, and they went up on board the boat about 2.30.

Q.—He went off with the pilot? A.—Yes, to return to the ship.

Q.—When were you notified after that that she would not sail that night? A.—When the boat returned bringing back the pilot.

Q.—How long after? A.—I suppose a couple of hours.

Q.—About 4 or 5 o'clock? A.—I cannot say—I don't remember 20 now whether the boat went to some other ships or not.

Q.—Up to that time had you advised Commander Wyatt or his office that the ships was going to sail that afternoon? A.—No, I did not.

Q.—Well then you went home about 6 o'clock? A.—I cannot say what time I went home—my hours down there are rather varied.

Q.—You went home that evening? A.—Yes sir.

Q.—Where do you live? A.—279 South Street.

Q.—You had a message at home that evening? A.—From a party who said they were the examining officer on the Niobe.

Q.—Had they been accustomed to telephone you? A.—They had 30 on several occasions.

Q.—They know you? A.—They know who I am.

Q.—Are you the man who had charge of these ships getting off—getting them away? A.—I look after the neutrals, yes.

Q.—The telephone message was to you personally? A.—Yes.

Q.—Did you recognize the voice? A.—No, I could not.

Q.—Can you tell us what they said? A.—The first question they asked was the destination of the Danish Ship, Kentucky, which had sailed that afternoon.

Q.—They did not ordinarily coming from the examining office? 40
A.—I think so.

Q.—Where the captain went for his papers to get his ship routed, it would be a different office from Commander Wyatt's Office?

A.—Yes sir.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 48.
Evidence of
George
R. Smith,
Direct-Ex-
amination.
Continued.

Q.—There is another office that has to do with the routing of the ships?

A.—Yes sir.

Q.—Did it not occur to you that this person who was asking the routing of the Danish Ship was in the other office? A.—The message was from the examining officer of the Niobe.

Q.—Is he the party that looks after the routing? A.—No, the Naval Staff Officer.

Q.—Why did he ask you about the routing of the Danish ship?

A.—He asked about the destination only. I have no idea of the route they follow going to New York at all.

Q.—Is that a thing that the examining officer would ask you about? 10

A.—I presume they keep a record there of the ships that pass out of the harbour.

Q.—You don't know how it was? A.—No sir.

Q.—That was the first question he asked you, and then what did he ask you? A.—He asked if the Imo had gone out.

Q.—And you told him? A.—No, she had not finished coaling in time and would be going out the first thing in the morning I said.

Q.—Do you know who the officers are in the office there? A.—I don't know—I know Commander Wyatt; but I don't know his assistants. 20

Q.—Do you know his voice. A.—I did not recognize his voice.

Q.—He did not tell you who it was? A.—No sir.

Q.—What did he say about himself? A.—He said it was the examining officer of the Niobe.

Q.—You are sure of that? A.—I am positive of that.

Q.—My learned friend Mr. Cluney suggests to me that he could have got that information he asked you about from the routing officer?

A.—Not of the Kentucky. The ordinary neutrals don't receive any routing instructions whatever. It is only the Belgian Relief ships that receive routing instructions at all, as well as the Allied ships, then they 30 get this clearance.

Q.—That is the one on board the Niobe? A.—That is the special customs clearance officer they get it from.

Q.—Is that the ordinary customs clearance? A.—No, they have special officers in charge of it sir.

Q.—There is no difference from any other clearance. A.—No sir.

Q.—Do you know the practice of this guard ship in dealing with neutral vessels that would be leaving Bedford Basin—how would they get their instructions to leave. How does the guard ship notify the vessel that is going out that way? A.—When the boat is cleared they notify 40 the ship that she has been cleared.

Q.—Who notifies them? A.—The guard ship in Bedford Basin is notified.

Q.—By what means? A.—I really don't know. I have seen sometimes flag signals, and I have seen communications from them.

RECORD

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 48.
Evidence of
George
R. Smith,
Direct-Ex-
amination.
Continued.

Q.—What is the practice? A.—The notify them when they are released.

Q.—That is they send a message to the ship or signal their name, and hoist certain flags which indicates to the vessel which is going out that she is released? A.—That she may prepare for sea.

Q.—So in that event there would be no necessity for the outgoing vessel to report to the guard ship? A.—The boat taking the pilot up reports to the guard ship.

Q.—The boat that is going out gets the notice to go out—why can he not go out then without any further preliminaries? A.—That is up 10 to the Naval authorities.

Q.—What is the practice about it? A.—The practice is for the captain to get his clearance and pilot and proceed to sea.

Q.—How? A.—The pilot comes on board and he runs up a flag signal to the guard boat I believe and the guard boat answers, gives him his signal to proceed to sea I think.

Q.—Is that all they have to do—anything more? A.—Not that I know of.

Q.—I am suggesting that there is no necessity for the Imo to come over to the guard ship and make any special report to her before going 20 out? A.—I don't think she is allowed to leave until she gets the reply from the guard boat to proceed to sea.

Q.—And she gets that by a signal or a messenger, or message of some kind? A.—She gets that by a flag signal when the pilot is on board.

Q.—Where is the Imo over on the western side of the Basin, on a clear morning, and she is going to sea in the ordinary course the pilot would hoist the flag and it would be answered by the guard vessel—it would be quite plain to be seen. I suggest that after that has been done there is no necessity for the Imo sailing near or around the guard ship? A.—Not 30 necessarily to approach the guard ship, as far as I know.

By Mr.
Cluney,
K. C.

BY MR. CLUNEY, K. C.

Q.—Do you know why it is necessary for the examining officer to know the destination of an outgoing ship? A.—No sir.

Q.—You have received inquiries over the telephone with regard to ships before? A.—Yes sir.

Q.—From the examining officer? A.—Yes sir.

Q.—From Commander Wyatt personally? A.—I cannot say.

Q.—You are not familiar with the voice? A.—I know Commander Wyatt's voice over the telephone. I have received communications from him; but I could not say just what those communications are now. 40

Q.—You mean that any person coming to the telephone and representing themselves as an examining officer you would give them that information? A.—Any person calling from the Niobe I would give the information for there.

RECORD. Q.—You could take their word for it? A.—I would take their word for it.

In the
Exchequer
Court of
Canada,
Nova Scotia
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District.

Q.—Are you not a little careful about giving that information out?
A.—With British ships I am.

Q.—Don't you think it is wise to take precautions? A.—I have not given it a thought.

No. 48.
Evidence of
George
R. Smith,
Direct-Ex-
amination.
Continued.

Q.—For all you know it may not have been a man from the Niobe that asked you for that information? A.—I know it was a man with a decided English accent.

Q.—And you took his word for it? A.—Yes.

10

AND FURTHER DEPONENT SAITH NOT.

J. T. ROWAN,

Official Reporter.

No. 49.
Evidence of
Norman
A. Currie,
Direct-Ex-
amination by
Mr. Henry,
K. C.

No. 49.

NORMAN A. CURRIE, GOVERNMENT STEAMSHIP INSPECTOR, BEING CALLED AS A WITNESS AND DULY SWORN DOETH DEPOSE AND SAY AS FOLLOWS:—

EXAMINED BY MR. HENRY, K. C.

Q.—You have some official position? A.—Government steamboat inspector.

20

Q.—Dominion Government Steamboat Inspector? A.—Yes sir.

Q.—Have you, since the accident to the Imo, made an inspection and examination of her? A.—Those ships don't come under our examination at all. I was requested by Mr. Hensley, Lloyd's Agent, to accompany captain Hall and look her over as some New York Surveyors had looked over her that day and they came to the conclusion that the Imo's bow was not damaged any, and they wanted to get my opinion of her.

Q.—Tell us briefly, Mr. Currie, the conditions in which you found the bows of the Imo? A.—I made a drawing of it.

Q.—Was this drawing made by you? A.—Yes sir.

30

(DRAWING PRODUCED AND MARKED EXHIBIT R. 91):

Q.—This is a half section of the Mont Blanc—this drawing? A.—Yes sir.

RECORD. (DRAWING PRODUCED AND MARKED EXHIBIT R. 92).

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

*No. 49.
Evidence of
Norman
A. Currie,
Direct-Ex-
amination.
Continued.*

Q.—This work only shows a portion of the Mont Blanc? A.—Yes, approximate plan view. It is to the scale of a quarter inch to the foot and it gives about her half length.

Q.—On the water line? A.—I did not know the co-efficiency of the ship, and I could not give her bow—that is to give the relative position of the two ships at the time of the accident.

Q.—From your observation of the injury on board the Imo? A.—Yes sir.

Q.—This plan marked R. 91 has three different designs on it? 10

A.—Yes sir, starboard and port elevation and also a plan view.

Q.—The port elevation is shown at the bottom here? A.—Yes sir.

Q.—The plan is shown in the centre? A.—Yes sir.

Q.—And the starboard elevation is shown at the top? A.—You have turned it the other way.

Q.—Now I find Mr. Currie on the port bow two holes one quite close to the stem? A.—I just examined this starboard side and found a great number of small holes caused by the explosion—this is the only hole of any dimensions it is 2x3, this hole marked with X, and then I established the direction of the force. This hole is shown here on the plan 20 view. It is also marked B, and the portion that passes through that fracture had passed right through and bulged out these frames. It is bulged here outward, made by fracture from the starboard side at B—that establishes that the force of the blow was in that direction. After examining that side I examined the stem, as the New York Surveyors said they could not see any evidence of a collision at all, and I had previously read the evidence here in the papers that she had come in nine feet, and I could not see anything at all to show that she had run into that vessel. Down below here she was in a little bit.

Q.—Down below the water line? A.—Yes sir, she was running in 30 her—then I went down from the port side here, and we got these two fractures here “C.” and “D.” and at this forward fracture here there was a piece of a plate imbedded, in fact a piece of the Mont Blanc, which I call it—it had broken that frame, also this plating beam on a stringer running around here. It broke on the edge of that line and in here there was a piece of plate and I found it was five-eighths thick, and I think I made the remark to captain Hall that it was a piece of the Mont Blanc, on account of the thickness, and he looked it over and we examined the colour of the paint. At first it looked to me to be caused by the anchor; but when I found that piece of plate in there it put me all at sea. I could not make out how that 40 was there at all—then I went over and saw the American Surveyor on Monday. He claimed it was the anchor that did it; but I could not see how I could find a piece of the Mont Blanc in there. That would be the position of his anchor. She was a Trautmann anchor—these anchors here are shown to the scale of a quarter of an inch to the foot, and the plan also.

RECORD.

*In the
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No. 49.
Evidence of
Norman
A. Currie,
Direct-Ex-
amination.
Continued.

I took the dimensions off his starboard anchor which is on board the ship—the port anchor. I presume they are the same although the other anchor has not been lifted.

I take it that anchor would lay in that position—his shank is at right angles to his fluke (anchor is shown on the middle plan)—that is the position the anchor would in my opinion, lay when it was suspended, because the edge of the shank would first come up on the other bow, then the other edge should fetch up in that position.

This is not absolutely the lines of the ship. I took it on the co-efficiency of 7.6. This is where the other plan comes in.

This is supposed to be an outline of the Mont Blanc? She is a spar decked ship and I took it if the anchor caused that at all she could not have caused it in that position nor in that position. It must have been at an angle. When he penetrated him here he took a plate where he passed on that side of the fluke of the anchor; and then he slammed together and took that piece right through on the fluke of his anchor. He took his garboard strake, and he has indented that frame, showing that the force of the collision is in that direction.

The plate is dented at the point E on the starboard side, dented outwards on the starboard side.

I went inside then and I found that the deck above is buckled this way, and also the floor below is buckled after that shape.

Q.—Buckled up or down? A.—The floor runs across like that—showing that when he struck him here he naturally,—the same as when you take a rectangle and collapse one side it follows you will distort the side opposite—which caused the distortion on the starboard side.

Down below here, the following day, I had a talk with Captain or Mr. Black, and then I began to form an opinion the anchor would do the damage, and that was the way it caused the trouble; but I could not reconcile myself with the fact. That was a spar deck ship—the Lloyd's give it as free board of little better than three feet, and the evidence here gave me her draft of 19' 5" aft,—and if she run her nine feet in my opinion I don't think the ship would have floated ten minutes.—If she only had a free-board of three feet and she had been cut into nine feet as the evidence makes out.

Q.—How does the height of the hole which you have marked "C" correspond with the height above the water line of a broken plate of the Mont Blanc? A.—I made a lead pencil sketch of that. I made a calculation of that point, and I find it should be exactly .60—that is fore three-fourths of her length.

(SKETCH REFERRED TO IS FILED AND MARKED EXHIBIT R. 93)

WITNESS: This is draw to scale, roughly.

RECORD.

*In the
Exchequer
Court of
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No. 49.
Evidence of
Norman
A. Currie,
Direct-Ex-
amination.
Continued.

Q.—The ship on the right is supposed to be which ship?

A.—The Mont Blanc. This is supposed to be the water line—that would be the position she would occupy when drawing about 14'—just now she is at the 13' line—she is barely up a bit on the rocks. Her draft would be around 14 feet and this ship it has been established that her draft was 20'5", and that was where she would be floating. Lloyd's gives her decks as 15.8 from the main deck, and from the spar deck she was 23'2"—then I have allowed for two feet for the sheer of the ship forward, which makes her about 25'—that would be her relative position. The anchor is given as 30' from her main deck, and we allow 7.6 for the forecastle head—then that would put his bulwark sheer strake opposite the anchor. Here is where he has penetrated—this is shown here as 21'. 10

Q.—The distance of the hole C is 21' on the exhibit R. 91?

A.—Yes, this is a very rough scale, and that shows where she penetrated—that would be right opposite one sheer strake. That strake there in the spar deck is the only strake that would be that thickness. This strake below here would be much lighter.

Q.—Then you conclude that the piece of plate which you believed came from the Mont Blanc, which was found in the Imo, came from what you called the sheer strake or bulwark plate of the Mont Blanc? 20

A.—There was no other possible way for it to get there that I could see. They might establish the fact by lifting the anchor, and it may possibly be found disturbed, because this part of the anchor like this would be clear of the other ship. I think possibly you will find when lifting that anchor that one of the chains will be found bent or possibly broken there—they might trice it up to the bow and see what relative position it would show. This is how the Trautman anchor sets.

By Captain Demers BY CAPTAIN DEMERS:

Q.—Will you place that right to the hawse pipe? Is that where you are placing it? A.—No sir, I am just putting it, it is 5'5", and the cavity shows 5'6" from the centre, It could be established by ordering the anchor lifted and tricing it alongside and see how it fits the cavity. Just below W that is just below the water line there is an indent—that would be about 7x2—it is very irregular. The frames are bent in and the plating is bent in and to my mind it looks as if it was the anchor again. When they came together the way I account for it is that they came together after that angle, and if you accept this theory then they have come in at that angle, and the collision occurred at that angle, and when he collided first his windless has been in friction on this anchor, and after the collision he would naturally rebound, and after the rebound come together like this. 40

RECORD BY MR. BURCHELL, K. C.:

*In the
Exchequer
Court of
Canada,
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District.*

Q.—The indent W would then be caused? A.—Yes sir,—why the shank of this anchor would point down in here, because it was over the top of the deck.

BY MR. HENRY, K. C.:

No. 49.
Evidence of
Norman
A. Currie,
Direct-Ex-
amination.
Continued.

Q.—As I understand it then, in order that the theory which you advance, that both these holes C and D were made by the anchor, it needs, to be consistent for the ships to come together at a fine angle?

A.—Within that angle—if he was in that position the anchor could not have touched him. 10

Q.—At right angles? A.—Yes sir, if he struck on an angle like that then that anchor could not make that.

Q.—That is at right angles? A.—Yes sir.

Q.—What did you say was the broadest angle at which those ships would come together and still make those two marks? A.—He struck within that angle of 60 degrees somewhere.

Q.—The line MN and OP—the Mont Blanc must have been between those lines? A.—Yes sir.

Q.—Outside of those two positions the anchor would not be effected by the collision, so as to produce these holes? A.—I don't see how it could—if it had been on the side the anchor would have been pushed back this way and I don't see how the bow would escape without a scratch. I don't see how you are going to account for that other hole in any other way. 20

Q.—Will you look at that exhibit E. 60 and see if you can identify that as being a piece of the paint taken off that plate. A.—That is the colour.

Q.—For a ship of the size of the Mont Blanc Lloyd's regulations would require that her sheer strake plating would be approximately five-eighths, for a spar deck ship? A.—Yes, of that size.

By Mr.
Burchell,
K. C.

BY MR. BURCHELL, K. C. 30

Q.—You have marked on the plan that the port bulwarks are broken? A.—That indicates the direction of the explosion from starboard to port.

Q.—The port bulwarks are broken out? A.—Yes sir.

Q.—And you found some fractures on the plates on the starboard side, and you found a bulge on the opposite side corresponding to the fractures on the starboard side? A.—Yes sir.

Q.—So that any holes you see that are now on the starboard side, were caused by the explosion and not by the collision? A.—That is my opinion.

RECORD. Q.—There are a great many holes, perforations on the starboard side now? A.—Yes sir.

*In the
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District.*

Q.—You have marked here an arrow on the middle plan R. 91, the direction of impulse due to the collision? A.—Yes sir, that is in my opinion.

Q.—This would be the direction of impulse? A.—Yes sir, here is due to the explosion of course, that was an opposite direction showing it could not be by the explosion.

No. 49.
Evidence of
Norman
A. Currie,
Direct-Ex-
amination.
Continued.

Q.—How do you get that? A.—That is approximately figured out from here. It would indicate it was from starboard to port. It is not really the actual direction.

Q.—This anchor R. 94 is the same scale as the plan, drawn to scale, and the same anchor? A.—Yes sir.

10.

By Captain Demers. BY CAPTAIN DEMERS:

Q.—That is the starboard anchor? A.—Yes sir.

Q.—You don't know anything about the port anchor? A.—No sir, I saw it submerged; but I could not tell you anything about it unless it is lifted.

By Mr. Burchell, K. C.

BY MR. BURCHELL, K. C.

Q.—Then your opinion is that the two holes C. and D. were caused by the flukes of the anchor? A.—By the anchor, yes.

Q.—And that injury W. was caused by the anchor when it dropped? A.—Yes, I am not so positive about that; but to my opinion it is the only way it could come about. She might possibly be indented by the rocks; but it bears the same impression as an anchor would make.

Q.—It may possibly be by the rocks—when she was going ashore? A.—Yes sir, I would not be so sure about that.

20.

AND FURTHER DEPONENT SAITH NOT FOR PRESENT.

J. T. ROWAN,

Official Reporter.

AND IT BEING 4.30 p. m. COURT IS ADJOURNED UNTIL 10 30.
a. m. JANUARY 25th, 1918.

RECORD.

THIRTEENTH DAY'S SESSION.

10 a. m. January 25, 1918.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

PURSUANT TO ADJOURNMENT COURT RESUMED ITS SITTINGS AT 10 a. m. FRIDAY, JANUARY 25, 1918.

*No. 49.
Evidence of
Norman
A. Currie,
Re-Direct-
Examined
by Mr.
Mellish,
January
25th, 1918.*

COURT AND COUNSEL PRESENT AS STATED ON PAGE 740.

NORMAN A. CURRIE, GOVERNMENT STEAMSHIP INSPECTOR, BEING PREVIOUSLY SWORN, DOETH DEPOSE AND FURTHER SAY AS FOLLOWS UPON BEING RECALLED.

*By Mr.
Mellish.*

BY MR. MELLISH:

Q.—This fracture which you noticed on the port bow of the Imo, according to your diagram I take it it might have been produced provided the ships had come together at very nearly a right angle? A.—Yes, within 60 degrees of a right angle. 10

Q.—Look at that; that is within 20 degrees of a right angle? A.—Yes.

Q.—The fracture might have occurred provided the ships had come together— A.—Provided you accept that the anchor punctured that portion and it was not caused by the collision.

Q.—I am assuming the anchor did cause the puncture; I understood you to give two limits yesterday within which the collision must have occurred? A.—Yes. 20

Q.—I am taking as near as possible to the extreme limit the collision might have occurred according to your theory when the ships were practically almost at right angles? A.—Yes; I have examined it under the theory that the ship ran into her and it produced to my mind an absurdity.

Q.—According to your theory the Imo must have penetrated the Mont Blanc some distance? A.—The bow of the Imo.

Q.—Yes? A.—No.

Q.—I don't quite understand how you explain that the plate of the Mont Blanc is embedded in the Imo? A.—I explained it yesterday.

Q.—We will assume the collision was in that direction or at right angles, assuming coming in that direction; and this is the direction—this is the position of the anchor hanging suspended from the bow, and when he had penetrated in here, first you say the anchor would penetrate the Mont Blanc? A.—The anchor; it was that done the damage; he has gone in here and the portion he has turned out would naturally fall on that side of the fluke of the anchor. When they came together that way the portion he took out was suspended on the fluke and bulges that plate out on the starboard side. 30

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
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District.*

No. 49.
Evidence of
Norman
A. Currie,
Re-Direct-
Examina-
tion,
January,
25th, 1918.
Continued.

Q.—This piece of plate from the Mont Blanc is inside the Imo?

A.—Yes, and projecting through.

Q.—Extends through one bow to the other? A.—Yes, of course it is not very wide.

Q.—Five or six feet? A.—About 3 feet 6 inches across there.

Q.—And that plate is lying there flat? A.—I cannot say as to the position.

Q.—The edge of it is quite plain as to how it is lying on the starboard bow? A.—Inside the cavity right across.

Q.—Don't you think that is a pretty hard thing to imagine, the fluke of the anchor would pick a plate out of the other ship and put it on its edge and budge out of the other side of the ship? A.—It is hard to reason out; but if you reason out the other way—

Q.—Take it this way, would you expect the fluke of the anchor to penetrate another ship and force that through the bows of the other ship—would you find the plate in that ship? A.—If it hooked a piece of that plate over the fluke.

Q.—It does not look as if she hooked over the fluke? A.—How did it get there?

Q.—Is that laying straight across as you represent there? A.—It might be in any angle. 20

Q.—Is it lying buckled up or hanging over the fluke? A.—It is twisted and distorted; I didn't go into that. It might not have been hanging over the fluke.

Q.—That is inconceivable to me if it got in without hanging over the fluke?

Q.—Is the hole referred to above or below the water line? A.—Both above the water line. At the 21 feet mark.

Q.—And the other indentation is below the water line? A.—Yes, slightly below. 30

Q.—And the anchor apparently has in some way been snapped from its fastenings? A.—I would not say positively is not caused by the anchor.

Q.—Was this indentation below the water line? A.—Yes, possibly about a foot.

Q.—And was the anchor displaced apparently from its fastenings on the ships bow? A.—That is the only way I can explain how that would come.

Q.—Is the anchor hanging on the ship's bow at present? A.—Submerged on the port side.

Q.—Near the ship? A.—Yes, 10 or 15 feet from the bow; you can see a portion of it. 40

Q.—The anchor must have been detached from the ship since she stranded? A.—Yes.

Q.—Can you account for that? A.—No, possibly the crew put the anchor out afterwards. 30

RECORD. Q.—Apparently it has been used by the crew since the ship stranded?

A.—I cannot say anything as to that.

Q.—How can you account for it being down by the ship's side; it is not attached to the ship? A.—I don't attempt to account for it.

Q.—As long as we are theorising is it not a natural theory it was used after the ship stranded? A.—My idea is when that ship landed in that position at first, not the same as now, the anchor was dropped over and she floated.

Q.—It was dropped by the crew? A.—Possibly.

Q.—That is your theory? A.—I don't understand about that.

Q.—I suggest the simple theory and you cannot imagine anything else?

A.—There is 150,000 ways.

Q.—Suggest one way that anchor got there except it was put there by the crew; give us one; under present conditions; how could it get there out of the 150,000 mention one? A.—If you go into particulars I don't know how it got there; I presume put there by the crew.

Q.—Can you suggest any other way? A.—In that exact position, the ship may have drifted into two or three different positions; she is not suspended by that anchor but laying loose.

Q.—Suggest another way that anchor got there except it was being put there by the crew; any other reasonable way? A.—It was put there by the crew, I admit.

Q.—I understand from you that you found the bows of the ship, both bows bent inwards? A.—Yes.

Q.—As shown by Captain Hall; about how far aft from the stem would this bending be? A.—Slightly noticeable; underneath the water-line, she is slightly got in; when you are inside, the floor is buckled possibly six inches, the bottom floor where she is tied across.

Q.—The floor is buckled upwards? A.—And the floor above; right down below this first crane has buckled, after that shape, showing 30 both bows came together.

Q.—You meant to suggest yesterday—you are an engineer—I don't appreciate at all, namely that a blow on this side of the ship will under any conditions draw in the other side of the vessel? A.—If she is tied; if I take a rectangle—or cone, and tied it across here, I puncture this across here into this shape; I naturally shorten this end—will that remain the same?

Q.—It would be distorted outwards and not inwards; irrespective of how the blow was delivered? A.—We can't say.

Q.—As a matter of mechanics? A.—I would not give an opinion; 40 but in my opinion that distortion is so very slight—

Q.—I regard it as an absolute impossibility? A.—You have already said this would be distorted.

Q.—Yes, in the opposite direction; we have known too much of collisions with ships struck on beam ends are put the other side out?

RECORD. A.—Suppose that was put in and that thrown out; this is not rectangular; why should you claim it would be distorted in one way and not in the other?

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—The force is in that direction? A.—There is no force on that plate; only what is given by the tie booms across.

Q.—If you would get us a model and deliver a blow and give us an illustration, but to my mind it is an absolute impossibility as a matter of mechanics. Reasoning from your point of view the ship struck this way and the other way is my point of view. A.—Give us the position you say the ships struck? 10

Q.—I don't mind being cross examined by you; it is suggested that position. A.—We will see what result we will get; this is a scale drawing and it is claimed this ship goes in 9 feet.

Q.—The injury to this bow— A.—She could not hit in that place because that is a water tight bulkhead; there is no cargo there; she must have hit in there; go back 9 feet, here.

Q.—I want to get at how this side of the ship was drawn in by the collision. The Imo? How this side of the Imo was drawn in by the collision? A.—This ship at the present time is laying on the rocks nothing you can notice in a first visit; I didn't notice at all it is so slight. 20
inside the ship this beam is bent about 6 inches.

Q.—I am taking Captain Hall's evidence, he was with you; it is not what I saw; I didn't see it; he says this ship is pinched in on both sides. A.—That is my opinion.

Q.—Did you notice on the starboard bow of the ship some, perhaps, behind this hole at all events, which you have shown on your plan—notice any injury to the plates? A.—Yes all over.

Q.—Apart from holes? A.—Nothing I would say.

Q.—A continuous indentation for some distance for three or four feet? A.—Right abaft of here. 30

Q.—Yes? A.—I didn't notice it.

Q.—It is quite noticable; in ridges; you didn't notice these indentations; they were not pointed out to you? A.—No.

Q.—On the starboard side of this vessel; they are of considerable length, two; in ridges one back of the other? A.—Have you a plan?

Q.—I have seen it; anyone can see it if they want to. The court was there and saw it; anyone who looked at the ship critically could not help seeing it; this special damage in one place; two practically parallel ridges, not absolutely parallel, one above the other, extending for some length; behind there, there is a vertical dark mark showing the paint is darker 40
behind that; have you noticed that? A.—Yes.

Q.—Did you notice a slight indentation on the bows? A.—Nothing noticable. There is a small indentation right here, between the 17 and 18 mark.

No. 49.
Evidence of
Norman
A. Currie,
Re-Direct-
Examina-
tion,
January,
25th, 1918.
Continued.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 49.
Evidence of
Norman
A. Currie,
Re-Direct-
Examina-
tion,
January,
25th, 1918.
Continued.

Q.—Did you notice it on the stem, that the stem is red up to a certain point—rusted? A.—Yes.

Q.—And the other part is black? A.—Yes.

Q.—It has been suggested and I suppose you will agree suppose they had struck pretty near at right angles without penetrating and that the ships had gone ahead to crush the anchor in; this might have happened according to your theory. Supposing she had pushed around and they remained together; struck at practically right angles and the ships had hung together; it might have the result even according to your theory?

A.—We know she would have struck abaft this portion here; struck at that angle there and went into her 9 feet; that would be here. 10

Q.—I am not talking of going into her 9 feet; leaving that out of the case? A.—If she didn't go in how did she do the damage?

Q.—By the fluke of the anchors. A.—It didn't hit at right angles.

Q.—The evidence is that after she struck the ships held together and she pushed her around, could the accident not have happened then by the fluke of the anchor according to your theory? A.—It might possibly; it is a matter of opinion.

Q.—Did you go over this work with Mr. Sims of New York?

A.—No, the way I came to go over this work; I didn't wish to get into it at all; Mr. Hensley of Pickford and Black sent for me and said United States Surveyors had gone over the work and reported that they could not find any damage on the stem; the theory to my mind was absurd to say there was no damage, and Mr. Hensley asked me to go over in company with Captain Hall and give a report on the matter; I didn't want to mix in it being a Government servant. 20

Q.—How are Lloyd's interested? A.—I suppose she is insured there.

Q.—I understand she is insured with Norwegians? Did you meet Mr. Sims here? A.—I don't know the gentleman at all. Not that I know of. 30

Q.—You don't know his opinion about this at all? A.—No more than I have told you.

Q.—Know who Mr. Sims is? A.—I can't say I do. I have heard tell of him as a Salvage Association Surveyor.

Q.—He has been here and examined the vessel? A.—I don't think I have ever met him.

Q.—Do you know Mr. Black? A.—Yes, pretty well.

Q.—Did you survey this ship at Mr. Hensley's request? A.—I told you just now.

Q.—Did you do it at Mr. Hensley's request? A.—Yes, accompanied by Mr. Hall. 40

Q.—And he is of the firm of Pickford and Black? A.—Yes.

Q.—And they are the agents of the Imo? A.—Yes.

Q.—And you don't know whether insured in Lloyds or not? I am instructed she is not. A.—I didn't go into that particular end of the business at all.

RECORD. BY MR. BURCHELL:

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 49:
Evidence of
Norman
A. Currie,
Re-Direct-
Examina-
tion,
January,
25th, 1918.
Continued.

Q.—This fracture you speak of between the 17 and 18 foot line on the starboard side of the Imo; what do you say about that? A.—I think it was caused by the explosion same as the rest of the damage on that side of the ship.

Q.—There are a great many small holes? A.—Yes, caused by the explosion.

Q.—From the bow to the stern? A.—Yes.

MR. BURCHELL: I have some photographs; I do not know whether you want me to call the photographer. 10

MR. MELLISH: If you say they are the pictures that is enough for me; you need not examine him about them.

Q.—Were you over there the day these pictures were taken? (M. B. E. 94, 95, 96, 97). A.—No.

Q.—M. B. E. 95 is that the starboard or the port side? A.—I should say it is the starboard side?

A.—Yes.

Q.—And that shows the two holes which are shown in your plan?

A.—Yes.

Q.—Is that a piece of the plate sticking out there? A.—Yes, I took 20 it for that.

Q.—Sticking out of the forward hole; hole next—nearest the bow?

A.—Yes.

Q.—This M. B. E. /96 show the bow? A.—Yes.

Q.—And the starboard anchor shows there too? A.—The port anchor; the starboard anchor is on her bow.

Q.—The starboard anchor is showing hanging over the bow?

A.—Yes.

Q.—Then the anchor chain is out? A.—Yes.

Q.—And this hole on the starboard side is the one— A.—The one 30 shown on here; that was made by the explosion I should say.

Q.—M. B. E. /97 also shows the port side and the anchor over the starboard side showing over the top of the deck? A.—Yes.

By Captain Demers. BY CAPTAIN DEMERS:

Q.—Are you a mechanical engineer or a Naval architect? A.—I am a marine engineer.

Q.—Is it possible that the plate you mentioned that went into the port side of the boat would inflict two injuries apparently of the same nature and the same width and practically the same length? A plate from the

RECORD. Mont Blanc as you surmised would penetrate and make two openings at a certain distance? A.—It would depend on the amount of impulse behind it.

*In the
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Q.—Will one plate or the end of a plate make the smaller opening four or five feet away from here? A.—A portion of the plate?

Q.—Yes. A.—It all depends on the size of the plate and the momentum.

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Evidence of
Norman
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tion,
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Continued.

Q.—All this distance between the two openings would be torn altogether and one gap instead of two? A.—It depends on the angle at which it went in; if it went in at right angles it would be right there. 10

Q.—At any rate the bow of the Imo demonstrated to you that the impact took place at a slight angle obliquely from the beam. I would surmise after examination 101 degrees from the bow; you have 90 degrees right abeam. It is 11 degrees more abaft? Would that be right?

A.—I could not say.

Q.—101 I surmise would be a correct angle? A.—I would not infer that is the angle if he made an angle of 101.

Q.—The Mont Blanc went to the wharf alone by some speed which has not been determined; crept up when all the crew deserted; she had headway and in the course of evidence it has been demonstrated in 20 one part of the ship had hard astarboard helm and in another part just slightly; on the other hand the other ship coming along, going full speed astern from him, light ship head canted to starboard with the effect of the propellor natural by going full speed astern, and the moment of the contact, or before the impact took place the helm of the Imo would be put hard to port or to port, would that be right? A.—I would not go into the navigation end.

Q.—Supposing that existed at the time it is natural these ships would not at the point—or coming nearer each other they were swinging one to port and the other to starboard—and caused this angle, or the impact 30 at 101 degrees, I should say? A.—If one was hard to port and the other hard astarboard they would possibly.

Q.—The anchor that was hanging on the bow; I suppose you noticed the mark made on the bow of the Imo; the chafing of the paint was made by the anchor usually hanging on that place; I don't know if you are accustomed to it, generally in heaving the anchor it is raised from the bottom to a certain height; a little spare chain from the hawse pipe to the anchor and as a rule the crown of the anchor would be at the level of the water for the tackle to bring the anchor on the bow and it is admitted in the course of evidence the third officer was waiting on the forecandle for 40 people to finish breakfast to raise the anchor; the chafing you see there being in line with these two openings made in the bow of the Imo.

A.—That is my opinion; but their other contention that the ship ran in to her 9 feet; she must have left a cavity of about roughly 700 square feet; she would be cut below the water line and if she was cut below the water line

RECORD. and leaving a cavity of that nature I don't think the ship would retain her stability and possibly would have sunk depending on the specific gravity of the cargo.

*In the
Exchequer
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Evidence of
Norman
A. Currie,
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tion,
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Continued.

Q.—Is it possible the Imo went into the Mont Blanc? A.—No, because this ship is a spar deck ship and she would have to cut through the main deck and spar deck; the line of resistance; but say a ship would come out after she penetrated into that first cavity in the impulse would have to be at right angles to puncture that. It establishes the most absurd contention to my mind.

Q.—Mr. Mellish asked if it was possible for the vessel to become compressed; which way are the beams bent? A.—The deck above which I take for the chain locker deck is bent up six inches that way and the bottom floor of the ship, the tie beam, it is bent possibly about 6 inches like that also. 10

Q.—Whilst being upwards is there also a tendency to go aft or forward? A.—I didn't look so closely as that; I examined the material to verify that piece that was in her was not really a piece of the ship; I went inside.

Q.—I am speaking of the compression of the two sides; how much is it set in, leaving the origin out of the question? A.—I could not say; just noticeable on the starboard side and some on port. 20

Q.—Do you mean to say the beams have also bent aft or forward as well as upward? A.—I could not say; I didn't go into it; I casually looked up and saw the deck beam was bent upwards.

Q.—Such being the position of the beams I surmise the moment of the impact these beams were not detached from the port side and they both brought the portion of the hull inward and pushed the ones on the other side inward also, that would be the reason for the compression?

A.—That is to my mind.

Q.—Do you know if beams are detached from their fastenings from the side? A.—I don't know; I did not examine closely enough; she was filled with water to that cavity; I crawled in that hole on the starboard side. 30

Q.—You have mentioned the Trautman anchor; you saw one on the starboard side and not the one on the port? And your theory is the the other one was the same? A.—Yes.

Q.—We have evidence of the wheelsman of the Imo that the one of the port side was an old fashioned anchor. Would that old fashioned anchor make the injury you found on the port side; you are familiar with the anchors? A.—I have not seen the anchor.

Q.—Nor have I; the evidence of the wheelsman, which we must take, indicates there was a Trautman anchor on the one side and an old fashioned anchor on the other; you don't know? A.—I examined and looked over and could just see the shank sticking up; there is a shank to it; portion of it; I took it to be the shank; submerged possibly four feet. 40

Q.—Which side of the ship is the largest anchor carried at do you know? A.—I could not say.

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In the
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No. 49.

Evidence of
Norman
A. Currie,
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tion,
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Continued.

Q.—Did you say the Mont Blanc was a well deck ship? A.—Spar deck ship; that is what Lloyds say; I have never seen a photograph; I took it out of Lloyds.

Q.—I would imagine she was a well deck? You say the plate that was in her which does not form part of the Imo which was inside? A.—Yes, I noticed the thickness of it.

Q.—Is it painted? A.—Yes, it is painted sort of grey. Captain Hall noticed it and I told him I thought it was part of the other ship; due to thickness.

Q.—Did Captain Hall show you a piece of the paint? A.—Yes, 10 I saw that.

Q.—These ridges on the starboard side you answered that question to Mr. Mellish, about 12 feet, what was that caused by? On the bow there are ridges and indentations I noticed externally. A.—I did not take notice of those; I would not speak of something I didn't.

Q.—That compression of the bars would that not be due to the concussion caused by the explosion bringing the sides in? A.—I would not say that; if it would make a concussion in one position of the ship it would in another.

By Mr.
Burchell.

BY MR. BURCHELL:

20

Q.—Do you know at the time of the explosion the Mont Blanc blew up? A.—Yes.

Q.—And the pieces of her plates were found all over Halifax and Dartmouth? A.—Yes.

Q.—You say you saw part of the anchor under water; can you tell approximately how much chain is out under the water there? I mean from the top of the water to the anchor? A.—I could not say. There might be a lot submerged on the bottom I could not say; I would give no opinion.

By Captain
Demers.

BY CAPTAIN DEMERS:

30

Q.—You cannot consider your examination a thorough one? A.—Well, no; I had a look at her two mornings.

Q.—The plates on the Imo did you examine them? A.—I didn't see any scratches on the paint.

Q.—Are they specially reinforced at the stem; more than ordinarily strong stem? A.— $\frac{1}{2}$ inch; I consider it light; that is the bow; it is very light I would say.

Q.—Five-eighths or seven-eighths? A.— $\frac{1}{2}$ inch; I measured it.

Q.—That is weak construction? A.—That is what Lloyds call for forward.

Q.—What is the spacing? A.—Two feet; I measured it.

40

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Court of
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District.

Q.—Captain Hall said it was 22 inches? A.—24 inches I make it; I don't know but what Captain Hall is correct; I think possibly he is. I have not my note book with me.

BY MR. MELLISH:

No. 49.
Evidence of
Norman
A. Currie,
Re-Direct-
Examina-
tion,
January,
25th, 1918.
Continued.

Q.—This photograph; this anchor, the port anchor of the Imo is attached to the chains and the chains are attached to the ship? A.—The anchor is submerged; the chain leads out to it; no trouble to lift it.

CAPTAIN DEMERS: The anchor did not go there by itself; I have no doubt the crew dropped it.

MR. BURCHELL: It might have been done by the High Flyer men. 10

Mr.
Burchell.

Mr. Mellish.

MR. MELLISH: I feel we should have a look at that anchor.

Mr.
Burchell.

MR. BURCHELL: I shall be very glad to have the anchor raised.

His
Lordship.

HIS LORDSHIP: As it stands now I will assume it was used; I do not think it makes any difference anyway.

AND FURTHER DEPONENT SAITH NOT.

R. ECCLES,

Official Reporter.

No. 50.
Evidence of
Edward
H. Flower,
Direct-Ex-
amined by
Mr. Henry,
K. C.

No. 50.

EDWARD N. FLOWER, OF NEW YORK, BEING CALLED AS
A WITNESS AND DULY SWORN, DOTH DEPOSE AND SAY AS 20
FOLLOWS:—

EXAMINED BY MR. HENRY:

Q.—You are in the employ of the French Line, New York?

A.—Compagnie Generale Transatlantique.

Q.—And you are, I understand, a French interpreter? A.—Yes.

Q.—You speak French fluently? A.—Yes.

Q.—I want to know whether on the occasion of the Mont Blanc being at New York prior to her coming to Halifax in December, you accompanied the captain to the British Admiralty office in New York? A.—Yes.

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*In the
Exchequer
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No. 50.
Evidence of
Edward
H. Flower,
Direct-Ex-
amination.
Continued.

Q.—On more than one occasion? A.—Two.

Q.—Did you act as interpreter for Captain Lemedec on these occasions?

A.—Yes.

Q.—Tell us on the first occasion what transpired? A.—On the first occasion I took him around, about a week prior to sailing, and then enter in a book—a large book—the name of the ship, of the captain and the tonnage, speed and her cargo, and when she would be ready to go to sea.

Q.—Who supplied the information to enter into this log book?

A.—The captain.

Q.—Remember what speed was given? A.—The captain said that 10 he thought he might be able to make between 8 and $8\frac{1}{2}$, at that time he stated to Commander Coates that being it was his first trip on this steamer, himself and how own crew, engineers, and all, they could not state exactly what the ship could go as there were no papers on the ship regarding speed or anything else. And the ship was practically light coming over and bad weather and he could not go by that what speed she would make.

Q.—Was anything said on that occasion as to his going to Halifax?

A.—No; that was not arranged until the ship was ready and then decide which convoy he would take.

Q.—Coming to the second interview with the British representatives? 20

A.—On the second interview that was about a day or so before the ship was ready to go to sea; he gave him a sheet which they usually give out; which the captain has to fill out and take with him and he gives this to the convoy officer where he takes the convoy; the length of ship and whole description practically.

Q.—I want to direct you particularly to any conversation between the captain and the Admiralty representative with regard to the captain's instructions to go to Halifax. A.—He asked him again this time—is that the speed of your ship and the captain says no, I don't think I will be able to maintain the speed of $8\frac{1}{2}$ after looking over the log books I 30 could see. Can you maintain 200 miles a day; he said in very fine weather I probably would be able to. Commander Coates left the room and went into Commodore Wells office; then he came out and he said to the captain, you will proceed to Halifax for convoy; Captain Lemedec said to Commander Coates supposing I cannot maintain this speed; Commander Coates said the convoy officer at Halifax will furnish you with a route in sealed envelope which you are not to open unless you lose the convoy, this envelope will contain the route if you lose the convoy and had to go alone.

Q.—As you remember it is that the whole conversation? A.—The 40 exact fact I translated as he went along.

Q.—Had you to do in any way with the loading of the Mont Blanc?

A.—No.

Q.—Do you as a matter of fact know what her cargo consisted of?

A.—That is not in my department; it is the freight traffic department.

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Q.—Have you anything that will tell us of these various kinds of explosives she had on board? A.—I am not in that department.

HIS LORDSHIP requested the press not to mention matters relating to convoy.

No. 50.
Evidence of
Edward
H. Flower,
Direct-Ex-
amination.
Continued.

Q.—Can you identify this as the cargo list of this particular ship on this voyage? A.—This is one of our regular sheets.

Q.—And it appears to be for the Mont Blanc? A.—Yes. Positively.

Q.—Sailing at the date approximately at which she sailed? A.—Yes.

Q.—You have no doubt that is the genuine document? A.—Yes. 10

Mr. Nolan.

MR. NOLAN: I received it at the company's office and brought it here on my first visit to Halifax, showing the amount of tons of each particular class of cargo carried. (M. B. E. /98).

Mr. Burchell.

MR. BURCHELL: Of course this is rather an important point in the case; I accept Mr. Nolan's statement if he says this is the actual manifest and knows it from personal inquiry made at the office of the company in New York; this witness cannot say; if Mr. Nolan says this is the actual document and made enquiries at the company's office in New York.

Mr. Nolan.

MR. NOLAN: I received that at the company's office together with the cargo plan used here with the statement from the general agent of the 20 French Company in America that this was the cargo list of the Mont Blanc and the diagram was the ship's plan used in loading.

Mr. Burchell.

MR. BURCHELL: You know Commander Wyatt had information as to the contents of the cargo; Your Lordship saw the telegram; I think in that connection there could be surely nothing private in putting in that telegram.

His Lordship.

HIS LORDSHIP: It said the Mont Blanc was coming loaded with Explosives.

Mr. Burchell.

MR. BURCHELL: I understood Captain Wyatt said it mentioned T. N. T. and Benzol; the evidence of Commander Wyatt as he stated 30 on the witness stand was on the 3rd December three days before he knew she was coming laden with this stuff.

His Lordship.

HIS LORDSHIP: That she had explosives and when the manifest came he saw.

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MR. NOLAN: I would like to suggest I have at the hotel also a statement regarding this same cargo which I received from the French Government who are the owners of the cargo and not only states amounts but the places where it was bought and I will be glad to furnish that also.

MR. HENRY TO WITNESS:

No. 50.
Evidence of
Edward
H. Flower,
Direct-Ex-
amination.
Continued.

Q.—Do you know who is the owner of this cargo? A.—French Government.

Q.—They had purchased it in the United States and were shipping it to a French port? A.—Yes.

Q.—This cargo was inspected before sailing? The loading of it as it went on; was there somebody supervising the loading of it? A.—Yes, a man in charge of the loading of the ship who checks up the cargo, tallies the cargo into the ship and that is where that cargo sheet is made from. 10

Q.—Do you know how a cargo plan for a munition ship is arranged, who settles it? A.—When the ship arrives in New York the French Commissioner in New York, superintendent of Shipments, Mr. Schrimpf, decides the ship is to take explosives; then we immediately notify the expert captain from the Board of Underwriters; we produce an original plan of the ship; exactly what her capacity is, etc., and he has the blank plan and he measures up the ship and takes off so much for magazine and marks on his plan how many feet in each hatch and deck and bridge if necessary and puts down where each separate explosive is to be stowed and how it is to be stowed. 20

Q.—Who is that expert? A.—Captain Dexter.

Q.—Whose man is he? A.—Board of Underwriters.

Q.—Is that the signature of this Captain Dexter to that certificate? (M. B. E./99) A.—Yes, as far as I can understand it; it appears to me.

Q.—Have you any knowledge as to whether the Board of Underwriters of New York exercise any function on behalf of the Governments of the Allies? A.—I could not say; I know Captain Dexter examines many steamers. 20

Q.—You don't know whether this Board of Underwriters in making this inspection and giving direction about loading the cargo you don't know whether simply for themselves or representing the Allied Governments? A.—I believe it is the American Board of Underwriters.

Q.—You mentioned a gentleman, I understood, by the name of Mr. Schrimpf? A.—Yes.

Q.—What is his official position? A.—Chief of the Maritime transportation for the French Government, New York.

Q.—Residing and acting in New York? A.—Yes.

RECORD. BY MR. BURCHELL:

*In the
Exchequer
Court of
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No. 50.
Evidence of
Edward
H. Flower,
Direct-Ex-
amination.
Continued.

Q.—What is your position with this company? A.—Assistant Marine Inspector.

Q.—What are your duties? A.—Regulating the coaling of the steamers; how much coal they should have; taking care of the crews and so forth; handling all steamers; docking in port.

Q.—That is a very large Company; a great many steamers? A.—Yes.

Q.—Where is the head office? A.—Paris.

Q.—Branch office in New York? A.—Yes.

Q.—French Company? A.—Yes.

Q.—Are you from France yourself? A.—No, New York.

Q.—I understand this line had been carrying munitions in their ships? A.—For the last three years.

Q.—And you were told by the Captain of the Mont Blanc just before he sailed there was another ship sailed from New York direct from the other side and did not come to Halifax? Do you know about that?

A.—There are so many in port I cannot remember.

Q.—It is quite usual for a ship loaded with munitions to go direct from New York to go to the other side without going to Halifax? A.—Yes, according to speed; the ships sail according to convoys; there are several different convoys; slow and fast; fast convoys leave from New York. 20

Q.—The captain told us he mentioned one instance as I understood him—perhaps I was wrong, there was one single ship left alone from New York just recently or shortly before he did. A.—I don't know.

Q.—Do you know of instances of ships having sailed alone? A.—In convoy.

Q.—Always in convoy? A.—Since the convoys have been going.

Q.—Suppose a ship of 6 or 6½ knots wanted to go over with munitions?

A.—It would be for the British Admiralty.

Q.—Do you know? A.—I have no jurisdiction on that. 30

Q.—Have you any knowledge? A.—No.

Q.—Have you had to do with the sailings of other ships besides the Mont Blanc or just because you speak French? A.—I always take our captains to the British Admiralty and I act as interpreter for them.

Q.—Do you know of an instance of a ship leaving direct for the other side from New York? A.—Explosives ship?

Q.—Yes. A.—Not that I remember.

Q.—The captain of the Mont Blanc, he didn't try to speak English at this office at all? A.—No.

Q.—He spoke in French to you and you translated to the men in the British Admiralty? A.—I did. It was Commander Coates himself; I know him personally. 40

Q.—The first time as I understand you, were at the office Captain Lemedec said the speed of his ship was 8 or 8½? A.—Between 8 and 8½ knots.

RECORD.

*In the
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No. 50.
Evidence of
Edward
H. Flower,
Direct-Ex-
amination.
Continued.

Q.—The second time he had the same speed marked on the paper?
A.—The second time there was no paper; the first time it was entered in the large book, as a rule I bring the captains in the moment they arrive in port; when I brought him back the second time the Commander turns up the book where his ship is entered and he asks is the record O. K. And Captain Lemedec he said, I don't think I can maintain that speed; there was nothing said of the hourly speed then but whether he could maintain 200 and he thought in very fine weather he could. Good weather.

Q.—Did he say fine weather? A.—Yes, fine weather.

Q.—You were present on both occasions? A.—Yes.

Q.—Do you remember Commander Coates or anybody in the British Admiralty at New York telling Captain Lemedec that he didn't think that the convoy at Halifax would accept him with the other ships of the convoy on account of the small speed of his vessel but for him to go to Halifax where he would get special orders if we were to cross the sea alone.

A.—That is correct; when he asked him the second time for the speed Commander Coates said he would see Commodore Wells and he came out and said, you shall proceed to Halifax for convoy; those are the exact words

Q.—Is that all the conversation that took place? A.—That is all. Then he gave him his route to Halifax. The captain asked him—as I 20 said before—when he arrived at Halifax he would receive instructions from the convoy in Halifax in case he lost his convoy.

Q.—Did Commander Coates know the nature of the cargo of this ship?
A.—Explosives.

Q.—Know T. N. T. Picric Acid, wet and dry? A.—No, it was never given on any ship, any captain I brought around; what is the nature of the cargo—explosives, and that is all he puts down.

Q.—The British Admiralty in New York do not know the nature of the cargo—did not know the nature of the cargo of the Mont Blanc?

A.—Not through what the captain and I said.

Q.—Tell us in your own words the conversation in full that took place with Commander Coates, and Commander Wells if he was present, and Captain Lemedec in reference to his coming to Halifax for convoy?

A.—When I brought the captain around to Commander Coates when he was ready to sail, I took him around and he turned to the page and asked him again what was his speed and he told him after looking it over carefully he did not think he could maintain the speed of $8\frac{1}{2}$ knots and Commander Coates asked him could he make 200 a day and Captain Lemedec said in fine weather he thought he could do it. So Commander Coates said, I will have to see about that; he left us in the room and he went to 40 see Commodore Wells, and after being in with him a few minutes he came out and said, Captain, you shall proceed to Halifax for convoy; I interpreted this to Captain Lemedec and Captain Lemedec said to him, supposing I can't maintain that? I translated that to Commander Coates and he said from the convoy officer at Halifax you will receive a sealed letter

RECORD. and in case you should not be able to keep up with the convoy this letter will give you your route across the Atlantic.

*In the
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Q.—That is the whole conversation? A.—Absolutely.

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Q.—Then you were wrong in telling me Commander Coates told Captain Lemedec that he didn't think the convoy at Halifax would accept him with the other ships on account of the small speed of his vessel?
A.—I didn't tell you that.

No. 50.
Evidence of
Edward
H. Flower,
Direct-Ex-
amination.
Continued.

Q.—No such conversation as that took place? A.—I didn't tell you that.

Q.—I was reading to you what Captain Lemedec said? A.—I translated what was given to me and what I told Captain Lemedec; I don't know anything else. 10

Q.—There was no such conversation; Commander Coates or Commodore Wells did not tell Captain Lemedec that he did not think the convoy at Halifax would accept him with the other ships on account of the small speed of his vessel? A.—Not that I remember.

Q.—I will read to you the whole statement; page 27; "He had received orders from the British authorities in New York to come to Halifax to join a convoy. The British did not wish him to leave with the convoy from New York on account of the slow speed of his ship; they told him that they did not think that the convoy at Halifax would have accepted him with the other ships on account of the small speed of his vessel; but to come on the same to Halifax where he would get special orders if he were to cross the sea alone." A.—I don't remember that. I only remember what I told you and that is exactly what I translated. 20

Q.—You knew yourself the nature of the cargo? A.—I knew explosives, that is all; I had nothing to do with that.

Q.—You didn't know she had T. N. T., benzol and picric acid wet and picric acid dry? A.—I know they all carry about the same cargo.

Q.—Do other ships carry similar cargoes like that from New York? A.—Practically all explosives ships carry about the same. 30

Q.—T. N. T., benzol, picric acid wet, and picric acid dry? A.—Yes.

Q.—Where did these ships go? A.—It is up to the Admiralty, we have no jurisdiction.

Q.—You go with most of the captains; have ships with similar cargoes come to Halifax? A.—I am not in a place to tell you; when I get these Admiralty orders they are confidential and not to be repeated.

Q.—They must be repeated in court.

Mr.
Burchell.

MR. BURCHELL TO THE COURT: The question is does he know that ships with similar cargoes come to Halifax and he says his information is secret. 40

Mr. Mellish. MR. MELLISH: I think the question is important.

RECORD. HIS LORDSHIP: It is all right; tell anything you know.

*In the
Exchequer
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No. 50.
Evidence of
Edward
H. Flower,
Direct-Ex-
amination.
Continued.

A.—They come to ports wherever they are assigned by the Admiralty; Norfolk, Sydney—I don't know whether there is any come to Halifax before; I do not remember every ship, which port, where she catches the convoy; we have on an average 40 to 50 sailings every two weeks and it is hard to remember each ship.

Q.—With similar cargoes to this? A.—Yes.

Q.—Who is the Board of Underwriters in New York? A.—The Board of Underwriters.

Q.—Know who they are? A.—No.

Q.—Know anything about them at all? A.—Board of Underwriters of the port of New York; that is all I know.

Q.—Are they insurance company? A.—I don't know.

Q.—Who is Mr. Schrimpf? A.—He is the Chief Maritime Transportation Officer for the French Government.

Q.—Did he have to do with the loading of the cargo? A.—He tells us what ships he wants and what cargoes he wants in them and he orders the cargo; he acts for the French Government and is the shipper; he tells us what cargo is to be shipped and we do it. Provided it is agreed by the expert captain and he tells where it is to be loaded; Captain Dexter.

Q.—The fellow who signs the certificate? A.—Yes. (M. B. E. /99).

Q.—He is the surveyor? A.—Yes, he is the surveyor.

Q.—For insurance companies? A.—Yes, for the port of New York.

Q.—And that is all you can tell us about it? A.—He is the expert of explosives and shipping and stowing of explosives; Captain Dexter is not in the country at the present time; he is in Cuba I believe.

By Captain
Demers. BY CAPTAIN DEMERS:

Q.—Was there another interpreter besides yourself that was engaged between the captain of the Mont Blanc and the authorities? Does Commander Coates understand French? A.—No.

Q.—This long conversation which has been repeated, could that have happened between Commander Coates and Captain Lemedec if Captain Lemedec cannot express himself in French and Commander Coates does not understand English? A.—I interpreted.

Q.—You never interpreted the conversation Captain Lemedec said? A.—There might be a few words more or less, but what I say is exactly the meaning of what was told word for word.

Q.—What Mr. Burchell read in substance from the evidence is that correct? A.—Yes, you cannot interpret word for word. If you interpreted the sentence word for word why—

RECORD. MR. BURCHELL: I do not believe the British authorities made such a statement as Captain Lemedec said he made; I don't believe there is such a fool in the service.

*In the
Eschequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

MR. HENRY: Other people may have different opinions as to what constitutes a fool.

No. 50.
Evidence of
Edward
H. Flower,
Direct-Ex-
amination.
Continued.

MR. BURCHELL: He would not be sent here for the purpose of finding out about the convoy if he was too slow.

BY CAPTAIN DEMERS:

Q.—Commander Wyatt on the stand yesterday said that the Mont Blanc was the only ship that came into Halifax Harbour with explosives. 10
To your knowledge has there been any other ships besides the Mont Blanc that sailed from New York with explosives for Halifax? A.—I don't exactly recall; I know one went to Sydney. I know that.

Q.—Was it a French ship? A.—All French; all our explosives ships.

Q.—And Captain Lemedec said ships similar to the Mont Blanc are all loaded the same as the Mont Blanc. A.—That is right.

Q.—Was there ever an American ship sailed to Halifax with any explosives? A.—Not for us; I don't know for anybody else; not for our account.

Q.—Do you know for a fact such has happened another vessel besides 20
the Mont Blanc whether French or American? A.—I know of one; an English ship, the Harlem, sailed a long time ago, but I don't think she came to Halifax but she was loaded similar to the Mont Blanc.

Q.—Did any ship come to Halifax? A.—She may have but I don't know.

By Captain
Hose. BY CAPTAIN HOSE:

Q.—You say that there are several ships belonging to this line which are practically always used for explosives? A.—Yes.

Q.—Do you know any objection in view of the fact of their so continually used for explosives about fitting them with special flooding arrange- 30
ments? A.—No that I know of. No.

By Captain
Demers. BY CAPTAIN DEMERS:

Q.—All these ships are very old class for carrying explosives? A.—No there are two brand new ones now.

RECORD. BY CAPTAIN HOSE THROUGH HIS LORDSHIP:

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

The press are requested not to mention the name of the Company or their ships carrying explosives.

BY MR. MELLISH:

No. 50.
Evidence of
Edward
H. Flower,
Direct-Ex-
amination:
Continued.

Q.—As I understand many, if not most of the ships laden with explosives either leave New York with convoy or go to Norfolk for orders for convoy? A.—Yes.

AND FURTHER DEPONENT SAITH NOT.

R. ECCLES.
Official Reporter. 10

Mr. Henry. MR. HENRY: On the last day we sat the first series of sessions I was instructed by Your Lordship to interview Admiral Chambers, Port Convoy Officer, and ask him to make an official request to the Admiralty in New York for certain information; I did so and this document has been sent to me by Admiral Chambers and I propose to put it in now. Exhibit M. B.E. /100.

Mr. Burchell. MR. BURCHELL: Does that contain a copy of the record?

Mr. Henry. MR. HENRY: I fancy it is in the big book the witness referred to.

Mr. Nolan. MR. NOLAN: At the suggestion of Mr. Henry when I left Halifax in December and went to New York I went to the British Admiralty 20 and interviewed Commander Coates and he told me he had no specific recollection of the conversation with Captain Lemedec but that he had satisfied himself that the speed of the Mont Blanc was sufficient to keep up 200 miles a day and for that reason routed her for Halifax.

No. 51.
Evidence of
Herbert
Whitehead,
R.N.C.V.R.,
Direct-Ex-
amined by
Mr. Henry,
K. C.

No. 51.

HERBERT WHITEHEAD, R. N. C. V. R. BEING CALLED AS A WITNESS AND DULY SWORN, DOTH DEPOSE AND SAY AS FOLLOWS:

EXAMINED BY MR. HENRY:

Q.—You are a mate I understand in the service of the Canadian Naval Service? A.—R. N. C. V. R. 30

Q.—You were I understand in command of a drifter? A.—Yes.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
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No. 51.
Evidence of
Herbert
Whitehead,
R.N.C.V.R.,
Direct-Ex-
amination.
Continued.

Q.—And on the morning of the 6th December tell us what you did? When you started out where you went? A.—On that particular morning I was acting as duty boat; my duties consisted of supplying provisions to the drifters at anchor at the Dartmouth Cove and at the North

West Arm. I left the flag staff dock at the Dock Yard about 25 to 9 as near as I can tell to go alongside the Niobe for those provisions; the Niobe at that time was coaling. She had a coal hulk alongside and I could not get to the gangway at all. Just before I got to the coal hulk I heard a lot of whistling out in the stream and on my starboard side.

Q.—You had to go north from the flag staff to the Niobe? A.—Yes. 10
I heard a lot of whistling and my helmsman he pointed out to me, and said, it looks like some trouble coming there.

Q.—That directed your attention? A.—Yes.

Q.—What did you see when you looked? A.—I saw a vessel which afterwards proved to be the Mont Blanc steaming up the harbour, and a vessel, which afterwards proved to be the Imo, steaming down.

Q.—Where was the Mont Blanc when you first saw her? What part of the harbour? A.—I first saw her as I was backing out from the flag staff.

Q.—Where was she then? A.—She was just about abreast of the 20
dry dock between the dry dock and the Niobe.

Q.—What part—side? A.—Dartmouth side of the harbour.

Q.—Had she at that time passed the British cruiser laying at anchor? A.—Yes.

Q.—Did you see her pass the cruiser? A.—I did.

Q.—Which side of the cruiser did she pass? A.—Between the cruiser and the Dartmouth shore.

Q.—Did you continue to watch her? A.—After the helmsman pointed out there was going to be some trouble, as he said, I watched them; both ships. 30

Q.—At that time when your attention was again directed to the Mont Blanc where was she? A.—She was then about abreast of the dry dock.

Q.—Which side? A.—Over on the Dartmouth side.

Q.—Had she to your appreciation changed her course from the time you first saw her? A.—Not up to that time.

Q.—How far away from her was the Imo when your attention was called to her approximately? A.—I should say 600 or 700 yards.

Q.—To the best of your judgment how were their relative courses when you saw them? A.—They seemed to me at that time to be almost 40
headed on to each other.

Q.—Can you tell which was the further to the Eastward—nearer the Dartmouth shore at that time? A.—From my position I could not.

Q.—Would you say their masts would be in line at that time or was either inclined towards the other? A.—Was one canted a little?

RECORD. Q.—Yes. A.—From my position I could not very well tell that. From where I was they seemed to be almost head on.

*In the
Exchequer
Court of
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No. 51.
Evidence of
Herbert
Whitehead,
R.N.C.V.R.,
Direct-Ex-
amination.
Continued.

Q.—When you say on the Dartmouth side can you give us some idea how close they were to that side or if you cannot do that how much they were on the Dartmouth side of the centre channel? A.—Both vessels were well over the centre of the channel. The cruiser you mentioned was anchored about the centre of the channel and the Mont Blanc passed between her and the Dartmouth shore.

Q.—And apparently going up on the same line? A.—Yes.

Q.—You said you heard whistles; give us the first whistle that you noticed; distinguished? A.—The first whistle was a two whistle signal from the Mont Blanc.

Q.—Did you hear any signal from the Imo? A.—I did.

Q.—After that? A.—I did.

Q.—What was that? A.—The Mont Blanc signal was followed almost immediately afterwards by a one blast signal from the Imo.

Q.—Was this at a time when they were 600 or 700 yards? A.—They had approached in the meantime.

Q.—How close would you think the two vessels were when the Mont Blanc blew the two blast signal? A.—I could not say; they were very close.

Q.—Not 100 yards? A.—No, not under that; they were coming up on each other.

Q.—The one blast signal from the Imo followed closely after the two blast from the Mont Blanc? A.—Yes.

Q.—Was there enough interval for the people on the Imo to hear the two blast signal from the Mont Blanc before their one blast signal was blown; after the two blast signal was blown on the Mont Blanc was there enough time so that the Imo could hear that before they blew their one blast? A.—Yes.

Q.—Did you as a sea faring man; did it seem to you the second signal was blown in answer to the first? A.—Appeared to me what I call a cross signal in answer to the two blast signal from the Mont Blanc.

Q.—Following the two blast signal from the Mont Blanc did not notice any change in her course? A.—I did; she went to port.

Q.—Promptly or slowly or how? A.—She was not steaming very fast and answered the helm rather slowly but she went to port following the signal.

Q.—Can you give us any idea of the speed which the Mont Blanc was steaming at the time she blew the two blast signal? A.—Going very slow. I should judge the speed between two and three knots an hour.

Q.—Could you estimate the speed of the Imo at the time the two blast signal was blown from the Mont Blanc? A.—I could not; but she was going much quicker than the Mont Blanc was travelling.

RECORD.

In the
Exchequer
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No. 51.
Evidence of
Herbert
Whitehead,
R.N.C.V.R.,
Direct-Ex-
amination.
Continued.

Q.—When the Imo blew the one blast signal did you notice any change in her course? A.—Yes, she changed to starboard.

Q.—Were there any other signals given before the collision after the signals you have given us and before the collision? A.—Yes.

Q.—What? A.—The Mont Blanc whistled or gave three blasts indicating he was going astern; that was answered by three blasts from the Imo.

Q.—Was there any great interval of time between these two 3 blast signals or followed one another rapidly? A.—Followed rapidly with an interval of possibly a few seconds. 10

Q.—The Mont Blanc first and the Imo followed? A.—Yes.

Q.—Did you notice whether in accordance with the signal the Mont Blanc's engines were put astern? A.—I didn't; personally I don't believe they were reversed; the signal was given that the engines were going astern but I saw no wash around the propellor to indicate the engines were moving astern.

Q.—What about the Imo? A.—Her stern was away from me; I could not tell you.

Q.—After the three blast signal from the Imo was given, could you tell whether her course changed at all after the three blast signal? 20

A.—No, I could not; the Mont Blanc was between me and the Imo.

Q.—By that time she had closed you off as it were? A.—Yes.

Q.—I presume from what you told us, shortly after this the collision happened? A.—Yes.

Q.—Can you give us any idea of the time that elapsed from the three blasts given by the Mont Blanc, between that and the collision? 10

A.—It would not be a minute; less than a minute.

Q.—Did you hear any sound of the collision? A.—I did; crash.

Q.—Describe it as best you can? A.—A crashing, rending sound; I can hardly describe it; as though—well you can imagine how iron will 30 crash with a rending sound.

Q.—Instantaneous or did it last any appreciable length of time? A.—A sudden crash.

Q.—Yes. A.—No, a rending crash.

Q.—Extended over some period of time? A.—A short period.

Q.—To your mind did the length of the sound indicate anything whatever as to the nature of the collision as to whether one ship penetrated at all in the side of the other? A.—From the noise I heard, I was sure one ship had gone into the other a certain distance.

Q.—Where was your boat at the moment of the collision? A.—I 40 was about 100 yards away from the Mont Blanc.

Q.—At the moment of the collision? A.—I was a little north of the Niobe between the Niobe and the Dock Yard.

Q.—That is to say you didn't stop at the Niobe? A.—No, I kept going slow ahead.

RECORD.

In the
Exchequer
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Canada,
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No. 51.
Evidence of
Herbert
Whitehead,
R.N.C.V.R.,
Direct-Ex-
amination.
Continued.

Q.—Can you fix for us the time of the collision? A.—It would be as near as I can get it 10 to 9.

Q.—You were in the wheelhouse? A.—Yes.

Q.—Had you a clock there? A.—Yes.

Q.—Look at it? A.—Yes.

Q.—At 10 to 9 by your clock? A.—Yes, the time of the collision.

Q.—After the collision occurred what did you do in your ship?

Q.—I saw the fire break out on the Mont Blanc, saw that there was a ship on fire with a crew aboard and needed assistance; as I got alongside her the crew of the Mont Blanc were lowering their boats and I got my megaphone and shouted through the wheelhouse window, jump into my boat, and I would take them to Bedford Basin if there was any danger; I didn't think they understood; they got into boats and pulled to the Dartmouth side. 10

Q.—Did they make any effort that you heard to let people know there was likely to be an explosion? A.—There was some talking and commotion in both boats but as to giving warning, I heard none.

Q.—Do you speak French? A.—No.

Q.—Were you close to both boats? A.—Right alongside of both.

Q.—One was lowered from each side of the ship? A.—They were both at the stern; the port boat they were unshackling if from the falls the side nearest to me. And I was going around her stern and saw the other boat. 20

Q.—At that time the Mont Blanc was headed towards the Halifax shore? A.—Yes.

Q.—Can you tell from your observation whether the direction in which the Mont Blanc was heading was changed by the collision? A.—It was.

Q.—Can you give us how many points? A.—No I could not.

Q.—Did you note in which direction the Mont Blanc was heading at the time of the collision, at the moment of the impact? A.—She was heading about 45 degrees across the harbour. 30

Q.—Half way between up and down and at right angles? A.—Yes.

Q.—Can you give us any points on the Halifax shore to which you considered she was heading at the moment of the collision? A.—From my position she appeared to be heading towards pier 9 as near as I can tell from my position at the time.

Q.—After the collision how was she heading? A.—She had canted a little further over towards the Halifax shore.

Q.—Could you tell us whether at the time of the collision or subsequently you noticed any evidence of the propellor of the Mont Blanc? A.—I didn't. 40

Q.—Either forward or back? A.—No.

Q.—You passed close to her stern within a very few moments after the collision? A.—I went right around her stern.

Q.—Was the propellor moving at that time? A.—It was not.

RECORD

*In the
Exchequer
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No. 51.
Evidence of
Herbert
Whitehead,
R.N.C.V.R.,
Direct-Ex-
amination.
Continued.

Q.—During the time you remained in the neighbourhood of the Mont Blanc until shortly before the explosion did you notice any movement of the propellor of the Mont Blanc? A.—I didn't.

Q.—Can you tell us how long you remained with your ship in the neighbourhood of the Mont Blanc? A.—Until the explosion.

Q.—At the moment of the explosion where was your ship? A.—Between the Mont Blanc and opposite the Dry Dock.

Q.—That is to say you had headed south? A.—Heading back to the Niobe.

Q.—You had some reason for taking that course; tell us what it was? 10

A.—Before the large explosion there were three other distinct explosions took place; minor ones from the Mont Blanc.

Q.—Where did you notice them? A.—On board; they appeared to me to come out of the fore hatch.

Q.—What effect did this have on your determination? A.—I came to the conclusion from the dense black smoke that was sent up by three explosions I concluded the vessel was loaded with oil and I thought I had better get out of the way.

Q.—To the best of your belief the crew had all left? A.—Apparently they had. 20.

Q.—There was nobody on board you saw? It was because of these three minor explosions you determined to leave the neighbourhood? A.—Yes.

Q.—And while you were on your way to the Niobe again the explosion occurred? ~~A.—~~Yes.

Q.—In the mean time the Mont Blanc had drifted ashore? A.—Yes.

Q.—Just below pier 6? A.—Yes.

Q.—Just before the explosion did you see anybody on the Mont Blanc's deck? A.—I saw two men; they were walking along the fore and aft bridge from the admidship bridge to the poop.

Q.—Could you recognize from their attire what they were? A.—I 30 could not.

Q.—Could you mention anything of the attire of any of them?

A.—I know one had a red sweater on.

Q.—Can you suggest any way these men could have come from?

A.—I cannot.

Q.—Were there any small boats about the Mont Blanc? A.—Yes.

I saw a picket boat alongside immediately before she exploded.

Q.—Naval boat? A.—Appeared to be a Naval picket boat.

Q.—With sailors; could you tell whether men of warsmen? A.—I saw men in the boat and concluded from the cut of the boat it was a Naval 40 picket boat and concluded the men were Naval men, but I am not positive.

Q.—Was that the only small boat you saw in the neighbourhood of the Mont Blanc? A.—That is the only one I saw.

Q.—Was it a boat propelled by oars? A.—Steam pinnace.

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*In the
Exchequer
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No. 51.
Evidence of
Herbert
Whitehead,
R.N.C.V.R.,
Direct-Ex-
amination.
Continued.

Q.—And you also saw the *Stella Maris*? A.—Yes, but when I saw her she was drifting helplessly it was after the explosion; I didn't notice her before.

Q.—Tell us the approximate distance you were from the *Mont Blanc* when the explosion took place? A.—About 100 yards.

Q.—Stern on? A.—Starboard quarter was next her.

Q.—You were in the wheelhouse? A.—Yes.

Q.—With you who was there? A.—One man at the helm.

Q.—Was the shock of the explosion felt severely on your boat?

A.—Yes. All got shook up pretty badly. 1

Q.—The wheelsman what happened to him? A.—When I came to my senses I looked around for him and he was gone. I found him subsequently and laid him on deck; he is still in hospital.

Q.—You yourself except for being rendered unconscious did not receive any serious injuries? A.—No serious injury at all; minor cuts about the head and face; glass in my face and bruises about the body but nothing serious.

Q.—Did you take the wheel of your ship? A.—When I came to my senses I looked for the man who should have been at the wheel and I took it myself; we still had headway on and I took her alongside the coal hulk at the *Niobe*. 20

Q.—Were the engines able to operate? A.—The explosion stopped the engines; the engineer got them started again.

Q.—He was injured? A.—He was burnt about the arms; thrown on top of the cylinders in the engine room and burned. He stood by.

Q.—I want to know whether, if you know, if there was any disturbance of the water following this explosion? A.—There was a serious disturbance but I don't remember much of it; I was unconscious myself in the wheelhouse and the first intimation I had there was a serious disturbance in the water was from one of my stokers he put his hands on the wheelhouse windows and pulled himself up and said; Captain are you alive; he said come and jump; we are gone. It didn't appear to me as if we still had the boat under our feet and stayed with it. 30

Q.—Was the hull of your boat perforated? A.—The whole starboard side is perforated by pieces of shell of some description—steel.

Q.—Were any below the water line? A.—Some are.

Q.—What does that indicate to your mind? A.—It indicates the boat had been listed heavily to port and received some of the shell in that position.

Q.—Is there anything else in connection with the matter which occurs to you to mention? A.—I do not know that there is. 40

BY MR. MELLISH:

Q.—What is the name of your boat? A.—I was on *C. D. 73* at that time.

RECORD.

*In the
Exchequer
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No. 51.

Evidence of
Herbert
Whitehead,
R.N.C.V.R.,
Direct-Ex-
amination.
Continued.

Q.—Could you give the Court any idea of the course of the Imo at the moment of the collision? You gave us the course of the Mont Blanc heading in your estimation to pier 9; can you give us any information as to how the Imo was heading at the moment of the collision? A.—She was heading much the same angle down stream that the Imo was up stream.

Q.—The vessels met at practically right angles? A.—Yes, as near as I could judge.

BY MR. BURCHELL:

Q.—You were down by the Niobe is that where your boat was at the time of the collision? A.—I was past the Niobe heading towards Bed- 10
ford Basin at the time of the collision.

Q.—And your boat was moving up stream? A.—Yes.

Q.—Motor boat? A.—One of the C. D. boats.

Q.—At the time of the collision how far past the Niobe were you; were you up as far as the Dry Dock or below that? The Niobe is about No. 3 wharf? A.—No, No. 4 wharf is the coal wharf and the Niobe is here somewhere.

Q.—Right at the hospital? A.—Abreast of the hospital.

Q.—Was the Niobe lying abreast of the hospital in the Dock Yard as shown on this M. B. R. /4. How far past the Niobe were you at the 20
time of the collision? A.—Midway between the Niobe and the Dry Dock.

Q.—And you were close into the Halifax side? A.—Yes.

Q.—I understood you saw the Mont Blanc pass the High Flyer?
A.—Yes.

Q.—You were then where? Alongside the Niobe. A.—No, at the time she passed the High Flyer I was about opposite only on the other side from the Mont Blanc.

Q.—And you were going to the Niobe? A.—Yes.

Q.—Did you stop at the Niobe as you went up? A.—No, in the 30
ordinary course of events I would have but I saw this entanglement.

Q.—When you heard these signals you told us about you were down by the Niobe? A.—Yes.

Q.—It was the helmsman that called your attention and then after that you heard the signals? A.—Yes.

Q.—The signals came one ship would whistle, and then the other ship would whistle, and then the first ship again; that is the way they came? In sequence? A.—Yes.

Q.—Any time any of the whistles you heard; the same ship gave two signals on her whistle in succession? A.—No. 40

Q.—That didn't happen? A.—No.

Q.—The Imo we would say would whistle and then the Mont Blanc and the Imo again and the Mont Blanc again? A.—Yes.

RECORD.

In the
Exchequer
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No. 51.
Evidence of
Herbert
Whitehead,
R.N.C.V.R.,
Direct-Ex-
amination.
Continued.

Q.—I suppose you remember the whistle signals by some sort of sequence? A.—Yes.

Q.—I may say I think I am right in stating that all the witnesses from the French ship have stated that the three whistle signal was blown from the Imo just before the collision which was the last signal which was blown before the collision and that the French ship did not blow a three whistle signal at all before the collision; and I would also tell you that I think I am right in stating that a number of bystanders called as witnesses and none of them have yet stated as far as I remember that the Mont Blanc did blow a three blast whistle signal before the collision I think 10 you are the first witness who has said so; do you think you might possibly be mistaken about that, do you think you might possibly be mistaken? A.—No, sir; I am not mistaken.

Q.—Which according to you blew the three blasts first? A.—The Mont Blanc.

Q.—Are you quite certain that it might not have been the Imo that blew the first three blasts? A.—It was not the Imo.

Q.—You would be approximately where when you heard the three whistle signal? A.—At point X on M. B. R. /4 near No. 25.

Q.—And the collision you say was off pier 6 or 8? I suppose you could 20 not tell very well? A.—It seemed to me to be a little north of pier 6; from the position I was in.

Q.—That is somewhere in that radius there; that would be 800 yards? A.—Yes.

Q.—When you heard four whistles? A.—Yes, there were six whistles, two from each besides the two 3-whistle signals.

Q.—Two from one, one from another, and then two astern? Four different signals? A.—Yes.

Q.—And they were given when 800 yards away? A.—Yes.

Q.—I suppose you will admit a person a little nearer than you could 30 perhaps distinguish the signals better than yourself? A.—He would have to have better eyesight than I have because I saw the steam from the whistles as well as heard the sound.

Q.—You saw the steam from the Mont Blanc when she blew the three blasts? A.—Yes.

Q.—But you did not notice her propellor working at all? A.—No.

Q.—These four signals came pretty quickly together? A.—Yes.

Q.—All within a space of how long? A.—I could not tell you just exactly; very quickly in quick succession.

Q.—More than a minute; two minutes? A.—Within two minutes. 40

Q.—We are told the Stella Maris was going up on the Halifax side; did you see the Stella Maris before the collision? A.—No, I didn't.

Q.—You didn't notice whether the Stella Maris was in between the Richmond piers—8 and the Imo? A.—I never saw the Stella Maris until after the explosion.

RECORD.

*In the
Exchequer
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No. 51.
Evidence of
Herbert
Whitehead,
R.N.C.V.R.,
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amination.
Continued.

Q.—Of course your attention would be caught as a sailor when you heard the cross signal you would catch it right away? A landsman would not notice it but a sailor would? A.—Almost anyone in a port like Halifax who knows signals would know it.

Q.—At the time of this one blast signal you heard from the Imo was given do you think if the Stella Maris was between you and her you would have noticed it? A.—I don't know anything about the Stella Maris; the only time I saw her was after the explosion.

Q.—See an American boat go up shortly before that? A.—Yes.

Q.—Pretty well camouflaged? A.—Yes, I saw an American boat 10 but whether camouflaged I could not say.

Q.—You cannot recollect any of the extraordinary camouflage?

A.—No.

Q.—As I understand it you saw the Mont Blanc pass between the High Flyer and the Dartmouth shore and you did not pay any attention to her until she got a piece further up the harbour? A.—I was looking after my own ship getting alongside the Niobe.

Q.—And from the position you were in it was pretty hard to say whether she came closer to mid channel or not? A.—I could not see.

Q.—Between the time you first saw her and the second? A.—No. 20

Q.—And being so far away it would be difficult to see the position of the ship in the channel? A.—Yes.

Q.—And you would not want to say that with any certainty? A.—No.

Q.—I suppose you were not burdening your mind with evidence at that time looking forward to giving evidence at the enquiry? A.—No.

Q.—And you were just telling us your recollection afterwards?

A.—Yes.

Q.—I suppose you will agree with me a vessel going ahead it is rather difficult to estimate the speed? A.—Well, you can form some idea.

Q.—With any degree of exactitude? A.—Not with any degree of 30 exactitude.

Q.—Do you know the harbour pretty well? A.—Yes, fairly well.

Q.—Could you say what point of land the Imo would be heading for at the time of the collision? A.—At the time of the collision her bow would be almost in a direct line with the Niobe; I think she cut the channel at an angle of about 45 I think that would make her head almost in line with the Niobe.

Q.—Was that her position all along the time you were watching her; pointing down towards the Niobe? A.—No, I saw her alter her course from down stream to starboard. 40

Q.—She came to starboard? A.—Yes.

Q.—Were you close enough to the boats leaving the Mont Blanc to get a warning if they wanted to warn you? A.—I was up alongside them both boats.

Q.—Both boats? A.—Both boats.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 51.
Evidence of
Herbert
Whitehead,
R.N.C.V.R.,
Direct-Ex-
amination.
Continued.

Q.—And you got no warning of any kind? A.—No verbal warning at all; the only thing—I don't know if you could call it a warning, I saw some one standing in one of the boats waving his arms, it might be meant to indicate almost anything; there was no verbal warning given at all; I had one of the stokers who was a French Canadian on the look out at the bow and he speaks French and he said he never heard any warning given in French and I never heard any in English.

Q.—How close to the boats were you? A.—Right close to them; right under my side.

Q.—How much in feet? A.—15 or 20 feet.

Q.—Both boats? A.—Yes, both.

Q.—Did you notice the Imo after the collision? A.—Yes, I saw her.

Q.—What was she apparently doing? A.—Just drifting; it appeared to me to be drifting.

Q.—Did she appear to you to be standing by the other ship first? A.—She might have been but it did not appear to me to be that way; as a matter of fact I did not think she was standing by, because the crew of the Imo all rushed on to the fore-castle head and were busy looking over the side to see the damage done to their own ship.

Q.—How long before you saw the Imo trying to make any manoeuvres after the collision? It took you some time to get up to the place of the collision? A.—A couple of minutes.

Q.—Must have taken more than that? A.—Not very long; two or three minutes.

Q.—Nearly half a mile? A.—Not very long; I was moving all the time in their direction.

Q.—At the time you got up the Imo she was still drifting? A.—Yes.

Q.—How far away was she from the Mont Blanc? A.—She had broken away from the Mont Blanc and was drifting shore broadside on.

Q.—Port or starboard side to the Halifax side? A.—Port side to the Dartmouth side practically heading down stream; not straight up and down; she had a little cant towards the Halifax side.

Q.—Then her engines were not moving? A.—I didn't notice them.

Q.—After you got up there did you notice the Imo trying to make any manoeuvre? A.—No, I didn't.

Q.—Trying to get up or down the harbour? A.—No.

Q.—You didn't pay any attention? A.—My attention was concentrated on the Mont Blanc.

Q.—The only time you noticed the Imo was when you first got there and saw her apparently drifting? A.—Yes.

Q.—How far would she be from the Mont Blanc when you got up? A.—Possibly 50 yards.

Q.—Did you notice any damage to the Imo? A.—Two holes in her starboard bow.

Q.—Think again; port or starboard? A.—On the starboard bow.

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RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 51.
Evidence of
Herbert
Whitehead,
R.N.C.V.R.,
Direct-Ex-
amination.
Continued.

Q.—There are no holes now on the starboard bow? A.—Well, I don't know, possibly it is only one hole.

Q.—Are these the kind of holes you saw? (M. B. E./97) A.—No.

Q.—I suppose you didn't pay enough attention to say accurately whether port or starboard? A.—I just took a glance; I was looking after the Mont Blanc.

Q.—By the time you got up had the men got into the boats?

A.—They were getting in; the last two or three men were getting in when I got there they were almost ready for pushing away from the side of the Mont Blanc.

Q.—That is the second boat? A.—It was the port side boat.

Q.—Where was the other boat? A.—I met it at the stern of the vessel; I passed around.

Q.—At that time was the Mont Blanc heading towards the Halifax shore? A.—Yes, just moving ahead very slowly but straight.

Q.—And the propellor was not working? A.—No.

Q.—You passed around her stern and you would know? A.—Yes, I would have seen it.

Q.—You could not be mistaken about that? A.—No.

Q.—What kind of speed would you say she was making then? 20

A.—Going very slowly. I don't know you could estimate the speed at all it was so slow.

Q.—Pretty nearly into the pier 6? A.—Yes, her nose was about level with the end of the pier. She was nosing into the berth apparently.

Q.—That is to say the bow of the steamer was right into pier 6?

A.—Yes.

Q.—Then these men who left the ship had to row the whole way across the harbour? A.—The greater part; $\frac{3}{4}$ of the way anyway.

Q.—They practically had to row from the head of pier 6 to the Dartmouth shore? A.—No, not that far; when I got there the men were lowering their boats; they would not get into mine; I went around their stern and when I got to the starboard side she was just nosing into pier 6. 30

Q.—How far from pier 6 when you got there? A.—Not very far; possibly 30 or 40 yards.

Q.—With the exception of that 30 or 40 yards and the length of the ship the men must have rowed all the way? It was shorter to go to the Halifax side if they wanted? A.—Yes.

Q.—Where was this boat lowered you saw? A.—It was the after boat on the amidship bridge as near as I can recollect, the falls were left hanging over the side. 40

Q.—Could you see anybody on pier 6? A.—No.

Q.—Was she going into pier 6 in a parallel position to the pier? A.—Yes, to the south side.

Q.—Didn't go in at an angle across the head of the wharf? A.—Very straight right into it.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 51.
Evidence of
Herbert
Whitehead
R.N.C.V.R.,
Direct-Ex-
amination.
Continued.

Q.—How far was her starboard side from the wharf going in?

A.—Quite a distance; some little distance. You could not just tell.

Q.—Feet or yards? A.—I would not attempt to say; I came around and came away again.

Q.—Did you see her after she was actually inside the pier? A.—Yes.

Q.—Did the bow of the ship strike ground? A.—Yes.

Q.—You could see her stop? A.—You could tell when she struck; her way stopped immediately.

Q.—Would it be half way between the Lorne Club and pier 6 she came in or very close to pier 6? A.—Quite close to pier 6. 10

Q.—Do you say it was parallel to the pier or across? A.—Almost parallel to the pier as near as possible.

Q.—Do you think there was anybody steering her? A.—If she had had more way on her and heading like that I would swear some one was but after seeing the crew get away I cannot.

Q.—You mentioned two men on the ship one with a red sweater? A.—Yes.

Q.—What about the other one? A.—I could not distinguish him from the other man at all; I saw the figures of the two men and they were there a few seconds before the final explosion. 20

Q.—Possible to get aboard from the pier? A.—No, I don't think they could have got aboard from the pier; I didn't see any myself.

Q.—She was not close enough to get aboard at any time? A.—No, What I think is this; these two men were two naval men who had probably climbed up the boats falls from the pinnace at the time of the explosion.

Q.—Could you give us the speed of your boat? A.—She goes about 9, $8\frac{1}{2}$ knots.

Q.—And you drove her top speed? A.—I went full speed on her.

By Mr.
Henry.

BY MR. HENRY. 30

Q.—I neglected to ask you, you were on the starboard side of the Mont Blanc at one time? A.—Could you at that time notice the damage done by the collision to the side of the Mont Blanc? A.—I did see a gash in her side appeared to be near the fore hatch.

Q.—Could you tell anything of the size of it? A.—No, I didn't go close enough.

Q.—Could you tell whether it extended, what extent it had up and down? A.—It seemed to extend from the deck line down to the water line.

Q.—Could you form any estimate of the depth of the penetration from 40 where to where? A.—No I could not; it was quite a gash.

Q.—Was there smoke coming from the gash while you were there? A.—Yes.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 51.
Evidence of
Herbert
Whitehead,
R.N.C.V.R.,
Direct-Ex-
amination.
Continued.

Q.—Could you estimate from the volume of smoke or the position of the smoke with relation to the skin of the ship whether there was any serious penetration at all? A.—No, I could not; the smoke of course was coming out on deck; there was a little flame on the side of the ship where the gash was and dense smoke coming out also.

Q.—What part, speaking of the up and down dimension of the gash, was the flame appearing? A.—It was in all parts intermingled, with the dense black smoke.

Q.—Was it in all parts of the height of the gash? A.—Yes.

BY MR. MELLISH:

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Q.—After the collision when you went up there which side of the Imo would be towards you? A.—Starboard side.

Q.—And did you notice the hole or more than one hole in the vessel? A.—I think I noticed two holes; I could not possibly be sure on account of my attention being on the Mont Blanc.

Q.—Are you sure whether you saw the hole at all or not? A.—Yes, I saw at least one hole.

Q.—I don't know whether it has been made clear; before the helmsman drew your attention to the ships to the Mont Blanc and the Imo, had you heard any whistles? A.—Yes, I had.

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Q.—But unable to say which boat they were from? A.—No, I could not say; there were whistling going on.

Q.—The ones you have spoken of are the ones you are able to distinguish after the helmsman drew your attention? A.—Yes.

By Mr.
Burchell.

BY MR. BURCHELL:

Q.—Did you hear at any time a three blast previous to the four whistles? A.—I was making alongside the Niobe with my own boat and was not paying particular attention to whistles on the other side of the harbour.

Q.—There were quite a number of whistles? A.—Yes.

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Q.—And this cross signal was the thing called your attention? A.—Yes.

Q.—I suppose if there was a cross signal before that you would have heard it? A.—Probably, but I would be attending to my own boat.

Q.—This hole you saw in the side of the Mont Blanc; the one that was on fire; could you see her cargo through the hole? A.—No, we could not for smoke.

Q.—Do you know Abbot the coxwain of the discharge boat who was down there shortly after the collision coming down from the Basin?

A.—I don't know the man at all.

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Q.—You saw some other small boats? A.—There were several small boats.

RECORD. BY MR. CLUNEY:

*In the
Exchequer
Court of
Canada,
Nova Scoti
Admiralty
District.*

No. 51.
Evidence of
Herbert
Whitehead,
R.N.C.V.R.,
Direct-Ex-
amination.
Continued.

Q.—Have you given the court any estimate of the distance between the two boats after the Imo had given her three blast signal? A.—I am not in a position to give it.

Q.—Approximately? A.—I am not able to give it roughly; I was at such an angle I could not form any.

Q.—You say the Mont Blanc was going at three knots or less.

A.—Appeared to me.

Q.—And the other boat was going faster? A.—Yes.

Q.—Could you estimate the speed of the Imo? Immediately before 10 the three blast signal? A.—I could not.

Q.—At what time could you estimate the speed? A.—When I noticed the Imo coming down first she was travelling I should say possibly six knots.

Q.—Can you give us any estimate of time between the three blast signal of the Imo and the collision? A.—Very short, about a minute. Possibly less.

Q.—There would not be any appreciable difference of speed in either boat A.—Very little.

By Mr.
Burchell.

BY MR. BURCHELL:

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Q.—You told us it would be difficult for you to tell with accuracy the speed of the Imo? A.—Yes.

Q.—Your six knots are very approximate? A.—It is approximate.

Q.—You were 800 yards away and the Imo was coming down about bow on and it would be difficult to give with any degree of accuracy the speed? A.—Yes.

By Mr.
Cluney.

BY MR. CLUNEY:

Q.—Could you notice how the helm was set on the Mont Blanc?

A.—No, I could not.

By Mr.
Burchell.

BY MR. BURCHELL:

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Q.—She was very heavily laden? A.—Yes.

Q.—And any witness who tries to say he could tell from looking at the stern of the ship how her rudder was you— A.—I could not see the rudder at all she was drawing quite a lot of water.

Q.—A witness from the Dry Dock said he could tell how she was heading through looking at the rudder. A.—I could not see it.

RECORD. BY MR. MELLISH:

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—She was down at the head? A.—What I consider a well trimmed ship; on even keel.

BY CAPTAIN DEMERS:

No. 51.
Evidence of
Herbert
Whitehead,
R.N.C.V.R.,
Direct-Ex-
amination.
Continued.

Q.—Do you mean to say at the time of the collision the Mont Blanc was going three knots through the water? A.—No, not at the time of the collision.

Q.—What was her speed when the collision happened? A.—Something less than three knots.

Q.—Was she going two knots? A.—Possibly between one and two. 10

Q.—You said after she approached wharf 6 she was going very slowly, in fact she gradually got there? A.—Yes.

Q.—Was the angle oblique or right angle when you got there? From the bow? A.—Oblique.

Q.—When they struck obliquely the Mont Blanc having some speed ahead, possibly two knots, the Imo we presume was going six knots before, and the short interval between the three blast signal, in striking this way she must have shifted the Mont Blanc ahead? A.—Yes.

Q.—And she must have increased her speed between then and the time of the collision? A.—Yes. 20

Q.—And she was going slower before the collision? you heard the crash and this crash shows there must have been a heavy impact; therefore it would help to shove as well as turning her bow over and increase her speed? A.—It may have done but I don't think it would increase her speed very much on account of her being so heavily loaded and the Imo being so light.

Q.—As they struck obliquely the Imo swung around to starboard when she was detached; she was going full speed astern with her propeller working, it therefore threw her bow over to starboard? How long after the collision was it you saw the starboard side of the Imo? immediately after the collision when you went around the Mont Blanc, you were 30 in close proximity to the Imo; did you see the starboard side then? A.—Yes.

Q.—Can you account for that? A.—I can't account for it; the only side of the Imo I did see was her starboard side.

Q.—Did you go around and come back to her starboard side; you came around the Mont Blanc stern after the collision; you must have also been astern of the Imo? A.—No, I was not; I passed between the bow of the Imo and the stern of the Mont Blanc and went up the side of the Mont Blanc.

Q.—Then you must have passed on the port side of the Imo? A.—Her port side was not showing to me at all; her starboard was showing to me. 40

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—I cannot understand how she could turn around and show her starboard to you and you passing on the starboard side and everything tended to bring the port side of the Imo more in evidence? A.—When I went around the stern of the Mont Blanc the vessels had broken adrift and I think there must have been some stern way from the Mont Blanc; they were quite a distance apart when I went around the Mont Blanc's stern.

No. 51.
Evidence of
Herbert
Whitehead,
R.N.C.V.R.,
Direct-Ex-
amination.
Continued.

Q.—Was the Imo still going astern? A.—I think she was just laying there.

Q.—There was no time for her to straighten herself up to show her starboard side to you? I have in my mind's eye the position you were at the time and I cannot account in my idea imagine how you saw the starboard of the Imo? A.—I don't know what kind of propellor she had.

Q.—Such might have been the case but I want to be clear? A.—I cannot account for the evolution of the Imo at all; I passed between her and the Mont Blanc and her starboard side was to me; she was heading a little over the Dartmouth shore, practically parallel to the shore.

Q.—I think you said also of the two men, one had on a red jersey? Are they not in uniform? A.—I don't think they are allowed a red sweater in their uniform; a lot of the men do not always conform to rules and regulations in regard to uniform. Possibly it might have been private property; it was a cold morning.

Q.—The evidence of the captain of the Mont Blanc was to the effect he was on the Dartmouth side of the channel and when he saw the Imo he blew one, answered by 2 and again blew another blast which was answered by 2, and finally he blew two and changed his course; did you hear the one blast? A.—No.

Q.—They may have been blown? A.—Yes, I didn't hear them.

Q.—Your attention was called to the signals when your man at the wheel called your attention? A.—Yes.

Q.—Were you in the merchant service before the war? A.—Yes.

Q.—Are you passed master? A.—I am not master; mate.

Q.—Did you navigate from this country? A.—From England.

Q.—Englishman? A.—Yes.

Q.—When the collision happened, was it at the centre of the channel or on the Dartmouth side or the Halifax side when the impact took place? A.—I should say a little on this side of the centre of the channel; or the Halifax side of the channel.

Q.—What do you mean approximately from the centre line? A.—I could not give it in yards; I am pretty sure it was this side of the centre of the channel.

Q.—When you saw the Imo was heading for the Niobe was it at the time of the collision or after? A.—At the time of the collision.

Q.—Then the Imo had sounded her three blasts signal? A.—Yes.

Q.—If she was going astern then and the effect of her propellor going

RECORD. full speed astern or her head was changed, is it possible she was heading to the southward of the Niobe prior to the collision? A.—She would have had to head a little to the southward to come to the position she was in in her swinging.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

BY MR. BURCHELL:

No. 51.
Evidence of
Herbert
Whitehead,
R.N.C.V.R.,
Direct-Ex-
amination.
Continued.

Q.—Was there any wind that morning? A.—A beautiful clear morning. Not a ripple on the water.

BY CAPTAIN DEMERS:

Q.—Was there a haze? A.—None at all; a beautiful clear morning.

Q.—How long had it been that way? A.—Since 8 o'clock. 10

Q.—You are positive there was no haze on the Dartmouth or Halifax side? A.—Absolutely none.

Q.—Between the entrance to the Narrows and the Basin? A.—No.

By Mr.
Burchell.

BY MR BURCHELL:

Q.—Did you notice particularly any haze up there? A.—I don't know; there may have been but I don't know; it was beautifully clear where I was.

By Captain
Demers.

BY CAPTAIN DEMERS:

Q.—Was there a haze between the Halifax and Dartmouth or the Niobe? A.—Absolutely none. 20

By Mr.
Burchell.

BY MR. BURCHELL:

Q.—At the entrance to the Narrows the narrowest part going into the Basin? A.—There was absolutely no haze, as far as I could see north and south it was a beautiful clear morning.

Q.—Could you see the guard ship in the Basin? A.—You could not from that position; I could not see above the Narrows at all.

Q.—Not above pier 9 very much? A.—Right up to the Narrows.

Q.—From position 25 M. B. R. /4 you must have been watching it before you got to 25 and you could not see to the entrance to the Narrows?

A.—Of course I could. 30

Q.—You think the Narrows is by pier 9? A.—Here are the Narrows marked on the chart.

Q.—Turple Head, you could not see up there? A.—Not around corners; here are the Narrows.

Q.—You could not see around the corner of pier 9 whether there was haze or not?

RECORD. BY CAPTAIN DEMERS:

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—Could you not see over here on the Dartmouth shore? A.—I could see the Narrows and there was absolutely no haze.

BY MR. BURCHELL:

No. 51.
Evidence of
Herbert
Whitehead,
R.N.C.V.R.,
Direct-Ex-
amination.
Continued.

Q.—You call the Narrows to pier 9; in above pier 9 is also called the Narrows. A.—I don't know that; if that is pier 9 that is the Narrows.

Q.—Below pier 9 you call the Narrows; south of pier 9? A.—The Narrows are here; (referring to chart).

Q.—Could you see up, for instance, to Turple Head? A.—I could not see around that corner at all; I was to the Narrows and there was 10 no haze.

Q.—You call the Narrows nearly to pier 9? A.—Abreast of pier 9.

By Mr.
Mellish.

BY MR. MELLISH:

Q.—Place the ships the way you think they came together according to your judgment; the large model being the Imo and the smaller one the Mont Blanc; at the moment of the collision when they were together. A.—Witness draws M. B. E. /101.

By Captain Demers. BY CAPTAIN DEMERS:

Q.—Absolutely right angle? A.—About that.

Q.—That is slightly obliquely? A.—Possibly, like that.

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AND FURTHER THIS DEPONENT SAITH NOT.

R. ECCLES,

Official Reporter.

IT BEING THEN 1.30 p. m. THE COURT ADJOURNED FOR LUNCHEON UNTIL 2.30 p. m.

RECORD. PURSUANT TO ADJOURNMENT COURT RESUMED ITS SITTINGS AT 2.40 p. m., JANUARY 25th, 1918.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 52.

ROLAND ICETON, ASSISTANT EXAMINING OFFICER, BEING CALLED AS A WITNESS AND DULY SWORN, DOETH DEPOSE AND SAY AS FOLLOWS:—

No. 52.
Evidence of
Roland
Iceton,
Direct-Ex-
amined by
Mr. Henry,
K. C.,
January,
25th, 1918.

EXAMINED BY MR. HENRY, K. C.

Q.—Your rank is Mate? A.—Yes sir.

Q.—In what? A.—R. N. C. V. R.

Q.—Your position is what? A.—Assistant Examining officer to 10
Commander Wyatt.

Q.—To whom? A.—Commander Wyatt.

Q.—The Chief Examining Officer? A.—Yes sir.

Q.—There is another assistant I understand? A.—Yes sir.

Q.—Mr. Faulkner? A.—Yes sir.

Q.—On the afternoon of December 5th last do you happen to remember at about what time Commander Wyatt left his office for the day?

A.—About 5.15.

Q.—Do you know whether he left on business then or not? A.—He told me he did, yes sir. 20

Q.—Was he back again that afternoon or evening? A.—I don't remember sir.

Q.—Up to 8 o'clock was he back? A.—No sir.

Q.—Was Mr. Faulkner there? A.—No sir.

Q.—During that period? A.—No sir.

Q.—Then from 5.15 p. m. to 8 o'clock you were in charge of the office? A.—Yes sir.

Q.—During that period did you communicate by telephone with a gentleman by the name of Smith of the office of Pickford and Black, or belonging to that office? A.—No sir. 30

Q.—No communication either to him or from him? A.—No sir.

Q.—Do you know Mr. Smith? A.—No sir.

Q.—Have you ever met Mr. Smith prior to that time? A.—No sir.

Q.—Did you as a matter of fact, know that afternoon, that the Belgian Relief Ship Imo was in port? A.—No sir.

Q.—There was a record I suppose? A.—I would have no knowledge without looking her—I would have known if I looked her up.

Q.—Have you, from memory, I am speaking? A.—No sir.

Q.—Did you, as a matter of fact, know either then or the next day, that the Imo was about to leave the port? A.—I had no idea sir. 40

Q.—Reference was made yesterday, Mr. Iceton, to an incident which

RECORD. is supposed to have occurred on Wednesday morning last—were you on duty that morning? A.—Yes sir.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—That is the morning upon which Commander Wyatt came to Court—the day he came to Court first? A.—That was not my day on duty;

but I was on duty for Mr. Faulkner who telephoned over that he was sick.

Q.—You were on duty? A.—Yes sir.

Q.—You remember the day Commander Wyatt came and gave his testimony? A.—Yes sir.

Q.—There were a number of ships left the harbour that morning?

A.—Yes sir.

Q.—We are told that in the course of the morning two ships, one inward bound and the other outward bound, both met in the Narrows—do you know about that? A.—I know about it.

Q.—Tell us about it please—what did happen? A.—Early in the morning, sir, at 7 o'clock, I started out with a tug, to keep the fairway clear for the Convoy which was going out, numbering 29 ships sir. At about 10 o'clock approximately I telephoned from the inside gate to Commander Wyatt that 28 had gone out.

Q.—28 of the 29? A.—Yes sir. I had a list of the ships in my pocket to check off as they went and I know exactly which ship did not go and I know also that that ship had munitions.

Q.—What do you mean by munitions? A.—Usually term anything for war purposes.

Q.—She was not loaded with explosives? A.—I had nothing to indicate she was loaded with explosives sir.

Q.—She had war munitions of some kind? A.—Yes sir.

Q.—Did you know anything beyond that? A.—I learned later that she had gun powder on board.

Q.—Ordinary black gun powder? A.—Yes sir.

Q.—Is that the only explosive substance you knew of then? A.—All I had knowledge of. When I telephoned Commander Wyatt, he said you had better come back, she is probably detained for coal or something, she will go later. Of course I was in the tug which we always use for escorting these ships out. I saw the last ship out, which was an Auxiliary Cruiser. I saw her clear of the fairway and nothing was coming in and all the ships gone but the one. I found when I returned to the Niobe, that Commander Wyatt had gone to Court, when I got back to the office, and I met Captain Turnbull, and he told me the reason of this ship being detained, and he said to let her go as soon as she is ready. In the meantime, before I got in, Commander Wyatt had opened the Port, for incoming traffic, because she had not come. He was holding the port open for all ships to come in then. As far as we know, that outgoing ship might weigh anchor at any time.

Q.—You had no advice as to when she was to leave? A.—Nothing definite, except what Captain Turnbull said, that she might go any time.

No. 52.
Evidence of
Roland
Iceton,
Direct-Ex-
amination,
January,
25th, 1918.
Continued.

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RECORD. I got the Noreid alongside,—that is the tug we have for escort,—ready for the first advice I had as to the ship coming.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 52.
Evidence of
Roland
Ice-ton,
Direct-Ex-
amination,
January,
25th, 1918.
(Continued.)

Q.—Coming out? A.—Yes sir, so that I could immediately send her to escort the ship down the harbour, and the first knowledge I had of the ship coming was when I saw her pass the bridge.

Q.—Of the Niobe? A.—Yes sir, then I sent the Noreid at once, and I endeavoured to close the port, by telephoning out to the entrance to stop all incoming ships; but the ships that were incoming were then past McNab's. The only thing coming outside of the Examination boat was a cruiser coming in. I had no authority to stop her. The next best thing I could do was to telephone to get the ships to hoist outgoing signals only, until the munition ship got clear, which I did. Of course the port being up just before Commander Wyatt left the office privileged the ships lying outside, to come in. Just as I was coming along the gangway, he left the ship. 10

Q.—What happened in the way of these vessels crossing in the Narrows—where did they cross, and what vessels crossed? A.—They did not cross sir—it is impossible for ships to cross in the Narrows—they passed each other.

Q.—An incoming ship, bound for the Basin, passed the outgoing ship—the munition ship, in the Narrows? A.—Yes sir. 20

Q.—Was that before you knew that the outgoing ship was going out? A.—I did not know until several minutes after that she had come out—I did not know until she had come to the bridge.

Q.—This passing of these ships had occurred in the interval when you were coming up from the inner guard ship to the Niobe? A.—No sir, it was after I was aboard—I had the tug waiting until I got there; but I did not get word of her coming.

Q.—I understand that the other incoming ship passed the outgoing ship before you saw the outgoing ship; A.—Yes sir. 30

Q.—Therefore it was before you got there? A.—No sir.

Q.—Where were you? A.—I was on board the ship when they passed; but I was not on board in time to prevent that incoming ship coming in. I did not see the outgoing ship to prevent that incoming ship either from the gates or the examination ship.

Q.—Where did these vessels cross? A.—I don't know—I did not see the incoming ship at all.

Q.—You did not see her at all? A.—No sir.

Q.—Was that the only ship, as far as you know, that got in before the outgoing ship went out? A.—I think that was the first—there were several came in; but that was the first that came in after the port was opened for incoming traffic. 40

Q.—The outgoing ship only met this one ship on her way put? A.—I don't know. I know there were several coming in, and were inside the Examination Vessel before I saw this vessel going out.

RECORD

*In the
Exchequer
Court of
Canada,
Nova Scotia
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No. 52.
Evidence of
Roland
Iceton,
Direct-Ex-
amination,
January,
25th, 1918,
Continued.

Q.—There was only one passing of ships in the Narrows? A.—That is all sir, because I then sent the tug, a patrol boat, to escort the ship down.

Q.—So far as you know I think you told us there were no explosives on board the outgoing ship, except black powder? A.—That is all sir.

BY MR. BURCHELL, K. C.

Q.—Where were you born—where is your home Mr. Iceton? A.—I was born in Nova Scotia!

Q.—Where? A.—Cow Bay.

Q.—That is just at the entrance of Halifax harbour here? A.—Yes 10
sir.

Q.—How long have you been in the Naval Service? A.—9 years sir.

Q.—As what? A.—I rated up to what I am from a boy sir.

Q.—What seafaring experience have you had? A.—Various experience on Government ships—the first I joined as a boy, on the Canada.

Q.—You went to sea on the Canada? A.—Yes sir.

Q.—For how long? A.—I think the first time for 11 months, as near as I can remember.

Q.—As what? A.—As a boy, and thence to an ordinary seaman. And thence to an able seaman. 20

Q.—On the same steamer? A.—Yes sir.

Q.—The Canada? A.—Yes sir, and thence to a petty officer.

Q.—How many years in all were you in the Canada? A.—I think about four sir.

Q.—Four years? A.—Yes sir.

Q.—And after the end of the four years what were you doing? A.—I went as Captain Coxswain, sir,—Captain Martin.

Q.—So that apart from your 11 months as a boy you have had three years' experience at sea in the Canada? A.—Yes sir.

Q.—The Canada is what—how big a ship? A.—A small Cruiser. 30

Q.—Goes around the Coast of Nova Scotia? A.—Yes sir.

Q.—How many years were you with Captain Martin? A.—I was with Captain Martin about three years I think approximately.

Q.—Doing office work? A.—No sir, Captain's Coxswain.

Q.—On a motor boat or what? A.—Any sort of a boat.

Q.—What are the duties of a Coxswain? A.—My duties is—well a little apart from the regular officer of a boat—my duties were to take him on official calls to foreign ships, or British ships, or anywhere else he saw fit to go, or do anything else he saw fit to give me to do.

Q.—That takes four years in the Canada and three with Captain Mar- 40
tin—that is seven? A.—Yes sir.

Q.—Four years in the Canada? A.—Yes sir.

RECORD. Q.—After that you were three years with Captain? A.—About, yes

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sir.

Q.—That is seven? A.—Yes sir.

Q.—And it is nine years you were in the Naval Service? A.—About nine.

Q.—The other two years you have been what? A.—I was promoted to an officer on one of the other boats—the equivalent of that.

Q.—The equivalent of an officer of one of the other boats? A.—Yes sir.

Q.—For the Navy? A.—Yes sir.

Q.—For how long? A.—Seven months.

Q.—And at the end of that time? A.—I took up my present position.

Q.—How long have you been in the present position? A.—I have had this about ten months I think sir. I don't speak definitely a month or two one way or the other.

Q.—Is that your official title—assistant examining officer? A.—No sir.

Q.—What are you a clerk in the office, or what do you call yourself?

A.—I don't call myself anything particular, excepting that I rate as a mate in the R. N. C. V. R. and am prepared at any time to carry out those 20 duties sir.

Q.—What do you do in the office, write in books or make entries?

A.—I do clerical work at times.

Q.—Do you give orders about vessels moving up and down? A.—I do at times—under Commander Wyatt's direction.

Q.—When Commander Wyatt goes away you are in charge, are you?

A.—To carry out his instructions, that he has given, or any he might give while he is away.

Q.—Who were the pilots on these two ships that you say met in the Narrows on Wednesday morning? A.—I don't know sir.

Q.—Is your office getting a record of the pilots now regularly, the pilots who are going on certain ships, etc. A.—I don't know anything about the pilots.

Q.—Is your office now, do you know, getting a record if a pilot goes to take a ship out—is your office acquainted with that fact, the name of the pilot and the name of the steamer? A.—Since when?

COUNSEL: Since the explosion on the 20th of December last?

A.—No, not regularly.

Q.—Do you know if these ships had pilots? A.—I could not say sir—they may not for all I know.

Q.—Is it any part of your duties to know whether the pilot is on board or not? A.—No sir, nothing to do with me.

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Evidence of
Roland
Leeton,
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amination,
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Continued.

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No. 52.
Evidence of
Roland
Iceton,
Direct-Ex-
amination,
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Continued.

Q.—Is your office supposed to know whether there are pilots on board ships? A.—No sir.

Q.—Your office is not supposed to know whether pilots go out on board ships? A.—No sir.

Q.—Neither now or at any time before the explosion? A.—No sir.

Q.—Do you keep the records in your office? A.—Of what sir.

Q.—Of vessels that are coming in or out? A.—Yes sir.

Q.—That is part of your duties? A.—Yes sir.

Q.—Was any record kept, either before or since the explosion, of pilots reports to your office regarding ships that they had taken in or were going to take out? A.—The records of what they have sent, yes sir.

Q.—Just what do you mean by that. A.—If they give us a message they were taking a ship out, there was a note made of it, and put in the office until the end of the day, and destroyed.

Q.—Are you getting now any notes from the pilots as to what ships are going out—the ones they are taking out? A.—We are getting them now.

Q.—You are getting them now? A.—Fairly regularly.

Q.—Do you say you did not get any notice of the pilot that was taking that ship out on Wednesday morning? A.—I did not personally.

Q.—Your office? A.—I don't know.

Q.—You did not get a record from the pilot of the incoming ship until after she got in? A.—No, and perhaps not then.

Q.—Do you frequently have conversation over the phone with ship agents? A.—Very frequently.

Q.—You frequently have telephone communications with Pickford and Black's Office? A.—Yes sir.

Q.—Do you know what office Mr. Smith is in? A.—Yes sir.

Q.—You know what office he is in? A.—I know what agency he is connected with—I don't know if he is in Pickford and Black's office.

Q.—Did you ever speak to him over the telephone? A.—No sir.

Q.—Never on any occasion? A.—No sir, I tried to get him on one occasion perhaps about six or 8 months ago.

Q.—And you did not get him? A.—No sir.

Q.—Where did you try to get him? A.—I tried to get him at his house. Some one at the office referred me to Mr. Smith—that was the first time I have heard of Mr. Smith.

Q.—You were speaking to somebody down in the office there—It may have been Mr. Black? A.—I don't know.

Q.—Did I understand you to say that you personally did not know that the Imo was in port? A.—No sir.

Q.—On the 5th of December? A.—No sir, I did not.

Q.—You did not know she was in port at all? A.—I could not have told any one who might have asked me without looking her up, whether she was in or out—there are so many ships to remember off handed.

Q.—Did you know the ship Kuntucky was in port that day—on the 5th of December? A.—No, I did not sir.

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Court of
Canada,
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No. 52.
Evidence of
Roland
Iceton,
Direct-Ex-
amination,
January,
25th, 1918.
Continued.

Q.—Does your office keep a record of the destination of ships leaving port? A.—After they have left, yes sir.

Q.—Where do they get that information from? A.—Sometimes the Agency. Sometimes we get it by referring to the ship's arrival, where they tell the Examining Officer outside where she is bound—she may have orders—she may be for orders.

Q.—If a ship were out from Pickford and Black's Agency on the 5th of December, it would be quite in the usual practice for you to call up the ship's agent and find out from them what destination she was for?

A.—If she went out, yes sir.

Q.—Do you recollect now that the ship Kentucky was in port on the 5th of December? A.—No sir.

Q.—The day before the explosion? A.—No sir, I don't remember her at all.

Q.—Do you remember whether or not you made inquiries about her that day? A.—No, I do not, I make hundreds of inquiries about hundreds of ships.

Q.—You cannot recollect whether you made any inquiry that day about the ship Kentucky or not? A.—No sir.

Q.—And there are hundreds of ships you have to make inquiries about you say? A.—Yes sir.

Q.—And you say you cannot burden your mind with the different names? A.—No, I don't try to.

Q.—It is quite possible you might have communicated with the ship's agents with regard to the Kentucky and have forgotten about her?

A.—It is possible if she went out—otherwise it is not. I never do that until the end of the day. I get all the outgoing ships and if I cannot get the incoming ships, where they are going I sometimes get word from the agents.

Q.—You make your records up in the evening? A.—Yes sir.

Q.—You get the agents wherever you can find them, either in the office or at their house or at any place? A.—It does not matter provided they give me the necessary information.

Q.—Have you anything to do, in your position in your office, before the 6th of December had you anything to do with the movement of ships?

A.—Yes, I have from time to time moved ships.

Q.—Given orders for ships to come out of the Basin? A.—No, moved them myself from time to time—I have never given orders without Commander Wyatt's sanction.

Q.—Was it the practice before the 6th of December for Commander Wyatt to give orders about the movements of ships leaving port?

A.—No sir.

Q.—He never gave such orders? A.—No sir, not to my knowledge.

Q.—Do you know if any control was exercised in your office before the 6th of December with regard to incoming and outgoing steamers?

A.—Yes sir.

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RECORD.

Q.—What was it? A.—Signals on gate vessels.

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Q.—I understand that since the explosion your office now is endeavouring to control incoming ships and outgoing ships, so that they will not pass in the Narrows particularly where one is a munition ship? A.—Yes sir.

Q.—That is right? A.—Yes sir.

Q.—Before the explosion I understand that no such attempt was made?

A.—No sir.

No. 52.
Evidence of
Roland
Iceton,
Direct-Ex-
amination,
January,
25th, 1918.
Continued.

Q.—That is right is it not? A.—So far as I am concerned it is. As far as I know it is.

Q.—As far as you know that statement is correct? A.—Yes sir. 10

Q.—I think I understand from you that Commander Wyatt know that ship was coming in Wednesday morning. It was he who gave the orders to open the gate Wednesday morning? A.—Open the port.

Q.—That means to open the gate? A.—No, ships are anchored outside until such time as they are given permission to proceed up the harbour.

Q.—Did you see these ships cross that morning? A.—No sir.

Q.—Was it above the Niobe? A.—Must have been—we can only see up to pier 9 from there.

Q.—Was it above pier 9? A.—They could not pass without they 20 would pass right in the Basin.

Q.—Could you not see from the Niobe where they passed? A.—I could only see as far as pier 9.

Q.—Was it above or below pier 9? A.—I could not say—I only saw her when she passed the Niobe.

Q.—Did you see the ship going up? A.—No sir.

Q.—Don't you get reports of the ships going up? A.—I only got the report when I got on board the ship. I knew then the port was opened.

Q.—On Wednesday morning you were where in this boat—to Bedford Basin? A.—Out to the gate to see that the gate was open and every- 30 thing clear for the convoy to go out.

Q.—And 28 ships of the convoy went out? A.—Yes sir.

Q.—Leaving one behind? A.—Yes sir.

Q.—Then what did you do? A.—I went on board the Inner Gate and telephoned Commander Wyatt to see what was holding the other one back as she was at the top of the list I had in my pocket.

Q.—What did he say? A.—He said he did not know what held her, probably it was coal.

Q.—What orders did you get then? A.—He said he had to go to Court, it was probably better that I should go back. 40

Q.—Was the port open then? A.—He opened it before he left. It was only a couple of minutes before I got on board—we had no knowledge of when the ship was going out.

Q.—The port was opened by Commander Wyatt before you got to the Niobe? A.—Only a few minutes.

RECORD.

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No. 52.
Evidence of
Roland
Leeton,
Direct-Ex-
amination,
January,
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Continued.

Q.—No ship had passed up the Narrows before you got on board the Niobe—the port was not open and no ships had come up passed the Niobe before you got on board the Niobe yourself? A.—No sir.

Q.—What did you do then when you got on board the Niobe—where did you go? A.—I went to the office and I got a note from Captain Turnbull to say that this ship was held up and would go any time later.

Q.—You did not close the port? A.—No sir, Commander Wyatt opened the port.

Q.—And you did not think you had authority to close it? A.—No not without I had knowledge of this ship, when it was going. 10

Q.—You did not make any effort to find out what time this munition ship in the Basin was likely to go down? A.—I was not able to find out when sir. Captain Turnbull had just told me she was going later.

Q.—You did not think it part of your duties to find out when she was going? A.—No sir, I kept the patrol boat ready for when she was coming out.

Q.—In the meantime the port was opened while ships were coming up, allowing ships to come up the harbour and into the Basin? A.—Yes sir.

Q.—How long then, before any ship passed the Niobe either going down or coming up—give us the name of these two ships if you know them—do you know the name of the munition ship? A.—Galileo. 20

Q.—That was the outgoing ship? A.—Yes sir.

Q.—What was the name of the incoming ship that past her? A.—Appalachee.

Q.—What was the Appalachee loaded with? A.—I don't know off-hand what she was loaded with.

Q.—Do you know if she was a tank steamer, carrying oil? A.—I don't know—I think she was now.

Q.—The ship passed the Niobe—which one was it passed the Niobe first—the Appalachee or the Galileo? A.—The Appalachee evidently 30 sir, as I would have seen her when I saw the other one coming down if she had not.

Q.—Don't you keep a record in your office of the ships that pass the Niobe? A.—I do, and got it later.

Q.—After the Appalachee had gone by? A.—Yes sir.

Q.—Then the Galileo came down? A.—Yes sir.

Q.—Did you know the Appalachee had gone by at the time you saw the Galileo coming? A.—No, I did not know then—I did not know until perhaps a quarter of an hour later. Reports must come to the bridge up above and then they come down to me. 40

Q.—Reports don't come direct to your office? A.—Yes sir, a messenger comes right down.

Q.—Does it take 15 minutes for a report to come to the office? A.—No sir.

RECORD. Q.—How long did it take that morning? A.—I could not say a minute.

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Evidence of
Roland
Iceton,
Direct-Ex-
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January,
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Continued.

Q.—It must have been some minutes? A.—Yes sir.

Q.—Did you go up on deck to watch the Galileo? A.—No sir, I gave instructions to the messenger to tell me immediately that they heard anything of the Galileo. I did not emphasize the Appalachee because I was looking for the Galileo, and waiting for some report of her.

Q.—Is that not the rule enforced now in the harbour, that when a flag with a letter N. is flown from the guard ship in Bedford Basin, that no ship can come out of the Basin, out of the Narrows, is that the present regulation? A.—I believe it is; but I know very little about the Basin. 10

Q.—Has your office anything to do with the rules that are in force in the harbour? A.—Yes sir.

Q.—Do you know that rule has been put in force recently? A.—So far as the little patrol boats are concerned I know about it, that is all sir.

Q.—What is the rule now with regard to the flying of this flag with a letter N. on it on the guard ship? A.—I don't know anything about the guard ship flying the N. I don't know anything about the guard ship—I know the patrol boats with the local patrol fly the N. 20

Q.—When? A.—At all times when on patrol.

Q.—I am speaking about a rule that Captain Pascoe told us about—that when the letter N. was flown by a flag from the guard ship in Bedford Basin, that no ships could then leave the Basin and come down the Narrows—did you know there was any such rule as that? A.—I believe that is now in force sir, since the explosion.

Q.—And was in force on Wednesday? A.—Probably—I don't know.

Q.—You don't know whether it was in force on Wednesday or not? A.—It was in force; but whether it was carried out or not I don't know anything about the guard ship.

Q.—The rules was there; but you don't know whether it was in force or not? A.—No sir. 30

Q.—You never sent any word up to the guard ship that Wednesday morning before these two ships passed? A.—No sir.

Q.—You did not think it necessary? A.—I had no authority to do so—Captain Turnbull told me the ship was coming out—she was one of the convoy and to let her out whenever she came.

Q.—Who is this Captain Turnbull? A.—In charge of the convoy office.

Q.—You would take instructions from him? A.—Yes, always take instructions from a Superior Officer and carry them out. 40

Q.—Any superior officer in the Dock Yard that gives you instructions you take them from him? A.—Should they deal with anything in my duty, and that was.

Q.—You would not refer any order to Commander Wyatt? A.—I do always; but he was coming to Court—you will remember he was on his way to Court then.

RECORD.

*In the
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Canada,
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No. 52.
Evidence of
Roland
Iceton,
Direct-Ex-
amination,
January,
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Continued.

Q.—What time did these two ships pass—I am instructed it was 11.30 they passed in the Narrows? A.—Yes sir.

Q.—What time did Commander Wyatt leave the office that morning, before ten o'clock? A.—He left about that time—shortly after I telephoned him from the gate ship.

Q.—What time did you get back to the Niobe? A.—It takes me about 20 minutes to get back.

Q.—What time did you get back? A.—About 20 or 25 after 10.

Q.—He had left before you got there? A.—Yes sir.

Q.—Before the 6th of December there was a private telephone to the guard ship in the Basin from the Dock Yard? A.—Yes, from the Niobe; but not from our office.

Q.—You could use it if you wanted I presume? A.—Very very seldom ever used it.

Q.—You have the right of using it? A.—I don't know about that.

Q.—You have the right? A.—I don't know.

Q.—Nobody ever stopped you using it? A.—No sir.

Q.—You have used it? A.—Yes sir, once.

Q.—Where is it? A.—In the Naval Intelligence Department.

Q.—How far is it from your office? A.—Not very far.

Q.—Just how far? A.—About 20 or 25 steps.

Q.—There is also a private telephone connection between the Niobe and the vessel at the gate? A.—Yes sir.

Q.—And there was before the 6th of December? A.—Yes sir.

Q.—Do you know what the regulations are—I presume you do—what they were before the 6th of December—that a pilot going up in Bedford Basin to take out a ship must first go on board the guard ship and tell what ship he is taking out, and that before he can come down past the guard ship he has to fly a certain flag, and cannot get past the guard ship unless a similar flag is flown on the guard ship? A.—I believe that was the usual procedure.

Q.—Before the 6th of December? A.—Yes sir.

Q.—If your office desired to have accurate information with regard to a steamer leaving Bedford Basin, and made arrangements to have a telephone message sent from the Guard ship, you or your Superior Officers could always know when a ship is leaving Bedford Basin? A.—That would be alright.

Q.—It was possible and might have been arranged if desired?

A.—It could have been telephoned to us through the Intelligence Department when the ship was leaving; but it was not.

Q.—It has never been done before the 6th of December? A.—No sir, nor since to my knowledge—it is usually done by sending a boat up and when there is knowledge of a ship about to leave.

Q.—Then I would gather that your office is not absolutely desirous of having accurate information with regard to the time a vessel is leaving

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RECORD Bedford Basin to go to sea. A.—Very desirous indeed of knowing all about it—getting all the particulars.

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No. 02.
Evidence of
Roland
Iceton,
Direct-Ex-
amination
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Continued.

Q.—Tell me if you were very desirous what arrangement you had prior to the 6th of December for finding out when a vessel was leaving Bedford Basin and going to sea—tell me in full all the arrangements you had made in your office? A.—It is not up to me to make these arrangements; but I did know that the office depended on the pilots to tell us when they were going to take a ship out of the Basin and keeping run of the ship when she got under weigh until she got clear of the harbour. The same applies to a ship coming in the harbour, and after she passed the bridge we have 10 no further action to be taken with regard to the safety.

Q.—Is the statement correct, that your office relied solely on information from the pilots as to the time that vessels were leaving Bedford Basin to go to sea, prior to the 6th of December? A.—Yes sir.

Q.—That is the only method you had to get information? A.—We do rely entirely on the pilots.

Q.—And you did prior to the 6th of December, rely entirely on the pilots? A.—Yes sir, when they were going to move a ship anywhere.

Q.—Commander Wyatt told us yesterday that for several weeks prior to the collision he had not been receiving any reports at all from pilots as 20 to the time or the names of the ships that they were taking to sea.

A.—Yes sir.

Q.—You know that to be correct? A.—Yes sir, prior to the 6th of December.

Q.—For several weeks in fact—I think he said as far back as July, he had not received any reports at all from the pilots that they were taking ships to sea, the names of the ships or the time they were leaving?

A.—Yes sir.

Q.—That is correct? A.—Yes sir.

Q.—So that the position was then you had no information at all? 30
A.—No information at all either one of the ships were coming from the Basin.

Q.—That any ship was coming from the Basin at any time prior to the 6th of December? A.—We depend on the pilots to do so, until a net gets to the bridge, which is only a few hundred yards.

Q.—I am speaking of ships coming down from Bedford Basin to the Niobe before they leave? A.—Often times we never hear them coming.

Q.—Your office had no means if the pilot did not report to you?
A.—No sir.

Q.—And you had no means of knowing, for several weeks prior to the 40 6th of December? A.—I am not always on duty.

Q.—You know the practice in your office? A.—I know the practice when I am on duty—I know the reports I get from the pilots.

Q.—You got no reports yourself from the pilots for several weeks prior to the 6th of December? A.—No sir.

RECORD.

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No. 52.
Evidence of
Roland
Lecton,
Direct-Ex-
amination,
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Continued.

Q.—The position must have been then in your office, that you had no knowledge at all of the time ships were leaving the Basin until they got to the Niobe? A.—Opposite the bridge, yes sir.

Q.—That statement is correct? A.—Yes sir.

Q.—And so far as you know no effort was made by your office to obtain this information? A.—Not by our office no sir, we are depending on the pilots to give us the information when they move a ship anywhere.

Q.—And the pilots were not giving you the information? A.—Yes sir.

Q.—Have you made no effort to get it anywhere also? A.—We had 10 only had, so far as the Basin was concerned, one mile to depend on the pilots—that is from the Basin to the Bridge, and we would take a record from the Bridge to the inside gate vessel, outside gate vessel, signal station and examination battery.

Q.—Do you know why your office wanted to know what ships were going to sea—have information with regard to ships going to sea? A.—We don't want any information until they go—I don't personally.

Q.—Do you know if the office does? A.—My duty is to make a report of the ships when they go and where they go.

Q.—Is it for the purpose of record in your office you want that informa- 20 tion? A.—No sir, there are six reports made from the office when the ship sails and where she is bound to.

Q.—You mean to six different places the reports are sent to? A.—Yes sir.

Q.—And the only record that was kept by you prior to the 6th of December was the record that was made when the ships passed the Niobe. The only means you had to get information so far as your office was concerned was when the ship passed the Niobe? A.—That was the first.

Q.—Then you got another record at the gate? A.—Yes sir, it was not the only one.

Q.—That is the earliest time you could make a record? A.—Yes sir.

Q.—Because that was the first information you had when she came down to the Niobe? A.—Yes sir.

Q.—Did your office attempt to get any information at all from the detaining officer as to when ships had got their clearance, so far as you know? A.—That office informs us usually sir.

Q.—What officer is that—what is the detaining officer's name? A.—There are several up there sir, on the guard ship—I don't know them. I don't have anything to do with the guard ship.

Q.—You say that the detaining officer makes it a practice to notify your 40 office as soon as a ship is cleared by them? A.—No, I did not say that sir.

Q.—What did you say? A.—I mean the Convoy Office sends a list of ships that are going in convoy—one single ship or two ships we are told of sometimes by the pilots—that is the only information.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

*No. 52.
Evidence of
Roland
Iceton,
Direct-Ex-
amination,
January,
25th, 1918.
Continued.*

Q.—For several weeks before the 6th of December the pilots were not giving you any information? A.—No sir.

Q.—Did you attempt to get any information from the Detaining officer? A.—No sir.

Q.—About the clearance of the ship? A.—No, I had no particular ship to ask him about sir.

Q.—You did not think it necessary for your office to keep in touch with the detaining office to find out when ships were cleared for sea by him? A.—No sir, it was not in my power to do it.

Q.—It was not the practice in your office? A.—No, we never made a practice of asking him when any particular ship was going out. 10

Q.—And did not particularly require any particular information of that sort? A.—No sir.

Q.—This munition ship was coming down on Wednesday—did you say you are certain you know the nature of the cargo—are you sure you know there was only ordinary black gun powder? A.—No sir, I am only taking it by report—perhaps it would be as well for me to say rumour as I was not on board that particular ship myself.

Q.—I suppose you know that the greatest secrecy is supposed to be maintained about munition ships and in fact all vessels coming into Bedford Basin? A.—Yes sir. 20

Q.—Supposed to be the greatest secrecy? A.—Yes sir.

Q.—No word is allowed in the papers about it? A.—No sir.

Q.—They are not allowed to report anything about them? A.—No sir.

Q.—And you consider, I suppose—you are instructed to keep the greatest secrecy about them—not to report them outside? A.—I have received instructions to that effect years ago.

Q.—Are you familiar with this notice issued in April 1917—it is attached to the exhibit R. 69. (COUNSEL READS NOTICE) A.—Yes sir. 30

Q.—St. Paul 532 is a public telephone on the main exchange—regular City exchange? A.—Yes sir.

Q.—That is Commander Wyatt's office number on the Niobe? A.—Yes sir.

Q.—It is connected with the regular city exchange? A.—It is not a branch line.

Q.—Not a private line? A.—No sir.

Q.—Did I understand you that besides the Appalachee that morning there were several other ships coming up behind her on Wednesday morning? A.—Yes sir, one or two; but not going into the Basin sir. 40

Q.—Any other ship going to the Basin? A.—Not that I remember.

Q.—Where were the other ships going? A.—One was going to the merchant ship anchorage and one to the oil Wharf in Dartmouth, that is the only one that I can remember going to the Basin.

RECORD.

In the
Exchequer
Court of
Canada,
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District.

No. 52.
Evidence of
Roland
Iceton,
Direct-Ex-
amination,
January,
25th, 1918.
Continued.

Q.—You have no record of who the pilots were on those two ships?

A.—No sir.

Q.—If the pilots report to your office would you keep a record?

A.—I would likely have seen it on the desk.

Q.—Mr. Faulkner was sick on Wednesday morning? A.—Yes sir.

Q.—And you were doing extra duty? A.—Yes sir.

Q.—Were you on duty the morning of the explosion? A.—I was and I was not. I was off at 9 and the collision happened before 9 and the explosion took place after 9. I was watching the ship—that is to say I kept track of her from the different reports, the first one was from the examination boat outside. 10

Q.—That is the Mont Blanc? A.—Yes sir.

Q.—You got a report from the Examination Boat she was coming up? A.—She was reported the evening before. The next morning the examination boat sent a message, already reporting the Mont Blanc proceeding up the harbour—that was about 7.30 or 7.45.

Q.—Did you get a later message? A.—Yes sir, from the gate vessel, and I also got a last one from the bridge, and I watched the ship when the signallmen ran down with the message, and took it out of his hand on deck,—I watched the ship going by and seen she was well by the Niobe, 20 and I considered I was finished with her.

Q.—You were getting reports—you got three reports of the Mont Blanc coming in—three different reports? A.—Yes sir.

Q.—In your office you got three reports from the incoming ship?

A.—Yes sir.

Q.—Did you get any report from the guard ship in Bedford Basin that morning? A.—No sir.

Q.—And you had no arrangements made from the guard ship?

A.—No sir, we did not deem it necessary when they get by the ship.

Q.—But from ships coming down from Bedford Basin? A.—Nothing. 30

Q.—You did not think it necessary to get any information from there?

A.—Only from the pilots moving ships.

Q.—You relied on them entirely? A.—Yes sir.

By Mr.
Robertson,
K. C.

BY MR. ROBERTSON, K. C.:

Q.—How is it you take message by telephone in your office—did you receive them personally? A.—Yes sir, frequently.

Q.—Did you receive messages from the pilots office? A.—From time to time.

Q.—You used to take those when you were on duty? A.—Whenever I happened to be just there. 40

Q.—Who would be the different persons who would take the messages over the phone? A.—There are two messengers always on duty.

- RECORD. Q.—The messenger takes it down and gives it to you—is that it?
 A.—Yes sir.
- In the
 Exchequer
 Court of
 Canada,
 Nova Scoti
 Admiralty
 District.*
 No. 52.
 Evidence of
 Roland
 Icton,
 Direct-Ex-
 amination,
 January,
 25th, 1918.
 Continued.
- Q.—When you are on duty all the telephone messages come to you?
 A.—Yes sir.
- Q.—That applies to messages from the pilot's office, also?
 A.—Messages from anywhere and everywhere.
- Q.—And you have received messages over the phone from pilots have you not, as to ships going to sea? A.—Yes sir.
- Q.—Take now from the spring of 1917, May of that year on to the explosion in December—I suppose there is no doubt you used to, from time 10 to time got messages from the pilots that were taking vessels out?
 A.—Yes sir, I have received frequently messages.
- Q.—From the pilots during that period? A.—Yes sir.
- Q.—That the pilots were going to take vessels out to sea? A.—Yes sir.
- Q.—The pilot would telephone it himself? A.—It is hard to say—it would be that pilot so and so is going to take such and such a vessel to sea.
- Q.—You have received quite a number from May until December?
 A.—No, I have not received very many personally.
- Q.—Messages such as you have spoken of—what do you mean by not 20 having received them personally? Some one else in the office has taken them you mean? A.—Yes sir.
- Q.—The pilot's office notified your office that the pilots were going to take ships to sea, that they were going to do it? A.—At times they have and many times they have not.
- Q.—You have no record of times they did not give you the notice?
 A.—No sir.
- Q.—After you heard the ship had come or rather gone out and you not notified? A.—The ship would go and I would have to depend on re- 30 ports from elsewhere.
- Q.—You cannot speak with certainty as to how often that occurred?
 A.—No sir.
- Q.—Nor again that it was not carried out for a month at a time?
 A.—No sir.
- Q.—There are not very many ocean going ships going singly to sea—between the months of May and December of the last year there were not many? A.—Yes sir, quite a number of ships going to sea.
- Q.—Chiefly they went in convoys? A.—In large numbers they do.
- Q.—Can you give me an idea of how many in a month there are in that 40 period, of an average of single ships? A.—No sir, I cannot give that because one ship might go one day and ten the next. I have records of them, one ship out one day and perhaps none the following day and perhaps the following day there would be ten; but I think it is very seldom ten single ships would go you know.

RECORD.

In the
Exchequer
Court of
Canada,
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District.

No. 52.
Evidence of
Roland
Iceton,
Direct-Ex-
amination,
January,
25th, 1918.
Continued.

Q.—As to the reports that have come in you used to get a daily report from the pilot's office over the phone? A.—Not usually—we have done so—it is not a regular thing by any means.

Q.—In that case that would give you the names of the different ships altogether? A.—Yes sir.

Q.—That would be the later afternoon? A.—In the evening.

Q.—And you or some one in your office would receive the message and make a record of it? A.—I remember having received them; but not very much—not about ships coming in.

Q.—Your complaint is more against the pilots that they did not report coming in and did not report going out? A.—No sir, it is more going out, for the simple reason that ships coming in we can always get the first information from the examination boats when they are coming in.

Q.—You don't want to mention about the ships coming in? A.—Yes, we want to know where they have been placed you see—what berths or where.

Q.—Do you know this young man in the pilot's office—the clerk in the pilot's office? A.—No sir.

Q.—You don't know the different voices that have spoken to you over the phone from the pilot's office, do you? A.—No sir.

Q.—You have recognized during this time different voices phoning you from the office— A.—You can always distinguish a boy's voice ofrom a man's.

Q.—Have you received a message from the pilot's office from the boy? A.—No sir.

Q.—The messages you received from the pilot's office appeared to be in a man's voice? A.—Whether it was from the pilot's office I could not say—I thought it was the pilots.

Q.—The voice would be the voice of a man and you would take it as a pilot? A.—Yes sir, otherwise I would not think of their object in telling me where he was putting his ship.

Q.—Where he was reporting he was going to take a vessel out a pilot would report that to you? A.—Sometimes yes sir; but very very seldom. I don't know if I can recollect any particular instance since the sixth of December. That boy never reported to me anything at all.

Q.—There were two of your assistants were messengers? A.—They are not my assistants—they are messengers sir.

By Mr.
Burchell,
K. C.

BY MR. BURCHELL, K. C.:

Q.—What do you mean by taking messages,—these messengers answered your telephone? A.—Yes sir.

Q.—Was that usually done by the messengers in your office? A.—It is sometimes done. We have an extention line to the lower office, and we sometimes take them ourselves.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 52.
Evidence of
Roland
Iceton,
Direct-Ex-
amination,
January,
25th, 1918.
Continued.

Q.—The boy answers—would you answer them yourself then?

A.—Yes sir, when he answered then—he has orders to take everything down, take in everything, and give out nothing, and refer it to us.

Q.—Do you remember last May after this order of the 4th of May was issued, directing that the pilots should report taking steamers out, to your office, do you remember anybody from the pilot's office, calling you up and giving you a list of names of ships coming in and the names of the pilots? A.—Yes sir.

Q.—And a list of steamers that have gone out and the names of the pilots? A.—Yes sir.

Q.—He would give you the names over the phone? A.—Yes sir, they also called at the office from time to time—the pilots. I remember one time there were three pilots came to the office.

Q.—They called right in your office on the Niobe? A.—Yes sir, it was the usual custom then for the pilots to come on board and tell me what they were bringing from the Basin, on their way up to the Basin. I received them several times in the office.

Q.—When was this new—last spring some time? A.—Yes, it must have been any way four or five months ago.

Q.—Besides the order of ships going to sea, there was an order last year that all pilots bring ships to port should, as soon as they come ashore, telephone Commander Wyatt's office—has that order been carried out carefully since last April? A.—Up till now.

Q.—Yes, from last May? A.—No sir—it dwindled down to almost nothing. We got very inaccurate reports from the pilots these late months.

Q.—Either from bringing ships in or taking them out? A.—No sir, they did not seem to consider it worth while or necessary or something or other. It got me in to no end of trouble, not knowing where ships were, and I made it a point on one particular day, one morning at 9 to come down to the pilot's office and ask them to keep up that rule in order to keep me out of trouble if for nothing else—to hold hard to the rule.

Q.—Who did you speak to? A.—The Secretary.

Q.—What time was this—what month? A.—In the summer.

Q.—In the early summer? A.—No, not the early summer.

Q.—Was it after the reports had stopped completely or before they had stopped? A.—Almost stopped at last.

Q.—That was in the early summer? A.—No, it cannot be more than four or five months ago.

By Mr.
Mellish,
K. C.

BY MR. MELLISH, K. C.:

Q.—There is some suggestion, Mr. Iceton, in the evidence, that the reports from the pilot's office were received at your office with some discourtesy or some merriment—were not considered with importance. Do you know anything about that? A.—Well I don't know any-

RECORD. thing about it sir, and personally I believe they were not received in that way.

*In the
Exchequer
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Q.—As far as you are concerned do you say that anything like that occurred in your office? A.—No, we were glad to get the reports.

Q.—It has been suggested that the reports were received with discourtesy by your office? A.—The first I heard of that was reading it in the newspapers.

No. 52.
Evidence of
a Rolnd
Iceton,
Direct-Ex-
amination,
January,
25th, 1918.
Continued.

Q.—That was the first you read of it—in the papers? A.—Yes sir, I did not hear it at all.

Q.—When ships are leaving with convoy do they take pilots? 10

A.—Yes sir.

Q.—They do? A.—Yes sir.

Q.—Leaving. A.—Yes sir.

Q.—They take pilots? A.—Yes sir.

Q.—This vessel on Wednesday morning would have a pilot? A.—I suppose so.

Q.—Provided the regulations are complied with? A.—Yes sir.

Q.—She would have a pilot in the ordinary course? A.—Yes sir.

Q.—Under the present system, or the system that was in operation on that day, would that pilot not report to your office that he was taking 20 the ship out? A.—No sir, they would not report in any case—sometimes they do and sometimes they do not.

Q.—Since the 6th of December I understand that things are being done better. Is it one of the regulations now at the present time that the pilots must report to your office when they are going to take ships out?

A.—That is single ships—this ship was leaving in a convoy.

Q.—This regulation does not apply to convoy ships then as far as you know? A.—Perhaps not, I don't know.

Q.—Mr. Henry suggests to me that there are only about 14 pilots in service now, and if there were a greater number of ships going out there 30 it would be impossible for them all to have a pilot? A.—Perhaps that particular ship had no pilot.

Q.—Who is the convoy officer here? A.—I understand Captain Turnbull.

Q.—As I understand it, in fact it has been given in evidence yesterday, ships go out at certain intervals. In fact we see it in watching them going out—they go out one following the other, at certain intervals? A.—Yes sir.

Q.—Until they are all gone? A.—Yes sir.

By Mr.
Robertson,
K. C.

BY MR. ROBERTSON, K. C.

40

Q.—What did Mr. Creighton say to you this time when you went to see him? A.—He said he would speak to the pilots then, and ask them to be more careful in the future.

RECORD. Q.—You cannot give us the exact date, nothing more accurate than that it was 4 or 5 months ago? A.—I think that was about the time.

*In the
Exchequer
Court of
Canada,
Nova Scotia
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BY MR. BURCHELL, K. C.

Q.—Did he say anything about the clerk in the office telephoning you?

A.—No sir.

No. 52.
Evidence of
Roland
Iceton,
Direct-Ex-
amination,
January,
25th, 1918.
Continued.

Q.—You did not know at that time that the clerk had actually been telephoning you about it? A.—The boy had not been telephoning me sir. I never received a message from the boy yet.

Q.—You never received a message from the clerk in the pilot's office?

A.—It depends on who the clerk is sir.

Q.—Before you went down had you received any telephone communication from the pilotage office, giving a list of a number of ships that were whether coming in or going out? A.—From the boy?

Q.—From the pilotage office? A.—When.

Q.—Any time before you went down to see Mr. Creighton? A.—I did not explain the object of my visit.

Q.—I understand you went down to try to get reports? A.—No sir.

Q.—You did not—what did you go down for? A.—I went down there—a Cruiser was anchored in A berth—a French Cruiser was at No. 4 pier—I had the ship called the Northland coming in reported as coming in about 8 o'clock from the Examination Battery my day on duty. That is several months ago—The French Cruiser received instructions to anchor in D berth and—

His
Lordship.

HIS LORDSHIP:

He went down to lay a complaint to the secretary that the reports were not coming in.

By Mr.
Burchell,
K. C.

BY MR. BURCHELL, K. C.

He tells us now that he went down to complain about berths.

WITNESS: I went down to try to get the secretary to try and get the pilots to hold a little closer to the orders that had been given.

Q.—Was that about instructions about berths? A.—Various instructions.

Q.—The particular thing you went to see him about was what?

A.—The particular thing I went to see him about this morning was the pilot brought in the Northland and brought her into a pier that the Cruiser was going to. If he had put her where he had been told to put her it would have been alright.

Q.—You went down to see about the berths? A.—Yes sir.

RECORD. BY MR. CLUNEY, K. C.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 52.
Evidence of
Roland
Icton,
Direct-Ex-
amination,
January,
25th, 1918.
Continued.

Q.—After you did go to see the Secretary was there any improvement in conditions? A.—None whatever.

Q.—You spoke about a convoy going out in which one of the ships was late in joining the convoy—what case was that? A.—Last Wednesday morning.

Q.—This regulation about requiring the pilots to report—that applied to all ships that were taken out? A.—Anywhere.

Q.—Any ships taken from any part of the harbour? A.—Yes sir, because of keeping the positions of the ships. 10

Q.—And in the Basin? A.—Yes sir.

Q.—Taking them out? A.—Or bringing them in—wherever they put them you see.

By Captain Demers. BY CAPTAIN DEMERS:

Q.—What are your hours for duty—what time do you go on?
A.—Usually?

Q.—There must be some regular time? A.—9 o'clock.

Q.—Your superior officer—your chief, what time is he there?
A.—He usually comes there 8.30 or 8.

Q.—How long does he remain there?—or how long do you remain there? 20
A.—I remain there until Commander Wyatt gives me some particular duty to perform—the usual duty is to go to the gate vessel.

Q.—How long is Commander Wyatt on duty generally—he is there at 8.30 or 8.38 in the morning? A.—He is on duty all the time, as far as I know.

Q.—How long is he in his office? A.—At all times he is on duty, even when he goes home.

Q.—Does he stay there until 9 and 10 o'clock at night? A.—Yes sir, and I have known him to be there all night.

Q.—Who is the assistant office? A.—Mr. Faulkner. 30

Q.—You are his assistant? A.—Perhaps so.

Q.—Who appointed you there? A.—I was appointed from Ottawa.

Q.—There was very strict supervision exercised in the harbour before the explosion—there is more strict supervision since the 6th of December?

A.—Yes sir, I stick to the orders which are in force and carry them out.

Q.—You deal only with the traffic—no other orders? A.—We have other orders.

Q.—Since the traffic very strict supervision is carried out? A.—Yes sir.

Q.—Is it carefully when that ship could come into the harbour without your knowledge? A.—I knew when I got back to the office she had come in. 40

RECORD. Q.—She had come in? A.—No, the port was open for them; but they had not got past.

In the Exchequer Court of Canada, Nova Scotia Admiralty District. Q.—If a superior officer around the Dock Yard, not connected with your office, should give you an order, not connected with the traffic regulations, would you obey him? A.—No sir.

Q.—You don't get any interference from anybody about your work—you get your direct orders from Commander Wyatt? A.—Yes sir.

No. 52.
Evidence of
Roland
Iceton,
Direct-Ex-
amination,
January,
25th, 1918.
Continued.

BY MR. HENRY, K. C.

Q.—If it had not been that Commander Wyatt was called to the Court on Wednesday morning he would have had the information that you subsequently acquired with regard to the movements of these two ships? A.—Yes sir.

Q.—It would have been competent I suppose for him to control the traffic? A.—He would not have any more information about the outgoing ship than I would until he saw her.

Q.—The fact of these two vessels meeting was due to the outgoing vessel going out without any information being submitted to your office? A.—The outgoing vessel had a minute to pass that gate; but she did not do it, and when she was not enabled to do it she should have told us by some means or another when she was going, or rather when she was coming from the Basin. 20

Q.—She should have advised you in time for you to stop the incoming traffic? A.—Yes sir, which I endeavoured to; but was too late to do, only from the gate vessel, and I did that.

Q.—That is from the gate vessel in? A.—Yes sir.

By Mr.
Mellish,
K. C.

BY MR. MELLISH, K. C.

Q.—Do you know anything of the movements of these ships before the collision—the Imo and the Mont Blanc? A.—I saw the Mont Blanc pass the bridge with the bridge report in my hand.

Q.—That is all you know about it? A.—I did not see the Imo or hear of her, or even know she was in the Basin until she was at right angles to the Mont Blanc—that is after the collision. 40

Q.—You don't know any of the facts relative to the collision? A.—No sir.

Q.—The movements of the ships? A.—No sir.

AND FURTHER DEPONENT SAITH NOT.

J. T. ROWAN,
Official Reporter.

AND IT BEING 4.20 p. m. COURT ADJOURNED UNTIL 10 a. m.
SATURDAY, JANUARY 26th, 1918.

RECORD.

FOURTEENTH DAY'S SESSION.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

10 a. m. January 26, 1918.

PURSUANT TO ADJOURNMENT COURT RESUMED ITS SITTINGS AT 10 a. m. SATURDAY, JANUARY 26, 1918.

COURT AND COUNSEL PRESENT AS STATED ON PAGE 385.

His
Lordship.

HIS LORDSHIP: I desire to say to those who are reporting for the press that very improper statements are being made; the evidence is not being reported fairly and properly; misleading statements are given to the public as evidence. Examination of the witness Icton is given when it is alleged that a repetition of the disaster of December 6th was narrowly 10 avoided. No such evidence was given and it is a very improper report and whoever is reporting for the Morning Chronicle had better note that; you are at liberty to report the evidence as given. It was suggested by Counsel that something of that sort had occurred but there was no evidence; I will have to take some steps to prevent the public being excited over a thing like that when it was not in fact stated.

Mr.
Robertson.

MR. ROBERTSON: On behalf of Sheriff Hall, I want to say both newspapers have reported him as stating on his examination that the pilots had been trained in a haphazard way. It does not appear on the record and there is nothing of the sort in evidence and the Sheriff will stand 20 by what he said; it is doing him a great injustice to say they were trained in a haphazard manner.

Mr. Mellish.

MR. MELLISH: It would be as well to recall Sheriff Hall for another reason.

Mr. Henry.

MR. HENRY: I intend to recall him.

Mr. Mellish.

MR. MELLISH: There was some evidence that pilot Mackay had stated to Captain Hall that he had been nearly in another collision with a munition ship since that time and Captain Hall inferred he had heard so; when Sheriff Hall saw that in the newspaper he was much surprised and came to me and said that he wished to be recalled, he had heard 30 nothing of the kind; I said I didn't care it was struck out of the report; but I find it was in the newspapers.

Mr. Henry.

MR. HENRY: The same representation was made to me and I assured Sheriff Hall he would be recalled for that purpose.

FIFTEENTH DAY'S SESSION.

10 a. m. Halifax, January 28th, 1918.

COURT AND COUNSEL PRESENT AS MENTIONED ON PAGE

385.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 53.
Evidence of
Arthur
McKenzie
Adams,
Direct-Ex-
amined by
Mr. Henry,
K. C.,
January,
28th, 1918.

On this twenty-eighth day of January, in the year of our Lord one thousand and nine hundred and eighteen, there personally came and appeared

ARTHUR MCKENZIE ADAMS, LIEUTENANT, R. N. V. R., OF NAVAL CONTROL STAFF, WHO BEING CALLED AND DULY SWORN UPON THE HOLY EVANGELS, DOTH DEPOSE AND 10 SAY AS FOLLOWS:—

EXAMINED BY MR. HENRY, K. C.

Q.—What is your rank? A.—Lieutenant R. N. V. R.

Q.—And you are at present employed on what duty? A.—On the Naval Control staff, employed on the examination of neutral vessels in Bedford Basin.

Q.—Are you at present on the guard ship? A.—The Acadian.

Q.—The guard ship at the entrance to Bedford Basin? A.—Yes sir.

Q.—Were you stationed on the guard ship on the morning of December 5th and 6th? A.—Yes sir, I was there then. 20

Q.—There was another officer who was also there, slightly senior to you? A.—Yes sir Lieutenant Commander Jones.

Q.—He is away at present? A.—He is away on special duty and was taken ill while away and is still in hospital.

Q.—You remember the occurrences on the 5th and 6th of December? A.—Yes sir.

Q.—Tell us what you know about the steamer Imo, or her pilot?

A.—The Imo came in for examination in the usual way and her examination being finished she was cleared by the Naval Control Office on December 5th. That is to say she received notification that she could sail as far 30 as I was concerned.

Q.—Did the pilot come on board in connection with the Imo?

A.—The Customs brought her papers out on December 5th and the agent brought her pilot in the afternoon.

Q.—Is there something about a flag that is to be flown out there?

A.—When a ship is cleared by the Naval Control Officer the guard ship puts up her number, which allows her to proceed when ready or prepared for sea.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
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District.*

No. 53.
Evidence of
Arthur
McKenzie
Adams,
Direct-Ex-
amination,
January,
28th, 1918.
Continued.

Q.—Do you remember the signal that was put up on this occasion?
A.—I don't think a signal was put up at all; but I think a note was sent across—I think a messenger with a verbal message that he could prepare for sea.

Q.—As a matter of fact he did not go to sea that night? A.—No sir.

Q.—Was the guard ship communicated with? A.—The agent reported on his way back that she was not ready and would go the first thing in the morning sir.

Q.—Did you have any further communication with her before she sailed? A.—Not to my knowledge. 10

Q.—Do you know whether the pilot was in the agent's boat when it was going back to Halifax on the evening of the 5th? A.—I was not on deck at the moment.

Q.—Were you on duty on the morning of the 6th? A.—I was the officer of the forenoon watch.

Q.—Do you know whether the pilot came alongside that morning?
A.—He came alongside before I came on watch, and reported to Commander Jones.

Q.—And went from there to the Imo? A.—Yes sir.

Q.—So far as the Naval Control was concerned the Imo was at liberty to leave at any time after a certain hour on the 5th of December? 20

A.—Yes sir.

Q.—The Naval Control was established for the purposes of examining neutrals ships coming in here for that purpose? A.—Neutral ships and allied ships running for Belgian Relief.

Q.—And the Imo was a neutral ship? A.—Yes sir.

Q.—She had been in and out of this port before. A.—Several times.

Q.—Before? A.—Yes sir.

Q.—And the captain and agents knew the routine? A.—Yes, perfectly.. 30

Q.—The first department to satisfy themselves about a ship of that kind would be the Naval Control Department? A.—Yes sir.

Q.—That is to say that they were the first to give the word that she might sail? A.—Yes sir, as far as we were concerned we were finished with her.

Q.—Did that Department exercise any control over her later movements by the permission given by the Naval Control enabling her to go to sea, without any further formalities? A.—I don't know unless there were further formalities in connection with the Canadian Authorities of which I am not aware. 40

Q.—The Naval Control branch is an Imperial Branch? A.—Imperial, yes sir.

Q.—You saw the Imo, I suppose, going out that morning? A.—I did not see her going out because I was relieved for breakfast about 8.20.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 53.
Evidence of
Arthur
McKenzie
Adams
Direct-Ex-
amination,
January,
28th, 1918.
Continued.

Q.—She left when you were below? A.—She left about 8.30 according to our log, that is to say she was under weigh at 8.30.

Q.—Your log does not, or does it, record anything more than the arrivals and sailings of ships—would it record the visits of the pilots or agent on the 5th? A.—No sir, simply arrivals and sailings, and anything exceptional there.

Q.—Arising in the examination? A.—Yes sir.

Q.—But with regard to the movements of vessels, nothing but the arrivals and sailings? A.—No sir, nothing but the arrivals and sailings of ocean going ships.

10

BY MR. MELLISH, K. C.

Q.—There would be no necessity for the Imo reporting to the guard ship on the morning of the 6th? A.—That has never been done when a ship has not sailed on the day she was cleared. She is, as far as we are concerned, at liberty to go at any time she likes.

Q.—As a matter of fact did she report? A.—No, the agents did report alongside that they were going with the pilot and taking her to sea.

Q.—On the 6th? A.—They came up on the morning of the 6th, about 7.30 I presume it would be, the tug boat with the pilot.

20

Q.—After making that report would it be necessary for the Imo to have any further communication with the guard ship? A.—When the pilot went up for the second time the numbers would go up on the guard ship, the signal and that is the number of the ship according to the International Code, then she would be free to go when ready as far as we were concerned.

Q.—Your guard ship is somewhat to the eastward of the Narrows? A.—Since the 4th of December it has been.

Q.—It has been suggested that one of the reasons why the Imo came out on the eastern side of the Narrows is that it was necessary for her, that morning, to approach the guard ship, coming out, to pass the signals—that was a necessity under the harbour regulations, that on her way out she had to approach your ship—is there anything in that? A.—Nothing in that as far as large ships are concerned—it only says to approach the guard ship with little motor boats and agent's ships, and so on.

Q.—Did she report? A.—No, she would not.

Q.—Did not, in fact, report in going out? A.—No.

By Mr.
Burchell,
K. C.

BY MR. BURCHELL, K. C.:

Q.—Lieutenant Adams, as I understand it, on the morning of the 6th, before the Imo could get past your guard ship, she would have to be flying certain flags which you had previously, on the same morning, fur-

40

RECORD. nished to the pilot—and a similar flag would need to be flying from the guard ship? A.—The flag she would be flying would be her number.

In the
Exchequer
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No. 53.
Evidence of
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Continued.

Q.—I don't care what kind of a flag it was—it was a flag you had furnished? A.—We don't furnish flags—they hoist their own flags.

Q.—Is this correct, that before your guard ship would allow the Imo to go past it, to pass the guard ship that morning, it would be necessary for the Imo to be flying a flag with her number on it? A.—It is not absolutely essential that she fly a distinguishing flag—they always put up their own number, I understand, so as to pass the gate. They are supposed to fly their distinguishing number. 10

Q.—Mr. Adams, do you not fly a flag from your guard ship as an indication to a ship going past that everything is alright? A.—We fly three flags meaning proceed when ready.

Q.—On the morning of the 6th of December the pilot of the Imo came to your guard ship before going on board the Imo? A.—Yes sir.

Q.—In a tug boat? A.—Yes sir.

Q.—Pickford and Black's tug boat? A.—Yes sir.

Q.—Pickford and Black the agents for the ship? A.—Yes sir.

Q.—What conversation would take place? A.—The conversation that would take place would be the pilot would say I am going to take 20 the Imo out and he would get the answer alright.

Q.—Anything further than that? A.—Nothing further.

Q.—Well now, when the pilot got on board that would be about 7.30? A.—Between 7.30 and 8 o'clock, because when I got on deck the flag was flying.

Q.—When the pilot got on board the Imo what would he do about the flags? A.—He would tell the captain to put his number up.

Q.—25 or something like that? A.—N. Y. X. G.

By Mr.
Henry,
K. C.

BY MR. HENRY, K. C.:

Q.—His commercial code number? A.—Yes sir. 30

By Mr.
Burchell,
K. C.

BY MR. BURCHELL, K. C.:

Q.—That was put on the Imo before she would move from her anchorage? A.—Yes.

Q.—So that the guard ship would then know at once the Imo was just about leaving for sea? A.—Yes sir.

Q.—And your guard ship is the one that has the telephonic communication with the Niobe? A.—It had.

Q.—At that time? A.—Not the Acadia we had on the Gulnare, up to the morning of the 6th of December.

Q.—The guard ship you speak of on the 6th of December, when the 20 Imo put up her flag to go to sea there was telephonic communication at

RECORD. that time, between the guard ship and the Niobe? A.—Not by the Acadia altogether, the guard ship—there was on the Gulnare.

*In the
Exchequer
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Q.—There was no telephonic communication—no direct communication? A.—No sir.

Q.—What was the indirect communication—telephonic communication? A.—From the Gulnare, and we could signal across to the Gulnare to send a telephonic communication to the Niobe.

No. 53.
Evidence of
Arthur
McKenzie
Adams,
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amination,
January,
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Continued.

Q.—How far away was the Gulnare? A.—About half a mile, probably less than that.

Q.—Was any telephone message sent on the Niobe that morning do you know? A.—I was on duty; but sent no telephone message, as it was not customary.

Q.—No request came to you for information as to whether or not the Imo, or any other vessels were moving out of the Basin that morning? A.—No sir.

Q.—If the request had come of course you would have given the information? A.—Yes sir.

Q.—Because you would know when the Imo was ready to leave her anchorage by the flag signals? A.—Yes sir.

Q.—How would the Imo know that everything was alright so far as the guard ship was concerned—would you fly any flags or give any signal to her? A.—We put up her number and T. X. C. means proceed when ready.

Q.—What number did you put up, the corresponding number of the Imo? A.—Yes we would.

Q.—If the Imo put up X. Y. Z. you would put that up on the guard ship? A.—There would be four flags.

Q.—The same number of flags as would be flying on the Imo would be flown by the guard ship? A.—Yes sir.

Q.—And the pilot of the Imo would have to see the flags on the guard ship before he could go down past the guard ship into the Narrows?

A.—Unless he had been told from the guard ship that it was alright for him to go on.

Q.—Do I understand from you, that assuming the pilot had been told by the guard ship it was alright to go on, that any pilot would dare to take a ship past the guard ship, any pilot of a Belgian Relief Ship like the Imo, would dare to take a ship like the Imo past the guard ship, with the Imo flying her number flag and no corresponding flag flying on the guard ship? A.—I presume he would, because we have on many occasions had seven or eight ships going out and we would not be having that many signals flying on the guard ship.

Q.—There was one single ship leaving that morning? A.—Yes sir.

Q.—Do you mean to tell me that when there is one single ship leaving the Basin that a pilot would dare to go past the guard ship without the proper flag being flown on the guard ship to indicate that everything was alright? I want you to be fair about this?

RECORD. MR. HENRY, K. C.:

*In the
Exchequer
Court of
Canada,
Nova-Scott
Admiralty
District.*

I am going to submit, my Lord, that my learned friend Mr. Burchell is not examining this witness fairly. He asks a long involved question, and just at the moment when the witness is going to answer, he interrupts to ask the witness to be fair about the matter.

No. 53.
Evidence of
Arthur
McKenzie
Adams,
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amination,
January,
28th, 1918.
Continued.

MR. BURCHELL, K. C.:

I don't know why I should be attacked like this my Lord. I don't mean to be unfair.

MR. HENRY, K. C.:

The second question is I want you to be fair about this. Why my learned friend should suggest that the man should be fair I don't consider is quite fair and proper. I think the witness has been very fair in this matter. 10

WITNESS: I don't know about a pilot daring to do it. As far as I know it never has been done.

By Mr.
Burchell,
K. C.

BY MR. BURCHELL, K. C.:

Q.—Then it was necessary for the Imo that morning, to pass sufficiently near the guard ship to see the signal on the guard ship—whatever distance that might be? A.—It was a very clear morning, and she could have seen it from one end of the Basin to the other. 20

Q.—I am asking you the question Mr. Adams? A.—I will say yes to your question.

Q.—Refer to this plan M. B. E. 63—does that show the position of the guard ship on the morning of the 6th of December? A.—That is the position.

Q.—Where, approximately, was the other boat, the Gulnare?
A.—Here close to the oil wharf.

Q.—Would you mark it approximately? A.—About there.

Q.—Marked with an "X"? A.—Yes sir, approximately there.

Q.—Is the Gulnare a guard ship too? A.—She used to be, she is 40
not there any more.

Q.—She was on the 6th of December? A.—She was there on the
6th of December.

Q.—So that there were two guard ships there on the 6th of December?
A.—No, she turned over, and she was waiting to be towed down to the
dock yard or Dartmouth—I don't know just which.

RECORD. Q.—There were people on board? A.—Yes sir, only one Fishery Officer on board.

In the Exchequer Court of Canada, Nova Scotia Admiralty District.
Q.—I suppose there was a man to attend the telephone that morning?
A.—There were two signallmen left on board.

Q.—For the purpose of receiving messages and telephoning down to the dock yard? A.—Receiving messages and semaphoring them across to the Acadia.

No. 53.
Evidence of
Arthur
McKenzie
Adams,
Direct-Ex-
amination,
January,
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Continued.

Q.—And vice versa? A.—Yes sir.

Q.—You send messages to the Gulnare and they would be telephoned down to the Niobe? A.—Yes sir.

Q.—The telephone at the other end was on the Niobe? A.—Yes sir, and we were in direct communication with the Naval Control Office in the dock yard, via the Niobe—the Niobe could also speak to us.

Q.—By telephone? A.—Yes.

Q.—That morning? A.—Up until the time of the explosion they could have done.

Q.—On your guard ship? A.—No, on the Gulnare.

Q.—Who is the Naval Control Officer? A.—Captain Makins, R. N.

Q.—Are you paid by the Dominion or the Imperial Government?
A.—Imperial Government.

Q.—Is that officer you call the Naval Control Officer sometimes called the Intelligence Officer? A.—I don't know of him being called the Intelligence Officer.

By Mr.
Robertson,
K. C.

BY MR. ROBERTSON, K. C.:

Q.—I understand then, on the morning of the 6th of December, there were signals up on the guard ship to the Imo, to proceed when ready?
A.—Yes sir.

Q.—And the number was up on the guard ship as well as that, corresponding to the number of the Imo? A.—Yes sir.

Q.—How long did the signals remain up—how long under the usual practice? A.—Until the ships get under weigh.

Q.—And then they are taken down? A.—Yes sir.

Q.—Then can those signals be discerned from any place on the Niobe—can they be seen from the masts of the Niobe—those signals on the guard ship? Could they, at the time of the explosion on December 6th?
A.—I think we could, because we can see the masts of the Niobe from the quarter deck.

Q.—Could you see the Imo's signals before she lifted the anchors, left the anchorage that morning? A.—I was down stairs; but it was a very clear morning in the Basin.

Q.—Before you went down what was the condition of the weather?
A.—Bright, with a slight haze in the Narrows. Every ship in the Basin was distinctly visible.

RECORD BY CAPTAIN DEMERS:

In the
Exchequer
Court of
Canada,
Nova Scotia
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District.

No. 53.
Evidence of
Arthur
McKenzie
Adams,
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amination,
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Continued.

Q.—Lieutenant Adams was there any wind that morning? A.—There was no wind as far as I recollect.

Q.—Then your signals would be hanging limp? A.—Yes; but they generally are discernible.

Q.—When they are hanging limp can they tell what flag it is? A.—A good signal, they can generally make it out unless they are quite limp.

Q.—If there was no wind at all they would be hanging limp and the colours would be confused? A.—Yes sir.

Q.—They would not be discernible all over the Basin? A.—No; but 10 they would be discernible, in my opinion, from the Imo—she was not very far away from us.

By Captain HOSE: BY CAPTAIN HOSE:

Q.—Supposing the pilot had been told by the duty officer on board the Acadia that it was alright for him to proceed, and we will say that it was a foggy morning—that he could not distinguish signals from sea anchorage—would the pilot be stopped, supposing there were no signal hoisted by the Acadia to proceed when ready? Supposing the pilot had been told that he could go, would he, as a matter of fact, be permitted to go, without signals being hoisted? A.—Yes sir, as we would have in- 20 structions not to stop the ship—let her go.

By Mr.
Burchell,
K. C.

BY MR. BURCHELL, K. C.:

Q.—Have you not instructions that these flags must be flown? A.—That is an order made by Lieutenant Commander Jones ever since he came out here, and it is a practice always adhered to.

Q.—As far as you know it is your orders to see that these flags are flown? A.—Yes sir.

Q.—And you don't know what you would do if a ship passed without a flag being blown—you have never had an instance of it being done? A.—I did stop a ship on one occasion about eight months ago. 30

Q.—You did stop a ship on that occasion? A.—Yes sir, because I did not know she was controlled by the Naval Control Officer.

AND FURTHER DEPONENT SAITH NOT.

J. T. ROWAN.

Official Reporter.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

EDWARD BEAZLEY, CLERK IN PILOTAGE OFFICE, BEING CALLED AS A WITNESS AND DULY SWORN, DOTH DEPOSE AND SAY AS FOLLOWS:—

EXAMINED BY MR. HENRY, K. C.:

No. 54.
Evidence of
Edward
Beazley,
Direct-Ex-
amined by
Mr. Henry,
K.C.

Q.—How old are you? A.—16 years on last Saturday.

Q.—And you are employed in the Pilotage Office? A.—Yes sir.

Q.—How long have you been there? A.—From March 12th last year.

Q.—Anybody else there except you and the Secretary? A.—No sir. 10

Q.—Just the two of you? A.—Yes sir.

Q.—And of course the pilots from time to time? A.—Yes sir.

Q.—What were your duties generally in the office there? A.—I used to enter up the pilots' card when they came in and take the orders over the telephone for steamers going to sea, and moving them around in the harbour.

Q.—General duties around the office? A.—Yes sir.

Q.—Were you out much? A.—Used to take the bills out and deliver them.

Q.—Was it part of your duties in the early days of your employment there, to make telephone communications to the office of the Chief Examining Officer in the Dock Yard? A.—Yes sir, I got an order on May 4th I think it was, early in the summer.

Q.—To do what? A.—To ring up the Chief Examining Officer and give him inward steamers and steamers going to sea, and the ones that were moving around the harbour.

Q.—How often? A.—I used to give them inward steamers sometimes twice a day and sometimes once a day.

Q.—And when you gave them once a day when was it? A.—About four o'clock. 30

Q.—You would give him a list of the steamers during the day?

A.—Yes sir.

Q.—Did you make out a written list first? A.—Sometimes used to give it right off the pilots' cards.

Q.—What information did you give them with respect to the incoming vessels? A.—I would just give him the name of the steamers and where they anchored and when it was alongside where it was, if she was in the dock I would give him where she was.

Q.—And the name of the pilot? A.—Sometimes; but not very often.

Q.—Not always? A.—No sir.

Q.—Sometimes there would be quite a long list? A.—Yes sir, sometimes there would be 15 or 16 steamers. 40

RECORD. Q.—Not usually? A.—Sometimes there used to be 20 steamers came in in a day.

*In the
Exchequer
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Q.—That was shortly after the examination started up in the Basin?

A.—Yes sir.

Q.—When did you give the information with respect to steamers going out? A.—Generally when I get the order from the Agent I would give it to the C. X. O.

Q.—You would give the C. X. O. the information it was intended to take the steamer out? A.—Yes sir.

Q.—Give the pilot's name? A.—Not very often—just give him time 10 she was going to sea and her name.

Q.—Where did you get that information? A.—Usually from the Agent.

Q.—He would telephone and say he wanted a pilot for a certain time for a certain boat? A.—Yes sir.

Q.—You know as a matter of fact the ships don't always sail at the time they intended to sail? A.—No sir.

Q.—What did you do when you found out that a ship's sailing was delayed? A.—I used to give him the time the Agent wanted the pilot. I did not know what time she was going to sail. 20

Q.—You would simply telephone the C. X. O's office that the Agents wanted a pilot for a certain time? A.—Yes sir.

Q.—You did not attempt to keep the Chief Examining Officer's Department advised as to when exactly the ship would sail? A.—No sir.

Q.—Only when the pilot was wanted for? A.—Yes sir.

Q.—Did the pilots do any telephoning to the C. X. O's Office themselves? A.—Sometimes when I was not there they telephoned, and when I came in they used to tell me they reported to the Chief Examining Officer and to never mind reporting the steamer.

Q.—How long did you keep up that reporting? A.—About 6 or 7 30 weeks.

Q.—And during that time were you reporting everything? A.—Yes sir.

Q.—Why did you stop? A.—When I gave 15 or 16 steamers in I used to call them off very fast, and they did not seem to be taking them down up there, and they never used to ask me for the name of the steamers the second time. A few times when the Chief Examining Officer answered the phone and Mr. Icton, they used to ask me for the steamer the second time.

Q.—But nobody else? A.—No sir. 40

Q.—Anybody else there did not seem to pay very much attention to the message? A.—They paid some attention; but they did not seem to be taking the steamers' names down.

Q.—That is you gave them so fast you knew they could not be taking them down? A.—Yes sir.

No. 54.
Evidence of
Edward
Beazley,
Direct-Ex-
amination.
Continued.

RECORD.

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No. 54.
Evidence of
Edward
Beazley,
Direct-Ex-
amination.
Continued.

Q.—Nobody told you to stop telephoning them? A.—No sir?

Q.—You stopped on your own accord? A.—Yes sir.

Q.—And you gave up altogether telephoning any other information up there? A.—Sometimes I used to telephone a few a day; but when I found out they were not taking it down I did not telephone at all.

Q.—And for some months before the explosion happened here in Halifax Harbour, no messenges were going from the Pilot Office to the C. X. O's office with respect to the movements of ships? A.—I don't remember that—I did not report any, unless the pilots reported them.

Q.—Did you tell Mr. Creighton you stopped reporting? A.—No 10
sir.

Q.—Did you tell the pilots you stopped reporting? A.—No, I think they knew I was not reporting them. I don't know for sure.

Q.—Did you talk to the pilots about it? A.—No, I don't think so.

Q.—Nobody ever counselled you not to—no one ever cancelled your orders to report? A.—No sir.

Q.—When you gave these messages you could tell by the voice, different people were taking the messages at different times? A.—Yes sir.

Q.—You knew Commander Wyatt's voice? A.—Yes sir, when I rang up the Chief Examiner's office he used to say "speaking" and that is how 20
I knew his voice.

Q.—And you knew Mr. Iceton's voice? A.—No sir, I knew he was working there.

Q.—Were there any other voices you recognized? A.—No sir, there used to be different voices answer the phone.

Q.—Could you tell the difference when an officer was answering the 'phone and when an officer was answering the 'phone? A.—No; but I could tell the Commander's voice.

Q.—Did he answer the 'phone much during that time? A.—Yes sir, pretty often; but he did not answer the 'phone as often as the other 30
voices; but I have often been speaking to the Commander.

Q.—And you did not know him—did not know who was going to speak? A.—No sir.

By Mr.
Robertson,
K. C.

BY MR. ROBERTSON, K. C.

Q.—You remember on December 5th did you get a message about the Imo going to sea? A.—Yes sir, it has been from the agent.

Q.—When did they ring you up? A.—I think about 1.30.

Q.—What did you do when you got the message? A.—I rang up the pilot at his house.

Q.—Pilot who? A.—Pilot Hayes.

Q.—What message did you give over the 'phone? A.—I told him to be at Pickford and Black's wharf at two o'clock to take the Imo to sea.

Q.—Did pilot Hayes come down? A.—Yes sir, came to the office before.

RECORD. Q.—And what did he tell you? A.—He went right to Pickford and Black's.

*In the
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Q.—Did he tell you he was going to take the Imo out then? A.—Yes sir.

Q.—Did you post it up on the board? A.—The order was on the slate, when I got the order from the agent.

Q.—That the Imo was going to sea that day? A.—At two o'clock.

*No. 54.
Evidence of
Edward
Beazley,
Direct-Ex-
amination.
Continued.*

Q.—Did you see pilot Hayes again this day? A.—When he came back from the Basin that night, just when it was getting dark.

Q.—About 5 o'clock? A.—Yes sir.

Q.—What did he tell you? A.—That he would be looking after the Imo in the morning. 10

Q.—That was just before you closed up? A.—No, I don't remember how long I stayed after.

Q.—Did the order still stay on the board for the Imo to sail at 2 o'clock? A.—Yes sir.

Q.—When was that rubbed off? A.—I rubbed it off in the morning I think it was.

Q.—Were there pilots there besides yourself in the office? A.—Yes sir pretty nearly always a pilot in the office sir. 20

Q.—Would there be one pilot on duty as a rule? A.—There was a pilot on duty each week.

Q.—He was there with you? A.—When he was there he would be in the office most of the time.

Q.—When you get a message from an agent that a ship is going to sea, what do you do—the agent tells you what time the ship is going out? A.—They would tell me what time they wanted the pilot.

Q.—What would you do then? A.—If the pilot that brought her in was in the office he would take her out, and if he was not there I would ring up his home, and if he was not there I would get somebody else. 30

Q.—The man who brought her in had the preference? A.—Yes sir.

Q.—If he was not there you would do what? A.—I would report to the secretary.

Q.—And he would then take another pilot? A.—Yes.

Q.—Whenever you get an order from an agent for a pilot for a particular hour you put it up on the slate? A.—Yes sir.

Q.—Do all the pilots have 'phones in their houses? A.—Yes sir; but Mr. Hayes was living at Herring Cove all summer, and he used to come up in the forenoon.

Q.—Which Mr. Hayes was that? A.—William Hayes. 40

Q.—Some of these pilots are on party lines? A.—Yes sir, I think so.

Q.—Did you have any trouble in your messages over the 'phone to the Examining Officer's office, beyond what you have already told Mr. Henry—was there any other trouble? A.—No sir.

RECORD.

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No. 54.
Evidence of
Edward
Beazley,
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Continued.

Q.—Any laughter or anything of that sort when you gave a report?

A.—Yes sir, the man that I was speaking to often laughed over the 'phone —I thought it was laughing at me.

Q.—Anyway, rightly or wrongly, you stopped reporting then?

A.—Yes sir.

Q.—After you stopped reporting did you sometimes get a 'phone message from the Examiner's Office asking about ships? A.—Sometimes somebody would 'phone up from the Chief Examiner's office and ask when a ship was going to sea.

Q.—And whenever asked for it you gave the information? A.—Yes, 10 whenever I knew it.

By Mr.
Mellish,
K. C.

BY MR. MELLISH, K. C.

Q.—Did you recognize the voice—were you here when this sailor was giving his evidence? (McGannon). A.—Yes sir.

Q.—Did you ever speak to him over the 'phone? A.—I don't know if I spoke to him—the only voice I knew was Commander Wyatt.

Q.—You must be the person he referred to as talking like a little boy? A.—Yes sir.

Q.—Did you always understand what you were saying over the phone? A.—Yes sir. 20

Q.—And they did not seem to treat your messages properly, with proper seriousness you thought? A.—Yes, I thought they were not taking them down.

Q.—You felt a little hurt I suppose, naturally? A.—Yes sir.

By Captain
Hose.

BY CAPTAIN HOSE:

Q.—You say for some few weeks you had been reporting regularly over the phone to the examination office that the pilots were going to take such and such a ship out? A.—Yes sir.

Q.—For some weeks? A.—Yes sir, for 6 or 7 weeks.

Q.—Well then you came to the conclusion that such reports were not wanted any more? A.—They were not taking them down, that is the reason I stopped reporting. 30

Q.—Did you get any questions over the phone from Commander Wyatt, or anybody else in the examination office, asking you why you had stopped giving the regulation information? A.—No sir, they never asked me any questions why I stopped reporting.

RECORD. BY MR. ROBERTSON, K. C.:

*In the
Exchequer
Court of
Canada,
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Q.—What school did you go to? A.—St. Mary's.
Q.—You finished what grade there? A.—Grade 8.

AND FURTHER DEPONENT SAITH NOT.

No. 54.
Evidence of
Edward
Beazley,
Direct-Ex-
amination.
Continued.

J. T. ROWAN,

Official Reporter.

55.

No. 55.
Evidence of
Command-
er Frederick
Evans
Wyatt,
Re-Direct-
Examined
by Mr.
Henry, K.C.

COMMANDER FREDERICK E. WYATT, CHIEF EXAMINING OFFICER, A WITNESS PREVIOUSLY SWORN, UPON BEING RECALLED, DOTI DEPOSE AND SAY FURTHER AS FOLLOWS:— 10

EXAMINED BY MR. HENRY, K. C.:

Q.—Are you able to tell us Commander Wyatt, when you left your office on the afternoon of December 5th last? A.—Somewhere after dark, possibly about a quarter past five, somewhere around there.

Q.—That is about the time? A.—I remember I went up to attend a reception given by a lady who had just been married.

Q.—Do you remember when you arrived home? A.—About 7.30.

Q.—During the time after you left the office up to 8 o'clock, or a little later, did you communicate by telephone, or were you rung up by telephone by a man by the name of Smith, of Pickford and Black's staff? 20
A.—No sir, I don't know the name.

Q.—Don't know the man? A.—Well I would not say that.

Q.—You don't know him by name? A.—No sir.

Q.—Mr. Smith has testified here that on the evening of December 5th he was communicated with at his house by telephone, sometime after he left his office, and before 8 o'clock in the evening, by some one professing to be from the Chief Examiner's Office, and asking about a certain Danish Ship which had gone out or in, and also if the Imo had sailed, to which he replied that the Imo had not sailed as she had not got her coal and would not sail until the first thing in the morning? A.—No sir, I did not receive it. I can prove where I was during that time. I was up at Lieutenant Redge's house, and I did not leave there until 20 minutes to seven at the least and my wife was there with another lady and we had to wait a long time at the corner for a car, at the corner of the Bank there, and they went in the car and I walked on home and I could not be home until 7.30. 30

RECORD. Q.—And it would be only half an hour from that to 8 o'clock?

A.—Yes sir.

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Q.—I want to ask you also, whether your office received, on December 5th, any time, information from the office of the Naval Intelligence Officer, with regard to the clearance of freedom to sail of the Steamship Imo? A.—No, nothing at all.

*No. 55.
Evidence of
Commander
Frederick
Evans
Wyatt,
Re-Direct-
Examina-
tion.
Continued.*

Q.—We were told yesterday that when the control office was finished with a ship that information was telephoned to Captain Eldridge's office on the Niobe, and that a memo was made usually to transmit to Captain Eldridge's Office and also to your office—was that the practice with regard to your office? A.—I never heard about it. 10

Q.—But about other ships, when the Naval Control was finished with a ship did you ever get advice? A.—No sir.

Q.—You never got advice when the Naval Control was finished with a ship? A.—No sir.

Q.—And on this particular occasion you got no such advice? A.—No sir.

Q.—And you had no arrangement with Captain Eldridge's Office to furnish that information? A.—No sir.

Q.—I want you to refer to these three letters which you furnished me with R. 103, R. 104 and R. 105—there are some peculiar initials here which you might explain to us. The first one R. 103 has near the head W. A. P.? A.—W. is anything I write. A. is any letters addressed to the Captain Superintendent. P. is for pilots. If I were writing to the pilots I would put W. P. 20

Q.—When sent to the pilots? A.—Yes sir.

Q.—In this same letter there are two other letter symbols, W. P. O. S.? A.—W. to Pilots, outgoing ships.

Q.—Wyatt to Pilots Outgoing ships? A.—Yes sir.

Q.—And Wyatt to Pilots, incoming ships? A.—Yes sir. 30

Q.—And where you are referring to those communications in these letters you are referring to the communications you sent to the pilots on those dates? A.—Yes sir.

Q.—Now will you tell me sir what those papers that I hold in my hand are? A.—These are the Carbon sheets of letters sent to the Captain Superintendent.

Q.—On those dates they profess to bear? A.—On those days.

Q.—Can you tell us from memory how those letters were written? A.—No, I would not swear who typed them;—probably this last one, which I consider a very important one, I probably would do that myself. 40 It is not a thing I would wish my writer to know about. I don't say I did; but probably.

Q.—You have no recollection about it? A.—It is a long time ago and many things have happened since then.

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Evidence of
Commander
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Evans
Wyatt,
Re-Direct-
Examina-
tion.
Continued.

Q.—Where did you get these letters before you sent them to me?

A.—They were laying in my office when I got them.

Q.—Did you have a file? A.—Yes sir, letters to Captain Superintendent.

Q.—And when I telephoned you on Saturday morning what did you do?

A.—I had them in my pocket at the time.

Q.—Do you remember Commander Wyatt meeting me on the afternoon of the day on which you were first examined in Court? A.—Yes sir.

Q.—And did you then tell me you had these letters in your pocket? 10

A.—Yes sir.

Q.—You had already taken them out of the files prior to that?

A.—Yes sir.

Q.—I notice that these don't seem to have any perforations in them indicating they are bound in a file? A.—No, they are not bound. I have shelves, hundreds of shelves and one shoves it in.

Q.—Sort of pigeon holes? A.—Yes sir.

Q.—Not things you can put under your arm and carry them around? A.—Anybody could go in and take them away if they wanted to.

Q.—Not fastened together? A.—No sir. 20

Q.—Not regular Shannon Files? A.—No sir, we have not got those. Q.—Can you tell us Commander Wyatt, whether you had any personal interviews with the Captain Superintendent on the subject matter of these letters? A.—With regard to the last one sir, two or three days after, very shortly after, he ordered me to his office, about 10 or 10.30, and he handed me a sheet he had there—the Defence of the Realm—and he pointed out to me that in this regulation he showed me that he could not punish the pilots—this sheet was in reference to the Defence of the Realm.

Q.—He showed you the sheet? A.—Yes sir, and we discussed on what we could do and he said he could not punish the pilots,—under that. 20

Q.—And you are referring to your letter of September 15th, 1915, which is the repetition of these three, in your discussion with Captain Martin? A.—Yes sir.

Q.—Did you acquiesce in the conclusion he arrived at, that they could not be dealt with? A.—That is beyond me to say.

Q.—This letter referred to the Defence of the Realm? A.—There are more than two things it refers to there sir.

Q.—It was the second paragraph of this letter you were discussing with Captain Martin at that time? A.—Yes sir.

Q.—Is there anything else Commander Wyatt that you would like 40 to speak about? A.—I would like to say that the last paragraph I put in there, in which I said I would not be responsible for any accident, was because for months and months I saw an accident, or collision was coming, and I could see there was somebody going to be made the goat for this and I did not wish to be made the goat—you can call it intuition or what you like; but that was my idea.

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No. 55.
Evidence of
Commander
Frederick
Evans
Wyatt,
Re-Direct-
Examina-
tion.
Continued.

Q.—That is why these three last lines at the end of this letter were written? A.—That was why I wrote that—

Q.—There had been minor accidents and collision with the gates before? A.—Those were only minor things.

Q.—And there had been minor accidents of that kind? A.—I can recollect once or twice of something like that happening.

Q.—How would letters such as that be transmitted from your office to the Captain Superintendent's Office, for instance? A.—They would be put up to the Naval Staff Office, and there is a messenger comes at different times during the day and they are handed to the manager for 10 delivery.

Q.—There is an interim dock yard delivery service? A.—Yes sir.

Q.—And these letters would be put in sealed envelopes? A.—Yes sir.

Q.—And from your office they would go where? A.—To the Naval Staff Office.

Q.—On the Niobe? A.—Yes sir.

Q.—Sent up by messenger? A.—Yes sir.

Q.—And from there delivered by whom? A.—The dock yard messengers.

Q.—To whatever office they were addressed? A.—Yes sir. 20

Q.—Can you be sure, or can you tell us whether all of these letters were received by the Captain Superintendent, by reason of the fact you discussed them with him? A.—The last one—I am absolutely certain about that one sir.

Q.—The first two you had no particular discussion? A.—No sir.

Q.—The last one refers to the other two by date, and there was no suggestion by Captain Martin that he had not received these other two when you had this interview with him? A.—No, sir, I don't see why he would have sent for me if it were not for discussion of that last letter.

By Mr.
Burchell,
K. C.

BY MR. BURCHELL, K. C.:

30

Q.—Do you remember the Kentucky was in port and went to sea the afternoon before the collision? A.—No, I don't remember.

Q.—Do you know how information was obtained as to her destination? A.—If I wanted to know where she was going I would ring up the Agent.

Q.—That is the usual practice—you would ring up the Agents? A.—On my list a ship is put down as whether going west or east, and certain ships I know from certain information they are going east or west; but if I thought she was not a convoy ship I would ring up the Agent or the Agent would ring me and tell me where she was going—if she were going to New York I put her down west. 40

Q.—You did not do it personally? A.—Probably I myself would ring the Agents up, 99 times out of 100.

Q.—Mr. Icteton told us he did it? A.—He might do it—the time I was in the office I would do it.

RECORD. Q.—During the time you were in the office you would do it? A.—Yes

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Q.—

Mr. Icton might do it? A.—Yes.

Q.—Or some of your staff? A.—Either he or the other men; but 99 times out of a 100 I do it myself.

Q.—He would get the information in some way from the Agent?

A.—Yes.

No. 55.

Evidence of
Commander Frederick

BY CAPTAIN DEMERS:

Evans

Wyatt,
Re-Direct-
Examina-
tion.

Continued.

Q.—Commander Wyatt, in connection with this last letter of September 15th, the last paragraph, to the effect that unless something was done you wanted to have the responsibility released from your shoulders? 10

A.—Yes sir.

Q.—When Captain Martin called you in connection with that letter was there any discussion in connection with that letter? A.—It was about whether we could punish the pilots—how we could get them under our orders and make them obey the letter of the orders.

Q.—Apart from the pilots there was a secretary attached to the office—was there any notice given to advising the secretary that if such and such a thing were not done something would happen? A.—That was not up to me. 20

Q.—There was no mention about that on the part of Captain Martin? A.—We did not discuss that at all.

Q.—In view of the fact you could not rely on pilots when you wanted to know from them of the departure of ships, since you were the responsible man for the traffic of the harbour? A.—I don't admit that and have never admitted that.

Q.—You are the Examining Officer? A.—Yes sir.

Q.—Does that admit that you are responsible for the traffic of the harbour? A.—No sir, I admit I have had to go down and shift ships which has not been done by the harbour master. 30

Q.—For the knowledge of ships leaving, and keeping tab on the departure and arrival of ships? A.—Keeping tab on paper.

Q.—Since the pilots could not be relied upon for that information what other steps did you adopt in order to protect you to see that you knew of ships arriving and leaving? A.—I had the gate vessel and also the examining ship.

Q.—For vessels leaving Bedford Basin what information did you have other than from the pilots? A.—I had no means of telling when vessels were leaving the Basin.

Q.—You assumed right away, without making any inquiries whatever from the guard ship in Bedford Basin there was no ship sailing? A.—Yes sir, I saw there was nothing coming. 40

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Evidence of
Commander
Frederick
Evans
Wyatt,
Re-Direct-
Examina-
tion.
Continued.

Q.—Is it proper to take anything for granted? Personally you are a responsible man, and all those arrivals of vessels devolve upon you? Was it necessary for you to take extra precautions in view of the fact that pilots could not be depended on as being your only source of information?

A.—I suppose it would have been necessary.

Q.—You failed to do it? A.—I did not do it.

Q.—Did you discuss these points with Captain Martin that in view of the attitude of the pilots, that they did not give you the information—did you devise or make any suggestion to him at all about other methods to him to be adopted? A.—No, I did not suggest to the Captain Super-

intendent. I don't suggest to the Captain Superintendent.

Q.—Are you permitted to suggest to your superior officers? A.—I would be permitted to suggest.

Q.—Have you made any suggestions to Captain Martin at all since you have been in charge of the examination office? A.—Not by letter.

Q.—Verbally? A.—I have often spoken to Captain Martin about things.

Q.—Were your suggestions accepted in a good way, kind way?

A.—That is why I don't suggest now, because I don't think my suggestions have ever been looked upon as worth anything.

Q.—What caused you to think that? A.—I had one occasion—it was not anything to do with the pilots—it was to do with something else, in which he answered back that I should report things as a matter of routine

Q.—In connection with traffic? A.—Nothing to do with this question at all.

Q.—It was outside of the examination duties? A.—Yes sir.

Q.—What gave you the intelligence that possibly a collision might be expected? A.—Call it anything you like sir, intuition or anything.

Q.—What was there to cause you to think that way? A.—I have seen pilots handling ships here—this is only my private opinion. The pilots don't handle ships here at all like I have been used to, in the manner in which I have been used to doing, and I have had masters of ships complain that the pilots are not as they might be.

By Captain
Hose. BY CAPTAIN HOSE:

Q.—When you discussed this matter on which you wrote to Captain Martin, especially that last letter which you wrote to him, did he have the original of your letter in front of him? A.—No, there was nothing there at all except this sheet of the Defence of the Realm.

Q.—Not your letter? A.—No sir.

Q.—Did you at that time discuss the matter of liability of accident and yourself being unable to accept responsibility? A.—No sir, only the question of punishment of the pilots.

Q.—You did not discuss that matter at all? A.—No sir.

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No. 55.
Evidence of
Commander
Frederick
Evans
Wyatt,
Re-Direct-
Examina-
tion.
Continued.

Q.—It was not brought up at all? A.—No sir.

Q.—Evidently from the last paragraph of your letter you did consider there was liability of accident. On what ground did you consider that, owing to the disobedience of orders to report, or owing to the incapacity of the pilots? A.—The last paragraph mainly on what I considered the incapacity of the pilots.

Q.—I don't see anything in this letter which refers in any way to the incapacity of the pilots. The only thing I see, if such a letter were sent to me, I should feel inclined to say that the liability of accident was purely and simply on account of disobedience of the pilots? A.—That last 10 paragraph was put in because I had an idea or knew that something would happen, and I did not want to be the man to be made to suffer for it.

Q.—On what grounds—if you put forward a very serious complaint you don't do so merely on an idea you do it for some definite reason? A.—No sir, I think we have had several definite cases of ships having charged into the gate defences for one thing, and ships anchoring in wrong positions.

Q.—Your opinion was that the pilots could not handle the ships—what made you form that opinion? A.—I was seeing the ships in the harbour—where they were anchored. One case of the Lapland being anchored right on top of a man of war. I had to go down in a tug boat and shift 20 her, or there would have been an accident if she had swung.

Q.—Did you report that occasion? A.—No; but I think that I wrote to the Pilot Office about that. I am almost certain I did write to the Pilot Office certainly, and I think it was Renner—I am not certain.

Q.—Have you ever reported to the Captain Superintendent any particular pilot for any specific disobedience of your order to report to you before going out? A.—No, not a specific case.

Q.—I understood you to say this morning that for months and months these things had been going on? A.—Several months perhaps.

Q.—Don't you think it would have strengthened your case if you had 30 brought forward during these months, one or two or three specific cases of disobedience? A.—Yes, if I had reported them at the time and had the copies.

Q.—Those letters which you had in your pocket: when you were up in Court before did you bring them to Court the first time you came? A.—I have had them in my pockets sir, ever since I saw this inquiry coming on.

Q.—You mean to say then ever since about the 10th of December? A.—No, since this inquiry was going on, by the further powers this Court has received.

Q.—The second sitting of this Court started on Monday the 21st, just a week ago to-day—did you extract letters and put them into your pockets before that? A.—I thought they might be useful, and might 40 be useful to other people, and I preferred to keep them in my pocket.

RECORD.

*In the
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No. 59.
Evidence of
Commander
Frederick
Evans
Wyatt,
Re-Direct-
Examina-
tion.
Continued.

Q.—When did you decide that they would be required, and extract them from your pocket? A.—I have had them in my pocket for at least a week, 5 or 6 days.

Q.—You have extracted them since last Monday? A.—When this inquiry started again I put them in my pocket.

Q.—Did you have any difficulty in finding them in your file?

A.—I did have quite a difficulty, because I had a whole lot of things bungled up there together, and it took me quite an hour to find them.

Q.—What time of the day was it? A.—I could not say, probably it was the forenoon. 10

Q.—You don't remember whether it would be the forenoon or afternoon? A.—It would not be the afternoon.

Q.—You think it took you about an hour to sort them out? A.—Yes sir, about an hour.

Q.—Was there any body else in your office at the time? A.—The writer and messenger would be there the whole time.

Q.—Did you ask them to assist you in sorting out the papers?

A.—No sir, I would want to do that myself.

Q.—Did you take the whole bunch of papers out of the pigeon hole, and lay them on the table in order to sort out and find these? A.—Yes 20
sir.

Q.—And you cannot remember what day it was that you did this sorting out—try and recollect if you can remember? A.—I cannot recollect. My head has been too worried with different things to remember a thing like that.

Q.—What day was it you came up to this Court first? A.—Wednesday.

Q.—Was it the day you came up to Court? A.—It was before that.

Q.—Then it must have been on Monday or Tuesday? A.—I don't know; it probably was; but I would not be tied down. 30

By Mr.
Robertson,
K. C.

BY MR. ROBERTSON, K. C.:

Q.—You have made a very serious charge against the pilots of this port in respect of thier navigation and capabilities as navigators of ships, and I have in my hands the complaints which have been received from the Naval Service by the Pilot Commission. I just want to call your attention to them, the first one is regarding the Cumberland, Exhibit R. 73—the complaint is that they did not keep clear of the war channel? A.—Some-time ago?

Q.—In October 1915? A.—I have a vague and hazy idea.

Q.—That is the Cumberland complaint? A.—Yes sir. 40

Q.—And that was that the captain of the Pilot Cutter No. 2 should give orders to keep clear of the war channel. Another complaint from Captain Martin was R. 75, referring to vessels dregging while at anchor,

RECORD. and asking certain regulations to be promulgated? And also the delay on the part of the pilot, or the delay in the coaling of the Caesar? Do you remember that? A.—No sir.

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Q.—Then there was a complaint of June, R, 76, that the Cornishman took a wrong berth? A.—I remember that.

Q.—It caused inconvenience? A.—Yes, it was a violation of orders and also incompetency.

No. 55.
Evidence of
Commander
Frederic
Evans
Waytt,
Re-Direct-
Examina-
tion.

Q.—It was a disobeying of orders? A.—On that particular occasion I remember I went down on board. He was assigned to this particular berth in which a ship 100 feet bigger than him was laying for a fortnight, and he considered it was not big enough for him—and he was wrong. I had to go down and get him shifted out to put her in another berth. 10

Continued.
By Mr.
Henry,
K. C.

BY MR. HENRY, K. C.:

Q.—She was shifted to C berth? A.—She was shifted to that berth.

Q.—And stayed there perfectly comfortable? A.—Yes sir.

By Mr.
Robertson,
K. C.

BY MR. ROBERTSON, K. C.:

Q.—Then there was a complaint about the Andyk, R. 78, you remember that incident? A.—No, I don't.

Q.—Then in R. 80 there is a complaint about the Letitia, that your order was not carried out as to the place of anchoring? A.—I remember that. 20

Q.—And respecting the one in R. 83? A.—I don't know about that.

Q.—R 85 regarding the Wongonella—that was damaged in docking? A.—I don't know about that.

Q.—R. 86 where the gate vessel was struck by this ship when entering the harbour, causing slight damage—do you know about that?

A.—Yes sir, the pilot was exonerated on that account of fog.

Q.—It was a Pilot Hayes; but not the Pilot Hayes who was killed? A.—No.

Q.—Then there was a complaint regarding pilots getting in the way of mine sweepers, R. 87? A.—Yes. 30

Q.—You don't know anything of that? A.—Yes.

Q.—Then there was a complaint R. 88 that the pilots did not obey orders in slowing down for Quarantine? A.—Yes sir.

Q.—R. 90 is a complaint that the Passenger Steamer Leopold 11 past the examination vessel without stopping for the boarding officer?

A.—It was asking for information.

Q.—Then the last one is R. 77 the Cufio—do you know about that incident? A.—No sir.

Q.—So far as I know those are all the complaints to the Pilotage Commission. A.—All the complaints on paper. 40

RECORD* Q.—I would suggest to you that these complaints have nothing to do with navigation? A.—These actual complaints there?

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COUNSEL: Yes.

A.—I think there are one or two cases that show that a man has not been able to take up his proper position.

Yo. 55.
Evidence of
Commander
Frederick
Evans
Wyatt,
Re-Direct-
Examina-
tion.
Continued.

Q.—He has disobeyed orders? A.—No, he has not been able to get into that anchorage.

Q.—Which case do you refer to? A.—The Cornishman.

Q.—That is the only case you can refer to in the lot? A.—Yes, talking to you now.

Q.—Of a charge against a pilot? A.—I think I have dozens of cases where I have gone down on board a ship and shifted her when a pilot is ashore.

Q.—Why did you not report these? A.—I did not want to make trouble.

Q.—Just did not say a word? A.—Yes sir, and I think that many of the pilots could bear me out on that subject if they wished to.

Q.—In most of the instances of your complaints it is as to where they berthed the vessel? A.—Not being able to anchor where they are told.

Q.—That they did not anchor where they were told? A.—No sir, 20 if they get a specific order to anchor in a place surely they can anchor there and not 300 or 400 yards out.

Q.—They did not anchor where they were told to? A.—Yes sir.

Q.—But you did not report them except in these cases? A.—Yes sir.

By Mr. Henry, K.C. BY MR. HENRY, K. C.

Q.—The Frederick VIII, that case—do you remember that case, what that was? A.—Not unless you can give me some hint about it.

By Mr. Burchell, K. C. BY MR. BURCHELL, K. C.

Q.—This order to the pilots to report the ships as they came in, and the order of May 4th directing the pilots to report to you when they were taking 30 a ship out—these orders, I understand, were conceived by you? A.—Yes sir.

Q.—You conceived the idea? A.—Yes sir.

Q.—It was the work of your brain? A.—Yes sir.

By Captain Demers. BY CAPTAIN DEMERS:

Q.—As usual, is it customary when you send a letter to your Superior Officer, to expect a reply? A.—Generally speaking—very many times sir, you will never get replies.

RECORD. Q.—A letter like this of September 15th—would you expect a reply to that? A.—Yes sir.

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Canada,
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Q.—When you and Captain Martin conversed, and where he pointed out he could not punish the pilots—did he mention receiving that letter?

A.—No sir.

Q.—It was not there before him? A.—No sir.

Q.—You don't know whether he received it at all? A.—No sir.

Q.—No allusion made to it whatever? A.—No sir.

No. 55.
Evidence of
Commander
Frederick
Evans

BY MR. HENRY, K. C.

Wyatt,
Re-Direct-
Examina-
tion.
Continued.

Q.—Except that the subject matter of the conversation was the same 10 as the letter you addressed to him on the day previous? A.—Yes sir.

Q.—And Captain Martin had sent for you? A.—Yes sir, and I am sure that if Captain Martin were here now he would remember that occasion—I am quite certain.

By Captain
Hose. BY CAPTAIN HOSE:

Q.—You stated that you did not make any report of the specific acts of disobedience on the part of the pilots, with regard to the order that they should report to you before going out. Did you take any personal note of any particular pilot, or any particular ship, and keep any record of the acts of disobedience? A.—No, I just noticed the thing was not 20 being done.

Q.—Did you take any particular note of any particular pilot who appeared to be incompetent at any time? A.—No sir.

Q.—Note his name down as committing some act of incompetence? A.—I think there have been two or three cases in which the pilots names are mentioned.

Q.—But you stated that your firm opinion was that the pilots could not handle the ships? A.—I was asked for my opinion of the pilots and I told it. I am not bringing a charge against them.

Q.—Did you take any particular note of any particular pilot who was 30 more incompetent than another? A.—I am not going to get up against that question.

Q.—Did you take any particular note of any one pilot who was more incompetent than another? A.—No sir, I am not going to answer that question.

By His
Lordship.

BY HIS LORDSHIP:

Q.—Did you make any record in your office? A.—No sir, I have no record of any one particular pilot being incompetent.

RECORD. BY CAPTAIN HOSE:

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Evidence of
Command-
er Frederick
Evans
Wyatt,
Re-Direct-
Examina-
tion.
Continued.

Q.—Don't you think that it is advisable to take comparative notes of comparative competency of the pilots in view of the fact that they are under the orders of the Chief Examining Officer—they have been placed under the Chief Examining Officer's orders? A.—They may have been placed under my orders, sir, but it does not seem to appear that they have been under my orders.

AND FURTHER DEPONENT SAITH NOT.

J. T. ROWAN,

Official Reporter. 10

No. 56.
Evidence of
James Hall,
Re-Direct-
Examined
by Mr.
Henry, K.C.

No. 56.

JAMES HALL, CHAIRMAN OF THE PILOTAGE COMMISSION,
HAVING BEEN PREVIOUSLY SWORN, DOETH DEPOSE AND
SAY FURTHER AS FOLLOWS:—

BY MR. HENRY, K. C.

Q.—I understand, Mr. Hall, that you wish to make some statement with regard to the newspaper report of your evidence when you were called on a former occasion in this investigation? A.—Yes sir.

Q.—I have called you now to give you the opportunity of making that statement? A.—The morning after I gave my evidence my attention 20 was called to the report of the newspaper—apparently it was as though I was asked had I heard any report about pilot Mackie nearly having another collision.

Q.—After the collision we are investigating? A.—Yes sir, and that I had stated that I had, Now if such a question was put to me I did not so understand it, as I never have for a moment thought that any question was being asked with reference to any other case, excepting the one in Court.

Q.—This one in question? A.—Yes sir.

Q.—Following that up, had you heard, either officially or unofficially, 30 in any way, as a matter of fact that since the Imo and Mont Blanc collided, Pilot Mackie had been nearly in collision again? A.—No sir, emphatically no.

Q.—And where your answer to any question that may have been put to you was misreported was your misunderstanding any such question that was put to you? A.—Yes sir.

RECORD.

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Court of
Canada,
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District.

No. 56.
Evidence of
James Hall,
Re-Direct-
Examina-
tion.
Continued.

Q.—As a matter of fact you had no information whatever of the report that Pilot Mackie narrowly escaped a collision between the time when you were giving your testimony and the collision on the 6th of December?
A.—None whatever. With regard to the appointment of apprentices, the newspapers report it as haphazard. I cannot for a moment connect any question that your Lordship asked me, nor yet any answer of mine which called for such a word.

Q.—It does not appear in the official transcript?
A.—I say you were asking me with regard to the appointment of apprentices, and I said that we endeavoured to have them appointed on merit.

10

BY HIS LORDSHIP:

Q.—Yes, and I asked you if sea experience was insisted on and so on?
A.—Yes, sir, and I think perhaps you did ask me whether any influence was used.

Q.—I asked if it was not generally done on recommendation?
A.—Yes sir, and I said probably so—so far as my memory goes I think that is what I said in reply to those questions.

Q.—In so far as you are reported as having said they were appointed in a haphazard way, it is wrong?
A.—Yes sir.

AND FURTHER DEPONENT SAITH NOT.

20

J. T. ROWAN,

Official Reporter.

No. 57.
Evidence of
Francis
MacKay,
Re-Direct-
Examina-
tion
Examined
by Mr.
Henry, K.C.

No. 57.

FRANCIS MACKAY, PILOT, A WITNESS PREVIOUSLY SWORN,
UPON BEING RECALLED, DOTI DEPOSE AND SAY FURTHER
AS FOLLOWS:—

BY MR. HENRY, K. C.:

Q.—I want to ask you pilot whether since the 6th of December you have been piloting ships in and out of the harbour?
A.—Yes sir, 20 odd.

Q.—And have you in that interval between the 6th of December and now—has there been any occasion when it could have been said you were in danger of collision?
A.—No sir, I consider it the greatest piece of treachery that was ever perpetrated.

30

RECORD. Q.—To say a thing of that kind? A.—Yes sir.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

Q.—Your actions since that time have been entirely free of any suspicion of danger? A.—Not the slightest sign of it whatever on any occasion.

BY MR. HENRY, K. C.:

No. 57.
Evidence of
Francis
MacKay,
Re-Direct-
Examina-
tion.
Continued.

I felt, my Lord, that it was only fair to Pilot MacKay that he should be allowed to make an explanation of that kind.

BY MR. ROBERTSON, K. C.:

Q.—You have a certificate as master of a Freight Steamer not exceeding 100 tons register in the Coasting Trade? A.—Yes sir. 10

Q.—This is the Certificate? A.—Yes sir.

Q.—I have three Certificates my Lord, which I would like to hand in. One is from Mr. Allsop, General Agent for Canada of the Royal Mail Steamship Company.

(FILED AND MARKED EXHIBIT R. 106):

And one from Commander Arthur H. Clows, of the C. P. R. S. S. Montreal.

(FILED AND MARKED EXHIBIT R. 107):

And another from Captain John J. Walsh, Assistant Manager of the C. P. O. S. 20

(FILED AND MARKED R. 108):

His
Lordship.

HIS LORDSHIP:

These certificates are just like certificates as to reputation, and in an inquiry like this I would receive them.

Mr.
Mellish,
K. C.

MR. MELLISH, K. C.:

I think they are perhaps of more value when they are of later dates.

Mr. Henry, MR. HENRY, K. C.:

K. C.

At least two of them are dated since the accident.

RECORD. MR. BURCHELL, K. C.:

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

I can produce some for Pilot Hayes if your Lordship desires. Mr. Hayes tells me he has handed me some; but I have mislaid them at the moment.

HIS LORDSHIP:

I do not think it necessary.

BY CAPTAIN DEMERS:

Q.—Pilot Mackay when you got this certificate did you pass any examination at all? A.—Yes.

Q.—What kind? A.—Examined on the rule of the road and handling 10 of ships.

Q.—Who was the examiner? A.—Captain Smith, former Commander in the Allan Line.

Q.—Examined on the rule of the road? A.—Yes sir.

Q.—Verbal examination? A.—Verbal examination—some writing.

Q.—You could not describe a verbal examination without models—what did you do it with, ships? There is a lot of difference in handling models? A.—There were models used.

Q.—Any used on this occasion? A.—Yes sir.

Q.—There were none supplied to the examination rooms in those days? 20 A.—He drew some marks on paper.

Q.—You don't remember just which way you were examined?

A.—No sir, not just which way about that.

BY MR. MELLISH, K. C.:

Q.—That was Captain Smith of the Royal Naval Reserve? A.—Yes, he had something to do with that particular thing.

AND FURTHER DEPONENT SAITH NOT.

J. T. ROWAN,
Official Reporter.

AND IT BEING 12.30 P. M., COURT ADJOURNED UNTIL 2.30 30 P. M., FOR LUNCH, AND TO PERMIT OF FURTHER WITNESSES BEING PROCURED.

RECORD. PURSUANT TO ADJOURNMENT THE COURT MET AT
2.30 P. M.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 58.

No. 58.
Evidence of
Captain
George
Bernard
Eldridge,
R. N.,
Direct-Ex-
amined by
Mr. Henry,
K. C.

CAPTAIN GEORGE BERNARD ELDRIDGE, R. N. BEING
CALLED AS A WITNESS, AND DULY SWORN, DOTH DEPOSE
AND TESTIFY AS FOLLOWS:

EXAMINED BY MR. HENRY:

Q.—In which service are you? A.—Royal Navy.

Q.—And you are I understand, the Naval Intelligence Officer on this
station? A.—I am, yes. 10

Q.—And as such I understand you have to give certain directions to
ships leaving Halifax to go to other ports? A.—That is so; confi-
dential directions.

Q.—In connection with the steamship Imo, Belgian Relief Steamship,
I understand she is one of the class to whom directions are given?

A.—Yes.

Q.—Do you remember seeing the captain of the Imo in the course of
the day of December 5th? A.—The captain of the Imo was in my
office to receive confidential guidance for a voyage to New York, I think
pretty late in the forenoon of December 5th and he got his guidance to 20
go on his voyage?

Q.—Had you anything to do with him other than that? A.—No
other thing to do.

Q.—Had you been advised prior to his visit that he was free to leave
so far as the Naval Control was concerned? A.—The custom is this
on these occasions: having run that ship, of that particular class, Belgian
Relief, I should inform the Naval Control she had been provided with
guidance or route as the case might be at the end of my doings with that
ship.

Q.—You would not get in the ordinary course any advice from the 30
Naval Control they were done with her? A.—Yes; as generally, yes.

Q.—Do you know if you did on this occasion? A.—I cannot recall
the fact, whether I did or not.

Q.—How would this advice be communicated? A.—In a great
many instances on a sheet of paper; little note; in some instances it
would not come to me; the captain of the ship would be accompanied
by a representative of his agent in the port; the agent's representative
would bring the captain to my office and would remain outside while I
interviewed the captain.

RECORD.

*In the
Exchequer
Court of
Canada,
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District.*

No. 58.
Evidence of
Captain
George
Bernard
Eldridge,
R. N.,
Direct-Ex-
amination.
Continued.

Q.—Do you remember whether there was a representative of the agent accompanied Captain Fron? A.—I can't tell; undoubtedly there would be one; it is highly probably there would be but I would not necessarily see him.

Q.—Can you remember whether in this particular instance you had had a communication from the Naval Control Officer prior to the visit of Captain Fron to your office? A.—No, I can't remember that.

Q.—Assuming you heard a vessel was free of the Naval Control examination, would you communicate that information to the office of the C. X. O.? A.—That I should not do.

Q.—That would not be part of the routine? A.—No.

Q.—Do some of these instructions or advices in regard to ships being free to leave come over the telephone from the guard ship?

A.—No; perhaps it would help if I told you the principle of the telephone; there is a telephone from the guard ship in Bedford Basin, which was placed primarily as a means of communication between the Naval Control Office and the little guard ship at the Basin, the staff of which vessels are under the command and orders of the Control Officer. The telephone or branch comes into my office off that wire so that after office hours in the Control Office, we should not be completely out of communication because there are watch keepers day and night employed; work goes on continuously the 24 hours around in my office.

Q.—And therefore if the guard ship wanted to communicate with the Naval Control after hours they could do so through your office?

A.—They would be at least assured if the telephone was in order they would have some means of communication with Halifax.

Q.—The Naval Control Office was not open all hours of the 24? A.—No.

Q.—Their work would be done in daylight? A.—Yes, quite.

Q.—The nature of the work would necessitate it? No examinations going on during the night? A.—No, and presumable no movements of ships.

Q.—Then practically the whole object of the telephoning between the Niobe and the guard ship was for the convenience of the Naval Control service in enabling the heads to communicate with the guard ship?

A.—Yes.

Q.—So that when you speak of being advised by the Naval Control Office of a ship being released from examination you are not referring to any messages over the telephone? A.—A message might easily come into my office apart from that Bedford Basin line.

Q.—A phone to Bedford Basin? A.—No.

Q.—Your messages would ordinarily come in the form of memorandums from the Naval Control Office on shore? A.—Yes.

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RECORD. BY MR. BURCHELL:

*In the
Exchequer
Court of
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District.*

No. 58.
Evidence of
Captain
George
Bernard
Eldridge,
R. N.,
Direct-Ex-
amination.
Continued.

Q.—Captain Fron had been in your office on other occasions? The Imo Captain? A.—Yes; I tried to make out his name but it was written so badly, it was something of that nature.

Q.—I suppose this information you give, this routing, is supposed to be given shortly before the ship sails? A.—Yes.

Q.—Not necessarily so? A.—Generally speaking the information is, everybody—all concerned are informed, it is desirable the latest information should be given to ship masters, so if any considerable period were to elapse between the guidance or routing I had given and the ship's sailing, I should expect to hear further about that ship; two or three days.

Q.—I assume the ship's agents in town are aware of the custom of routing? A.—Yes, their delegates bring the captains in my office.

Q.—So you remember whether when Captain Fron on the morning of the 5th December was at your office, if he told you when he was going to sail? A.—He certainly would be asked but not necessarily—it is not essential he should have told me.

Q.—Do you remember as a matter of fact whether he did tell you? A.—I don't.

Q.—Whether he was going to sail that afternoon? A.—I don't re- 20 collect; I might say safely, quite a large proportion of that variety of vessels sail in the morning if going to New York; and the time of their leaving is contingent on the time when they would save daylight and things like that at the other end.

Q.—Your office is on board the Niobe? A.—Yes.

Q.—Where is it in relation to the C. X. O.'s office? A.—My office is on the upper deck; upon the deck upon which you would arrive if you came up the ship's gangway. The C. X. O.'s office is on the next deck below; you have a ladder to go down to get to his office.

Q.—Have you private telephone connection between the two offices? 30 A.—Oh, no.

Q.—What office is next the C. X. O.'s office? A.—I think, perhaps you mean the general telephone room?

Q.—There is an office called the Intelligence office I understood adjoining— A.—I think what you wish to know—the Naval Staff and Intelligence office consists of several parts; the main office in which there are a number of telephones; at the head of the ladder to get to the C. X. O.'s office there is a small office in which are placed telephones and through these telephones would pass considerable mass of information for the C. X. O. and there are messengers waiting in that little office to take the 40 information in paper form or whatever it may be which passes between that little room and the C. X. O.'s office.

RECORD

*In the
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Q.—People are there on the telephone? A messenger who hears the conversation and takes it down? A.—Yes, there are telephone operators there, whose business it is to be in continuous attendance on these telephones.

BY MR. HENRY:

No. 58.
Evidence of
Captain
George
Bernard
Eldridge,
R. N.,
Direct-Ex-
amination.
Continued.

Q.—A sort of central? A.—Yes.

BY MR. BURCHELL:

Q.—And they take down— A.—Information passes both ways, between the C. X. O. and these points he desires in discharging ships or between these points and the C. X. O. 10

Q.—Does that apply from the guard ship in Bedford Basin? A.—No; that is a line belonging to the Control Officer.

Q.—The Control Office, is that on the ship? A.—It is not on the ship.

Q.—One of the witnesses, Icton, told us there was a telephone on the guard ship; There were 25 steps away from his office to being in the C. X. O's office; and telephone to the guardship? A.—Yes.

Q.—That is right? A.—I could not tell you about the 25 steps. I tried to convey the idea clearly; you go down a ladder and possibly a dozen paces along the deck to the C. X. O's office. 20

Q.—I understood there was an extension telephone in the adjoining room? A.—From Bedford Basin?

Q.—Yes. A.—That is in the staff office on the upper deck within a few feet of the general telephone used by the C. X. O.

Q.—When you and Captain From got through in your office on this Wednesday before the collision you had given some sort of document for the Custom House or Detaining Officer? A.—The fact that he has got his route from me would be sufficient information but it is my custom to have one of my staff inform the Control Officer that such and such Belgian Relief ship—they are in a special category—have been routed. 30

Q.—Notify the Control Officer? A.—Yes.

Q.—Who is that? A.—Captain Makins.

Q.—And I presume if the C. X. O's office wanted the information they could arrange to get it? A.—There is no reason in the world why the C. X. O. should not know it if he desires provided it is not any of the confidential communications I make to the captains.

Q.—If the C. X. O. had asked you to send a memorandum every time the ship was routed he could have obtained it? A.—I should consider it on its merits; I don't say—my tendency and secretive life is to keep everything to myself in reason. 40

RECORD.

*In the
Exchequer
Court of
Canada,
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No. 58.
Evidence of
Captain
George
Bernard
Eldridge,
R. N.,
Direct-Ex-
amination.
Continued.

Q.—You have to inform the Control Officer? Have you not also to inform or give the same information to the Custom Officer? A.—At one time to prevent a ship getting away; in the early days of the war ship master's were not alive to the great advantages of Admiralty guidance; the result was some enterprising fellows disappeared without this guidance; the result of this was we decided to check them. I arranged a slip should be given to every ship master if he had been routed to say, addressed to the Collector of Customs and to say the ship had been provided with the necessary routes or such confidential matter he came to see me; and on the strength of that slip the Collector would clear the ship; then intervened the Naval Control especially with neutral vessels. Then the slip became practically useless because she could not be cleared except by permission of this Control Officer, and the slip became no longer a necessity. 10

Q.—Did you drop the custom? A.—In some particular instances when a ship was not going in a convoy the slip was given to the ship.

Q.—I understand the slip was given to Captain Fron? A.—Yes, permitting the ship to be cleared, by no means clearing her.

Q.—The slip indicated you had routed the ship and so far as your office was concerned she could be cleared by the Customs? A.—Yes.

Q.—Have any trouble making that arrangement with the Customs? A.—No trouble whatever; a thing of that nature, touching two government departments, it was arranged by proposal from me and the approval of the Naval Department at Ottawa, it being a Canadian port. 20

Q.—On this occasion after you cleared the Imo you gave the captain this slip—what do you call it? A.—That would be the Control Officer did; don't take me as an authority on clearing merchant ships; there is a slip of some colour, I think referred to as green, produced as a result of mutual agreement between the Customs and the Control.

Q.—After Captain Fron got through with you that morning would he then have to see the Control Officer? A.—I assume that his ship would be boarded by a Custom House Officer, who had the necessary date in his hands with which to clear the ship; that I suppose would be in conformity with the regulations of the law of a mercantile ship. 30

Q.—You are an Imperial Officer in Imperial pay? A.—No, whilst serving here I am paid by the Canadian Government.

Q.—So you then really come under the control in a measure at least of the Canadian Government? A.—Yes.

Q.—Did you, after Captain Fron was there that morning, did you subsequently inform the Naval Control that you had routed him? A.—I personally would not do that. One of my staff, Senior Officers, carry out the routine of informing the necessary people and making out the necessary telegrams advising such governments as are necessary a ship has been routed. 40

Q.—But the information was given by your office? A.—I assume such would be the case.

RECORD

In the
Exchequer
Court of
Canada,
Nova Scotia
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District.

No. 58.
Evidence of
Captain
George
Bernard
Eldridge,
R. N.,
Direct-Ex-
amination.
Continued.

Q.—I would take it that there are some Imperial Officers here who are in Imperial pay and some who are in Canadian pay? A.—Yes.

Q.—I would assume that the working relations are perfectly harmonious between the Imperial Officers in Imperial pay and those in Canadian pay? A.—I don't think that makes a bit of difference.

Q.—And any arrangements with the guard ship in Bedford Basin could have been made if yourself or any other Canadian Officer or Officer in Canadian pay had wanted to do so? A.—Yes.

Q.—There is no friction of any kind? A.—None whatever.

AND FURTHER THIS DEPONENT SAITH NOT.

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R. ECCLES,

Official Reporter.

No. 59.
Evidence of
Arthur G.
Lovett,
Direct-Ex-
amined by
Mr. Henry,
K. C.

No. 59.

ARTHUR G. LOVETT, CUSTOMS OFFICER, BEING CALLED AS A WITNESS DOETH DEPOSE AND SAY AS FOLLOWS, HAVING BEEN DULY SWORN:—

EXAMINED BY MR. HENRY:

Q.—You are a Customs Official? A.—Yes.

Q.—Am I right in saying that you are the special Clearance Officer for neutral ships? A.—Yes.

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Q.—In particular those that come for examination? A.—Yes.

Q.—On the afternoon of December 5th did you go on board the steamship Imo as she lay in the Basin? A.—I did.

Q.—Did you restore to her her papers which had been taken by the Naval Control officers when she came in for examination? A.—Yes.

Q.—Did you provide her with the necessary clearance in order to enable her to leave the port without trouble with the Customs? A.—I did.

Q.—There has been some talk of a green clearance, can you tell us what that is? A.—There are two clearances issued, one by the Customs and 30 the other by the Naval Department.

Q.—Which is which? A.—The one the Naval people issues is for ships bound east? The Customs also give them a green label; the principal one is the Imperial, green label, with insignia affixed in wax—an anchor; square card 5 by 5.

Q.—For ships bound east? A.—That is only for ships bound east going to Europe.

RECORD.

*In the
Exchequer
Court of
Canada,
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District.*

No. 59.
Evidence of
Arthur G.
Lovett,
Direct-Ex-
amination.
Continued.

Q.—The Imo was bound west? A.—Yes, and would not require that.

Q.—Would she have two clearances? A.—No, the Customs clearance for her only.

Q.—In order to give her that, you had first to ascertain whether she was free on examination by Naval Control? A.—Yes.

Q.—How was that communicated? A.—We always take that paper up addressed to the Collector of Customs, addressed to the captain, when we clear him; he would have that from the staff officer.

Q.—When you went up in the afternoon of December 5th you went up with the captain in the same boat? A.—No, I went in the Customs steamer. 10

Q.—Can you recollect what time you were alongside? A.—I left about 2 to give her time to get out on the afternoon gate.

Q.—You took with you all papers? A.—All necessary papers.

Q.—Including the Custom House clearance? A.—Yes.

Q.—On board you satisfied yourself the captain had the clearance or paper releasing him from the Naval Control examination? A.—I took that up.

Q.—I suppose you were advised by the agents in advance she was all ready? A.—We obtain that from the Naval Control, she was free to proceed and as a matter of fact we always reported to the guard ship in Bedford Basin what we were going to do each time we went there. 20

Q.—Before you went to the Basin you had a communication that the Naval Control people were through? A.—Yes, that she might proceed.

Q.—How was that information conveyed to you? A.—Always sent down by messenger; messenger between the Custom House and the Naval Control office.

Q.—And this messenger would bring a written communication to that effect? A.—Yes. 30

Q.—How did you learn that the Imo was proposing to sail that afternoon, what started you out that early? A.—We always tried—particular coming on that time of year, if a ship was going out in the afternoon, it was necessary to get in the Basin not later than 2.30.

Q.—Had you a communication from the captain or the agent of the Imo earlier than 2 o'clock? A.—I think our office in the Custom House had likely had some communication but I had it personally.

Q.—You reported to the guard ship on your way in? A.—Yes.

Q.—Went on board the Imo? A.—Yes.

Q.—Saw Captain Fron? A.—Yes. 40

Q.—You knew him? A.—Yes.

Q.—And found he had proper authority from the Naval Control and handed him his papers and clearance and you went away? A.—Yes, I found out she was not going to proceed.

Q.—You found her coal would not arrive early enough? A.—It arrived but when it arrived it would not be early enough.

RECORD. Q.—Did it arrive at 2.30 or 3? A.—Just as I got there; 2.30 or 25 to 3; when I was going alongside.

In the Exchequer Court of Canada, Nova Scotia Admiralty District. Q.—What quantity? A.—50 tons.

Q.—I would have thought they would get that on board pretty quickly?

A.—Probably a couple of hours.

Q.—You knew before you came down she would not sail that evening?

A.—Yes.

No. 59. Evidence of Arthur G. Lovett, Direct-Examination. Continued. Q.—Did you report that to the guard ship? A.—We never stopped at the guard ship on the way back; our only purpose is to inform them what ships we were going to clear.

Q.—So any information with regard to her not sailing that afternoon afternoon was not given by you to the guard ship on the way back?

A.—No.

10

By Mr. Burchell. BY MR. BURCHELL:

Q.—Are you what is known as the Detaining Officer? A.—I don't know what you would call me.

Q.—The reason I asked; in the harbour regulations there is reference to a man called special detaining officer? A.—I think that would be the collector.

His Lordship. HIS LORDSHIP: In the Traffic Regulations the Detaining Officer 20 is specially mentioned, "i. e., Collector of Customs"; you have read that a dozen times.

Mr. Burchell. MR. BURCHELL: I thought there was a special detaining officer appointed for this special work.

Q.—You were then really acting for the Collector of Customs? A.—I suppose you call me the Clearing Officer, not detaining. I have been doing clearance since this examination of neutral ships started in Halifax.

Q.—You got instructions from the Collector of Customs? A.—No, We have a special clearance office and while you assume under the Col- 30 lector of Customs there is a special office in connection with this work.

Q.—You said you would have to know before you issued clearance papers you would have to have instructions from the Naval Patrol office? A.—Yes.

Q.—And also from the routing officer? A.—No.

Q.—Captain Eldridge anything to do with that? A.—No instructions as to that; because it was confidential between him and the captain.

Q.—Would you have to know first before you cleared the ship that the captain had received routing from Captain Eldridge? A.—It would not matter; so much to me as to know that Captain Eldridge had 40 given the necessary authority to have the ship cleared. I would obtain

RECORD. that from the captain as my authority for clearing him. The captain would give me a letter addressed to the collector.

In the Exchequer Court of Canada, Nova Scotia Admiralty District.
 No. 59. Evidence of Arthur G. Lovett, Direct-Examination. Continued.

Q.—Saying he had routed his ship? A.—Yes.

Q.—And you don't know just how you happened to go up at 2 that afternoon; who started you, the Collector of Customs or Pickford and Black? A.—I knew of course before I went to lunch that clearance was going up and that she would want to go that afternoon; I left King's Wharf at 2.

Q.—As soon as she gets clearance does she leave at once? A.—We always try to get the papers on board as quickly as possible once necessary instructions have been given. 10

Q.—Had you any arrangements with the C. X. O. with regard to advising him when ships were cleared and about to sail? A.—None whatever.

Q.—You have never been asked by the C. X.O. to furnish that information? A.—Never.

Q.—Had Pilot Hayes gone on board that ship before you left that afternoon? A.—Yes.

Q.—You didn't see Pilot Hayes after that? You were not out the next morning? A.—No, I suppose Pilot Hayes did not remain on board 20 when he found the ship was not likely to clear; he would go back.

By Mr. Mellish

BY MR. MELLISH:

Q.—I understand it not the practice except in the case of neutral ships for the Customs Officer to go aboard to clear her? A.—That is the idea. It is special regulations; because they don't have communication with the shore; the Belgian Relief ships are permitted to go on board the Niobe for instructions.

Q.—In practice you usually would go on board these ships before they finally got clearance? A.—Always; I have been doing it over since it started. 30

Q.—That would involve most of the ships in the Basin? A.—Every neutral ship in the Basin.

Q.—And in practice you would go aboard with the pilot? A.—Not necessarily; in our own boat and the pilots go up in the agents boat.

Q.—So any information you might have would not be precise as to the action of the pilots? A.—None whatever.

AND FURTHER DEPONENT SAITH NOT.

R. ECCLES.

Official Reporter.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
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MR. HENRY: I have come to the end of all the evidence I intended to submit with the exception of some pilots whom Mr. Burchell has asked me to call and whom we have been trying to keep in touch with and call when the proper time came. The latest information is that two of these pilots are doing work in the port; the pilot office is out of touch; have been trying since the session this morning. The others are out of the harbour altogether for the time being. With the best endeavours we have not been able to get them here this afternoon. I have appreciated from the first that to get four or five pilots here is not an easy job with only fourteen here anyway, and ships coming in for convoys and large convoys going out from day to day; I fully anticipated when we adjourned for lunch some would be available to occupy our attention this afternoon and I cannot perform impossibilities. I told Mr. Creighton we wanted the pilots available when we got to the point where we could call them; they are not available. 10

Mr.
Burchell.

MR. BURCHELL: It was at my request these pilots were called.

His
Lordship.

HIS LORDSHIP: What are they wanted for?

Mr.
Burchell.

MR. BURCHELL: Certain matters came up in the examination of Captain Wyatt, I thought it would be proper that they should be called for. I got into that branch of the case because I thought an attack was made on the pilot of our ship; but I think the evidence on that point is sufficient although I think in the interests of the pilots themselves—I don't know if Mr. Robertson requires them; as far as I am concerned I think I have sufficient evidence to establish the fact the charge made against Pilot Hayes by Commander Wyatt was unfounded; as I understood this was only the third case in which the rules had been violated; except from that standpoint I think the evidence is sufficient to show the rule had been violated for a number of months and this was nothing extraordinary at all; no charge could be made against Pilot Hayes in that regard, except the possible charge in conjunction with all the other pilots. Perhaps in fairness to the pilots themselves they should be called; I am not acting in defence of the pilots. 20 30

Mr.
Robertson.

MR. ROBERTSON: I understand your Lordship intimated there would be an enquiry at a later stage?

His
Lordship.

HIS LORDSHIP: I was specially instructed first to enter into an investigation of the pilotage system of this port; that was recalled later and there would be a Royal Commission to deal with Halifax, St. John and Sydney and I do not purpose going into the system of pilotage here other than it has reference to this special case.

RECORD. MR. ROBERTSON: The Pilot Commission reserves the right to meet any charges against the pilots at the later investigation.

*In the
Exchequer
Court of
Canada,
Nova Scotia
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MR. BURCHELL: There is one point in connection with Commander Wyatt; I stated last Wednesday there was a crossing in the Narrows between two ships and I think it is fairly well established by Mr. Icton's evidence although it has not been actually proved he saw them passing in the Narrows. If there is any doubt about that or any necessity for calling either one of the pilots it can be easily be established.

His
Lordship.

HIS LORDSHIP: It seems to be admitted one ship was coming up while another ship was going down.

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Mr.
Burchell.

MR. BURCHELL: I would not want it thought I was making a suggestion to Commander Wyatt which would not be correct.

Mr.
Henry.

MR. HENRY: It has been suggested and it seems to me to be a good suggestion, that we should have, after conclusion of the evidence which should be at an early hour tomorrow morning, a short adjournment in order to enable counsel to prepare for argument; no doubt counsel has been doing some work as it went along and the suggestion made is there should be a day's adjournment; I think we might compromise that by saying the argument would start on Wednesday morning. I propose that we should take this witness of Mr. Mellish's first thing tomorrow morning and adjourn until the following morning for the argument.

20

Mr.
Burchell.

MR. BURCHELL: I spoke to Mr. Mellish before I came in. Your Lordship has intimated the procedure should be that Mr. Mellish and myself should address the court and Mr. Henry follow; I would like to know which counsel is to commence; I think that should be arranged beforehand. I suggested to Mr. Mellish that he should speak first. Of course he suggested in turn I should speak first.

Mr. Henry.

MR. HENRY: You remember that situation in the case of the Durlay Chine and the Harlem as to who should speak first and Your Lordship determined on consideration as to which ship was run into and which was the one that ran into and I know that was the consideration that was the controlling idea at the time.

30

Mr.
Burchell.

MR. BURCHELL: My witnesses are all dead and if there is any advantage in the matter he ought to give it to me.

Mr. Mellish.

MR. MELLISH: I suggested if he would stay out while I was speaking I would not object.

RECORD. HIS LORDSHIP: I will settle that by who is the plaintiff in the suit; I believe the Imo ran into the other one.

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District.*

MR. BURCHELL: I am not prepared to admit that; part of our bow may have struck their ship, but I rather think it was the other way—the Mont Blanc ran into the Imo.

Mr. Mellish. MR. MELLISH: Perhaps it would be—if my Learned Friend first opened the argument and I should follow; I don't want to take any advantage and I should be willing to give my Learned Friend ten minutes additional time if I said anything he would like to answer; and reasonable time.

10

His
Lordship.

HIS LORDSHIP: A reply will be all right?

Mr.
Burchell.

MR. BURCHELL: Yes.

Mr. Mellish.

MR. MELLISH: Or if he will give me a reply I will open.

Mr. Henry.

MR. HENRY: It is understood I have the last word, and this will be the first time I have had the last word so far as they are concerned.

His
Lordship

HIS LORDSHIP: I think the Imo's counsel will open, and Mr. Mellish will reply and I will hear Mr. Robertson or others interested, and there will be a short reply from Mr. Burchell if anything is due, and then Mr. Henry in closing. We will take it Wednesday morning if we get through tomorrow.

20

IT BEING THEN 3.45 p. m. THE COURT ADJOURNED UNTIL TOMORROW, TUESDAY, THE 29th DAY OF JANUARY AT 10 a. m.

R. ECCLES,

Official Reporter.

SIXTEENTH DAY'S SESSION.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

10 a. m. January 29th, 1918.

PURSUANT TO ADJOURNMENT COURT RESUMED ITS SITTINGS AT 10 a. m. TUESDAY, JANUARY 29, 1918.

No. 60.
Evidence of
Launcet
John Spence
Direct-Examined by
Mr.
Henry, K.C.

No. 60.

LAUNCET JOHN SPENCE, SUPERINTENDENT OF HALIFAX DRY DOCK BEING CALLED AS A WITNESS AND DULY SWORN, DOTI DEPOSE AND SAY AS FOLLOWS:—

EXAMINED BY MR. HENRY:

Q.—What is your occupation? A.—I am superintendent of the Dry Dock. 10

Q.—Would you mind telling us what your experience has been in connection with repairing vessels and examining them and all that sort of thing? A.—I have had about 30 years of it.

Q.—In what part of the world? A.—In England.

Q.—Would you mind mentioning one or two of the employers in England? A.—I served my apprenticeship with Messrs. W. G. Armstrong Whitworth and Co. I was there for some years; and the last firm I came from in England was Fletcher Son and Fearnall, Union Dry Docks, Limehouse, London.

Q.—You have been during thirty years intimately connected with the work of building and repairing steel ships? A.—Yes. 20

Q.—You have been connected with the Halifax Dry Dock for how long approximately? A.—About 21 months.

Q.—Did you examine the *Imo* as she lies on the Dartmouth shore? A.—Yes.

Q.—Quite recently? A.—Yesterday.

Q.—Both inside and out? A.—Yes.

Q.—Would you tell the Court, please, what you found, most particularly with regard to her forward portion near the bows? A.—I found on the port side forward, just aft of the stem two holes; in the first hole was a large piece of plating nearest one to the stem, large piece of shell plating. 30

Q.—Kindly explain what you mean by shell plating? A.—It is the skin of the ship; what you call the skin of the ship; we call it the shell; the outer portion.

Q.—Give us the dimensions or approximate dimensions of that piece of plate? A.—I didn't measure it.

RECORD. Q.—You have an idea in your mind about it? A.—Roughly I suppose about four feet square.

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Q.—This is in the hole? A.—In the first hole, lodged.

Q.—The hole, I understand, is longer vertically than horizontally?

A.—Yes.

Q.—How does this piece of plate lie in the hole? A.—Vertically.

Q.—Did you notice anything in regard to the paint on that plate as to whether it had paint on? A.—It is painted.

Q.—What colour? A.—Gray—war colour.

Q.—Did you notice whether there was paint on the Imo of the same colour as that paint on that piece of plate? A.—Not on the outside of the ship. 10

Q.—Perhaps you will proceed with your own statement? A.—Then just aft of that hole is the second hole, which is a hole bent inwards; plating bent inwards.

Q.—Did you tell us what the nature of the front hole was; the plates bent in? A.—Yes; I found on the starboard side another hole about the level of the low water line in the harbour there, which has the top part bent inwards. The other parts just jagged.

Q.—Without any denting? A.—Yes; I found inside on going down the forepeak that the breast hook plate, which is the plate that connects the stringers in the way of the bow, is set up; bent upwards. 20

Q.—Go on. A.—I also found the stringers broken in the way of the damaged plates; the frames for some distance aft of the stem are set in; pressed in; I also noticed under water in the way of No. 1 and 2 floors one of the floors was buckled inwards; this, of course, was below water; I did not make a very careful examination of that.

Q.—Did you see any indentation of the port side; indentation of the plate? A.—Below water on the port side the plates are indented.

Q.—Quite a considerable space I understand? A.—Yes. 30

Q.—Look at that (M. B. E. /60) we are told that came off that piece of plate in the port hole of the Imo? A.—That is roughly the colour.

Q.—This exhibit (M. B. E. /97) has been produced purporting, and I have no doubt is, photograph of the Imo's bow; do these indicate the holes on the port side? A.—These are the two holes.

Q.—Please look at exhibit M. B. E. /96 and see if the hole on the starboard bow near the water line you referred to is shown on that? A.—That is the other one.

Q.—And exhibit M. B. E. /94 purports to be a clearer view of the two holes on the port bow; is that the recollection of what you saw? 40

A.—That is so.

Q.—The shape of the holes is accurately shown? A.—Yes.

Q.—They seem to be a peculiar, or "T" shape, or inverted "L" shape? A.—One is, and the other is not. The other is where the plating is gone in at the top.

No. 60.
Evidence of
Launcet
John
Spence,
Direct-Ex-
amination.
Continued.

RECORD.

In the
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No. 60.
Evidence of
Launcet
John Spence
Direct-Ex-
amination.
Continued.

Q.—To which are you referring? A.—That plate has gone in, pressed in there; there is the top of the hole.

Q.—I am speaking of the after hole on the port side; there does seem to be perhaps an optical illusion—there does seem to be— A.—The plate is just pressed in.

Q.—There must have been some pressure on the outside to cause that? A.—Yes.

Q.—The other hole is larger, is it not? A.—Yes.

Q.—The forward hole is larger at the top? A.—Yes.

Q.—Than the aft hole? A.—Yes.

Q.—And narrows down to a point as we see there? A.—Yes.

Q.—Have you formed a theory from your examination of these injuries as to how the holes in the port bow were caused? A.—Well, there is one thing I would like to say as regards this survey. I found also that when we brought the tug around dead on to the bow that the whole of the plating both port and starboard sides is corrugated for some distance aft of the stem.

Q.—What portion of the height of the stem? A.—In the way of damaged holes.

Q.—In the neighbourhood of the damaged holes? A.—Yes, the 20 holes running aft it is corrugated.

Q.—Of that forward or aft of the holes? A.—Aft on one side and a little bit aft on the starboard side.

Q.—Have you told us everything you noticed which you consider it material to mention? A.—There is one thing, I don't know whether it is material I noticed in the forepeak bulkhead there is a hole on the starboard side which I have never noticed in a collision job before.

Q.—The bulkhead is transverse across the ship? A.—Yes, this is the small hole on the port side.

Q.—How far in from the skin of the ship? A.—I suppose three or 30 four feet as far as I could tell.

Q.—It run — A.—Just a small hole as if something had been knocked through it.

Q.—Is that bulkhead forward or aft of the holes? A.—Aft of the holes—water tight bulkhead.

Q.—That is the first bulkhead in the ship after the stem? A.—Yes.

Q.—We were told that the plates just aft of the stem on both sides were shown to be compressed? Did you notice anything of that; what I understand just aft of the stem the angle of the plates was more acute than it apparently had been? A.—Aft the stem on the port side the plates are 40 pressed in.

Q.—Notice the same on the starboard side? A.—No.

Q.—With regard to the water line, I understand that the port holes would be above the ship's light water line? A.—I could not tell.

RECORD. Q.—The hole on the starboard side would be lower I gather from what you said, than the one on the port side? A.—I should say so now, as she lies with a list it is so.

*In the
Exchequer
Court of
Canada.*

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Admiralty
District.*

No. 90.
Evidence of
Launcet
John Spence
Direct-Ex-
amination.
Continued.

Q.—Have you formed from your examination and experience a theory as to how the holes in the port side were caused? A.—I am inclined to think that the Imo went into the Mont Blanc and in doing so the broken plates caused by the collision caught in the holes which were made on the Imo's stem; where this plate is, that is forward of the Imo, the piece of the Mont Blanc when she went in she caught it and pulled it out with her.

Q.—I understand to do that the hole that is in the Imo's bow, that now holds the plate, must have been caused before the plate got there unless the plate made the hole which in your opinion that particular piece of plate in the hole made the hole? A.—It may have made the hole or it must have been made with something else and it picked it up.

Q.—Do you consider these holes from the standpoint they might have been made by the anchor hanging over the port bow as we know it did on the Imo with a certain amount of chain hanging below the hawse pipe? A.—There was one thing I noticed on the ship on the port side above the holes is a faint impression of an arc above the holes which might be the anchor being pushed up; it runs on an arc.

Q.—Indicating it was made from something from the centre? A.—Yes, from the ship's side.

Q.—Could that be made by the mere swinging of the anchor from the hawse pipe? A.—It could; but it is very faint.

Q.—Did you form any theory as to how the hole on the starboard side was caused; that you told us about? A.—No, I didn't.

Q.—Did you see in what might be called the lines of the hole on the starboard side bulging of the plates on the port side, the bulging from the inside out of the plates on the port side, indicating that something had gone through the ship from the starboard side, made a hole and brought up against the port side without penetrating? A.—There is a slight indication of bulging on the port side.

Q.—Did you connect that with the hole on the starboard side, in your mind? A.—No.

Q.—And you saw nothing, I presume, which would cause either the hole or the bulge? A.—Nothing above water.

By Mr.
Mellish.

BY MR. MELLISH:

Q.—This piece of plate you spoke of as being embedded in the stem of the Imo, did I quite understand you it was standing vertically inside the hole? A.—Yes.

Q.—I think this big photograph shows the edge, (M. B. E. /94). A.—Yes.

Q.—And it is standing on its edge there? And it is about 3 to 4 feet away? A.—I saw roughly 4.

RECORD. Q.—Is it buckled up? A.—It is buckled up a bit on one edge.

In the Exchequer Court of Canada, Nova Scotia Admiralty District. Q.—Would you call it a flat piece of plate? A.—You could call it a flat piece.

Q.—Not buckled much except at the edges? A.—Yes.

Q.—And your theory is in regard to that piece of plate it was taken from the other ship as the Imo withdrew after the collision? A.—It was taken from the other ship.

No. 60. Evidence of Launcet Q.—As the Imo withdrew out of the other ship? A.—I could not say.

John Spence Direct-Examination. MR. BURCHELL objects; leading.

Continued. Mr. Mellish, MR. MELLISH: I do not think there is much room for complaint 10 in view of my learned friend interviewing witnesses and then leading them after they came here.

Mr. Burchell MR BURCHELL: He is putting a question on what may be a serious part of the case; he puts the words in his mouth and he refuses to answer in the way he asks.

Mr. Mellish. MR. MELLISH: The witness says it is taken from the other vessel in the collision; I am asking him if I am to understand that she picked this up as she withdrew or pulled out of the other ship.

His Lordship. HIS LORDSHIP: That question is quite in order; it is only speculation. 20

Q.—According to your theory was this piece of plate picked up from the Mont Blanc as the Imo withdrew? A.—I could not say it was absolutely picked up.

Q.—What is your theory? A.—The plate might have been picked up as she withdrew or it might have gone into the Imo when she went in.

Q.—How is it standing? Lying aft or turned forward, in relation to the skin of the ship? A.—It is roughly about that angle (indicating) almost straight across.

Q.—Lying almost straight across the bows of the ship? A.—Yes.

Q.—What kind of a piece of plate is this? A.—Thick piece of shell 30 plate.

Q.—What indications are there on it, or are there any indications or marks to indicate where it came from? A.—It is double rivetted seam along the bottom edge.

Q.—What would that indicate to you? A.—That it came from the shell.

Q.—That line of double rivets is apparent looking at it as it stands there? A.—Yes.

Q.—Is there anything else on the plate? A.—Two small angle bars 40 on the top.

RECORD.

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No. 60.
Evidence of
Launcet
John Spence
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amination.
Continued.

Q.—Would these angle bars give any indication where the plate might come from? A.—She is a French built boat and the bottom angle bar had counter sunk rivets in. I should have been inclined to form the opinion that it was the shear streak of the Mont Blanc.

Q.—There were little angle irons attached to it and the bolts were in? A.—The top edge has an angle bar and another there.

Q.—What is the distance between the angle bars? A.—About a foot.

Q.—What would that indicate that might be? Suppose these rivets had been counter sunk and an English built ship where would you say this plate was from? A.—I should form the opinion in the way of one 10 of the cargo gangways; if she had gangways.

Q.—Would that be the piece of plate known as shear streak? A.—Yes, but the position of these bars is such that you cannot absolutely form any strong opinion of that plate except that it is a shell plate.

Q.—Could you judge anything from the thickness of this plate? A.—Yes; the shear streak is a thick plate always.

Q.—Was this a thick plate? A.—Yes.

Q.—Is the shear streak thicker than a bulwark plate? A.—Yes.

Q.—The bulwark plate is above deck? A.—Yes.

Q.—Not necessarily so thick? A.—Not so thick.

Q.—What kind of rivets were there in these angle bars? A.—Pan 20 headed rivets.

Q.—The heads are shaped like an inverted milk can? A.—Yes, not round.

Q.—You spoke of some corrugations being noticeable, give a little more detail about these corrugations? A.—The side of the ship is bent in along like that; between the frame spaces; it is wavy.

Q.—And that is noticeable you said I think in looking right from her stem aft? A.—Yes.

Q.—Did you notice any of these corrugations particularly on the star- 30 board side? A.—I noticed them on the starboard side.

Q.—How far aft would they extend? A.—Roughly about 12 feet.

Q.—Are these marks of these waves—how do they lie—longitudinally, vertical or how? Which way are they running? A.—They are horizontal.

Q.—The crests of these waves would go fore and aft? A.—Yes, indented so high up on each plate.

Q.—Do they stop abruptly? A.—Die away.

Q.—What do these indicate to you, these marks? A.—They indicate to me that the Imo must have gone some distance into the Mont Blanc. 40

Q.—It has been suggested that the condition of the stem of the Imo is such that it would be out of the question to come to any such conclusion as that? A.—You never can tell what the stem will do in a collision. I have found that from my own experience.

RECORD.

*In the
Exchequer
Court of
Canada,
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Admiralty
District.*

*No. 60.
Evidence of
Launcet
John Spence
Direct-Ex-
amination.
Continued.*

Q.—And you say the condition of the stem is not inconsistent with the theory the Imo cut into the Mont Blanc? A.—In conjunction with the shell plating.

Q.—Have you had much experience in examining vessels that have been in collision and the effects of collisions? A.—Every ship we repair, of course I come under the examination.

Q.—How long would that be you have been doing that? A.—I suppose in ship repairing I have been 15 years ship building the balance of the time.

Q.—How long in Halifax? A.—21 months. 10

Q.—And it has been your continuous business for 15 years?

A.—For more.

Q.—Have you any scientific degrees? A.—No.

Q.—Those are not required? A.—No.

Q.—You are a practical man? A.—Yes.

Q.—You are not an engineer are you? A.—Part engineer; I am not a Board of Trade certificated engineer.

By Mr.
Burchell.

BY MR. BURCHELL:

Q.—Your theory that the Imo went into the Mont Blanc rests considerably on the fact you found this piece of shell plate on the port side of the 20 Imo? A.—No. My theory rested partly on the finding of the plate.

Q.—The other thing it rests on is these corrugations? A.—Yes.

Q.—Those are the two things? A.—Yes.

Q.—How far did these corrugations extend? How far back from the stem? A.—About 12 feet.

Q.—If these corrugations were made by the Imo it would follow the Imo must have penetrated 12 feet? A.—It seems to.

Q.—That would follow if your theory is correct? A.—That is my idea.

Q.—How long do you think a ship would stay afloat if penterated in 30 the forward hatch a distance of 12 feet? A.—Depends on the cargo entirely and the ship in all conditions.

Q.—Did you notice the paint along these corrugations is not at all worn on the Imo? A.—It is rubbed.

Q.—Would it not be such corrugations as might be done by a steamer going through the ice or rubbing against a wharf? A.—It could; these corrugations—the rubbing is more recent, by the paint you can tell.

Q.—Do you know what wharf she has been against recently? A.—No.

Q.—Or what ice she has been through recently? A.—No.

Q.—This hole on the starboard side you spoke of, how far from the stem 40 would that be? A.—Roughly I should think—I didn't measure it—somewhere near 12 feet; I won't guarantee the figure.

RECORD.

*In the
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No. 60.
Evidence of
Launcet
John Spence
Direct-Ex-
amination.
Continued.

Q.—Is it also your theory the hole was caused by the collision?

A.—I cannot form any theory as regards that hole.

Q.—You were an eye witness of this explosion yourself? A.—I was there a minute before it blew up.

Q.—The general explosion, the damage to the city—you were at the Dry Dock?

Q.—That is where you are employed? A.—Yes, the Dry Dock.

Q.—And you knew that large pieces of plate were falling all around the Dry Dock and that vicinity? From the Mont Blanc; scattered all over the north end of the city of Dartmouth; pieces flew in the harbour and across to Dartmouth? A.—Yes.

Q.—This photograph M. B. E./95 shows the condition of the Imo after she had been struck by pieces of plate from the explosion? A.—Yes.

Q.—Did you notice—did you go on the deck? A.—I just passed along.

Q.—Did you notice on the deck of the Imo a little aft of amidships there is a large section of plate from the Mont Blanc? As she lies today there is a large section probably of the stern plate? A.—Not amidships; much aft of amidships; towards the stern.

Q.—You saw that? A.—Yes.

Q.—How large a plate is that? A.—A plate that size and that thickness (indicating)

Q.—How big in feet? A.—About 3-ft. 6in. square.

Q.—Notice a very much larger plate than that? A.—If it is a piece I noticed—it is the top arch of the stern plate of the Mont Blanc on the port side forward of the poop.

Q.—This piece of plate you say you saw in the bow, do you think it is as large as four feet square? A.—I think it is near it; I didn't measure it.

Q.—It may be possible it is smaller? A.—Might possibly be smaller.

Q.—Did you notice that the whole starboard side of the Imo as she is today is perforated with holes? A.—Principally forward.

Q.—That would be caused by the explosion? A.—I take it so.

Q.—Would you not also say that hole on the starboard side which you say is 12 feet from the stem would be caused by the explosion? A.—It might be; I could not give any opinion whether by explosion or collision, you can't tell.

Q.—Did you notice for instance on the port side opposite this hole on the starboard side there was a bulge outward? A.—Yes, there is a bulge on the port side.

Q.—Opposite where this hole is on the starboard side? A.—I didn't line the thing right through, but I know there is a bulge on the port side.

Q.—And that bulge you would say on the port side must have been caused by pieces of plate or something resulting from the explosion?

A.—I could not say.

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*In the
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No. 60.
Evidence of
Launcet
John Spence
Direct-Ex-
amination.
Continued.

Q.—You would not give us any theory of that at all? A.—No, I cannot. That might have been caused by one thing or the other.

Q.—I suppose as a matter of fact there would be several theories as to how this piece of plate got in the port side in this hole in the port bow of the Imo? A.—Yes, I found throughout the whole explosion there are so many theories you cannot explain.

Q.—And you have given us your theory for what it is worth?

A.—My practical experience.

Q.—Is there any possibility of that piece of plate in this hole in the port bow being from the Imo itself? A.—I don't think so.

Q.—Did you examine very carefully? A.—I did; very carefully.

Q.—And could not find any corresponding piece anywhere on the Imo? A.—No.

Q.—How old are you? A.—45.

Q.—The stem of the Imo was not at all injured? A.—No, she is not injured; she has a slight mark higher up; well up; but I don't know whether that is an old mark or not; that is right well up the stem.

Q.—The paint on the stem is not even scraped apparently to the eye? A.—There is a rough sort of mark there; but it is an old one as far as I could see.

Q.—The paint is not scraped on the stem? A.—Very little paint is left on the stem.

Q.—Is your theory, the Imo went into the Mont Blanc at right angles or have you any theory as to the angle? A.—I think it went somewhere near that.

Q.—If the anchor— A.—That is my theory.

Q.—Did you examine the anchors of the Imo? A.—There is one on the top I didn't examine; and there is one down below.

Q.—You didn't see how it would fit these two holes for instance? A.—No.

Q.—Assuming the anchor is hanging over the bow of the Imo in the usual way, and the Imo struck the Mont Blanc at right angles or somewhere about right angles, the anchor hanging from the chain would be pushed backwards? A.—It could be.

Q.—Would that be the natural thing? A.—Yes it would, you would think so.

By Mr.
Mellish.

BY MR. MELLISH:

Q.—Is there a frame between these two holes on the port side? A.—Yes.

Q.—One piece of mechanism in the bows you said was damaged? A.—The breast hook, where the stringers go along the side of the ship and tied together at the stem.

RECORD. BY CAPTAIN DEMERS:

*In the
Exchequer
Court of
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No. 60.
Evidence of
Launcet
John
John Spence
Direct-Ex-
amination.
Continued.

Q.—You say it is possible it went 10 or 12 feet into the Imo? A.—Yes from the examination of the shell.

Q.—Do you know the Mont Blanc deck was iron? A.—I don't.

Q.—That stringer and sheer streak wave—is it possible the ship would penetrate through there and not make a mark on the vessel on either or both sides? A.—These holes there—and just between the paint is knocked off.

Q.—On the whole structure, the bow of the Imo going in 12 feet, do you think she could penetrate that distance without leaving marks on iron decks? A.—It is possible to have no marks at all; only you would have the damage; a ship like that when a plate breaks away in parts only bits of the plate catches.

Q.—There is no signs? A.—There is no corrugations and rubbing on the frame on both sides.

Q.—Have you noticed part of an arc between these two holes on the port side the chafing of the paint? A.—I only noticed the arc above.

Q.—There is also one immediately below these two holes? A.—I didn't notice it.

Q.—These old fashioned anchors, you know them? A.—Yes.

Q.—It is exactly the same distance of the flukes of an anchor such a ship as the Imo would carry? A.—The holes?

Q.—Yes, and there is an arc on the plate visible beneath these two holes made by the crown of the anchor? A.—Just depends which way it would rub on the ship's side.

Q.—That mark was there before the collision where the anchor generally hung before being hoisted on deck? A.—Yes.

Q.—These two holes seem to be about proportionately to the size of the anchor the vessel would carry was my theory, or the theory it was the anchor? A.—Yes.

Q.—This plate you see which penetrated the forward hold of the Imo on the port side, might have been blown in by the explosion? A.—Possibly.

Q.—Anything is possible in this explosion? A.—Since the explosion and the ships I have had to deal with since, yes.

Q.—These rivets you see on this plate would indicate that was the inside rivets; on the outside they would be flush with the plate?

A.—Yes.

Q.—Was what you see there inside? A.—Yes.

Q.—And these two frames indicate the deck stringer and the sheer streak? A.—They don't indicate a stringer to me in the ordinary usual way; on account of the rivets and the size of the bow.

Q.—Is that plate in there the same dimensions as the hole? A.—I could not tell; unless you measured the area; it is standing end in.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
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No. 69.
Evidence of
Launcet
John Spence
Direct-Ex-
amination.
Continued.

Q.—The dimensions you gave us of this plate it is much larger than the hole? A.—I didn't exactly measure the holes. I am only giving you my rough idea.

Q.—These corrugations you see 12 feet on the starboard side might have been caused by running against the wharf? A.—It might. It is right down in the fore peak.

Q.—Abaft the fore peak there corrugations? A.—These are the ones I mean in the fore peak.

Q.—Further aft than the fore peak on the starboard side? A.—I noticed them further aft on the starboard side. 10

Q.—Would that be done by coming in contact with the wharf?

A.—They might; I mean particularly going aft.

Q.—The setting of these beams is it across upwards or downwards? A.—Compressed inwards.

Q.—The beams must have raised from the horizontal position?

A.—You can compress frames in and not move the beams; press between; if there is too much pressure the beams will go in, buckle.

Q.—Upwards or downwards? A.—Yes, you can push the frame in and not disturb the beams.

Q.—Is there not rivets started from that? A.—Not visible. 20

Q.—Is that not surprising to you a ship would penetrate into the iron mass without starting some of the rivets of the stem? A.—It does not surprise me; I have seen such extraordinary things with a stem. I have seen the stem bar just touch and break right away, and seen another buckle badly and never broken.

Q.—You mentioned about the swinging of the anchor which is possible; if the anchor is swung it would leave some marks? A.—This faint mark I would not guarantee that was the anchor; there is an arc running from the hawse pipe; a faint mark.

Q.—Have you noticed the iron absolutely bare on the outside? 30
A.—On the top of the corrugations it is bare in the way of fractured holes, around the hole itself.

Q.—The corrugations are made at the same time as the rubbing takes place? A.—That is so.

Q.—Taking off the paint must also be—at the same time it is almost a simultaneous operation? A.—Yes.

Q.—How is it the paint remains on the hole? A.—I can only say it presses the frames first.

By Captain BY CAPTAIN HOSE:
Hose.

Q.—How far aft do you say the corrugations extend? A.—Roughly 40 about 12 feet; I didn't count the frames spaces.

Q.—At 12 feet from the stem what would the beam of the Imo be? A.—I don't know the size of the Imo; I didn't measure her. I think about 17 feet.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 60.
Evidence of
Launcet
John Spence,
Direct-Ex-
amination.
Continued.

Q.—In view of the fact that the stem of the Imo is not concertinaed in at all there would be a gap in the Mont Blanc, not necessarily a hole, but where the compressed in plates of the Mont Blanc folded over would be 17 feet apart? A.—From the sides.

Q.—Yes. A.—Practically.

Q.—If the gap or proper contour of the Mont Blanc's side was 17 feet wide there must have been rather a large hole? A.—Yes.

Q.—Actual hole? A.—Yes.

Q.—And do you think that hole would extend from far below the water line in view of the gap being 17 feet wide? A.—The stem bar of the Imo is not a straight stem therefore it proportionately would not be so much a straight stem hole. 10

Q.—Have you worked out at all what the draft of the Imo would have been? A.—I have no particulars of the boats at all.

Q.—You have not worked out what the draft of the Mont Blanc was or looked at any plan to see what particular portion of her construction would be hit at the point of these corrugations? A.—No, and then I would only have to assume it because I would have to assume the sheer of the ship; the dimensions I would get from Lloyds is amidships and I only assume what the sheer would be forward. 20

By Captain Demers BY CAPTAIN DEMERS:

Q.—That gap 17x12 with the nature of her cargo, is it possible she could have reached that far in; could she have reached that part where she did, with the impact? A.—I don't know where the Mont Blanc hit; was it No. 1 hold? It is possible with No. 1 hold to have run some distance; I had two torpedoed ships to repair in England in which No. 1 hold was absolutely smashed in and they floated.

Q.—At the place she did beach could she have reached with the amount of water she would have in? A.—It depends on the cargo—on what she had. 30

By Mr. Henry.

BY MR. HENRY:

Q.—You see nothing extraordinary in the Mont Blanc floating 17 minutes after being injured in the way she was injured? A.—No, I can only take from the corrugations on the ship I gave you the distance of the corrugations on the ship.

Q.—You didn't measure the corrugations; you estimated them? A.—I estimated on the figures.

Q.—It is a fact of the corrugations extending approximately 12 feet from the stem necessarily indicate there was 12 feet penetration of the other ship? These were wavy? A.—It might be caused if she swung a little bit aft. 40

RECORD. Q.—Would a shorter penetration of 12 feet cause the punctures?

In the Exchequer Court of Canada, Nova Scotia Admiralty District. A.—If you had stuff came outside the ship probably.

Q.—So 8 or 9 feet possibly might cause corrugations and penetrating the vessel to extend further aft? A.—Do you mean corrugations if the ship swung?

Q.—Assuming the Imo was going ahead faster than the Mont Blanc at the moment of the collision, would that produce these corrugations?

No. 60. Evidence of Launcet John Spence Direct-Examination. Continued. It would produce the swinging effect would it not? A.—When she struck it?

Q.—Yes. The inequality of the speed of the two ships at the moment of impact would cause the swinging you speak of? A.—Yes, I should say so. 10

By Mr. Buchell. BY MR. BURCHELL:

Q.—If the Mont Blanc was going faster than the Imo at the time of the collision the corrugations would extend further aft on the port side of the Imo? A.—She would probably swing quicker and cause corrugations further along.

Q.—On the port side of the Imo if the Mont Blanc was going faster than the Imo? A.—Yes.

Q.—The distance you gave me for the corrugations I understood were on both sides? A.—Yes, corrugations on both sides extend roughly 12 feet. 20

Q.—So that if the Imo only went in 8 or 9 feet as Mr. Henry suggests this wobble I suppose would cause on both sides. Is that your theory?

A.—Oh no.

Q.—I understood Mr. Henry to say to you if the Imo went only 8 or 9 feet into the Mont Blanc in answer to him I understood you to say it was possible that the corrugations would be carried to extend for a further distance of 3 or 4 feet beyond the point of penetration? A.—If she swung around. 30

Q.—And they would be in one side only? A.—Yes.

Q.—Not on both sides? A.—No.

Q.—You cannot conceive any kind of collision in which the ship would wobble and get them on both sides after the collision? A.—That is right.

AND FURTHER DEPONENT SAITH NOT.

R. ECCLES,

Official Reporter.

RECORD. MR. HENRY: I would like to ask if the French witnesses may now return to France; I see no objection.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

HIS LORDSHIP: I think the witnesses who have been kept had better wait until we get finished; we might want to ask some of them to come back.

Mr. Henry.

MR. HENRY: It may be of interest to the Court to know the gun which was carried up the Albro's Lake a mile or two from the scene of the explosion turns out to be the after gun; I have had it examined by the first officer.

Mr.
Burchell.

MR. BURCHELL: There were some certificates put in yesterday 10 in regard to Pilot Mackay and I want to put in some in regard to Pilot Hayes; one from W. S. Davidson; (M. B. E./109) There is also a strong certificate from his Parish Priest.

His
Lordship.

HIS LORDSHIP: I have no doubt of the good standing of Pilot Hayes.

IT BEING THEN 11.15 A. M. THE COURT ADJOURNED UNTIL TO-MORROW, WEDNESDAY, THE 30TH DAY OF JANUARY AT 10 A. M.

R. ECCLES,

Official Reporter.

RECORD.

No. 61.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

STATEMENT OF LIEUT. RD. WOOLAMS, R. N. R.

on board H. M. S. High Flyer, Monday, Dec. 10th, 1917.

No. 61.
Statement
of Lieut. Rd.
Woolams,
R. N. R., on
board H. M.
S. High
Flyer, Mon-
day, Dec. 10
1917.

I was Officer of the Watch on board the above named ship on Thursday, the 6th Dec., coming on deck at 8.30 a. m.

I was walking up and down the quarter deck, on the starboard side, when the French steamer Mont Blanc passed up bound for Bedford Basin. Immediately after she had passed, I crossed over to the port side and continued walking up and down.

Shortly after the signalman of the watch reported to me that a collision ¹⁰ was about to occur between the French steamer Mont Blanc and the Norwegian steamer Imo, at the entrance of Bedford Basin. I crossed over to the starboard side, and noticed that the two vessels were very close together both being well over toward the Dartmouth side. A few seconds after the French steamer gave two short blasts on her whistle and altered her course to port observing at the same time the Norwegian steamer was going astern.

At 8.45 a. m., the two vessels collided, the report being heard from where I was standing.

At 8.50 smoke was observed coming from what appeared to be from ²⁰ over the starboard side forward, flame breaking out immediately after, around No. 1 hatch, the Mont Blanc still having way on her and heading for the shore.

At 9.5 a. m. (approx.) the French steamer blew up close to No. 8 Pier.

This is a true and full statement of what I observed on the morning of the 6th Dec.

(Sgd.) RICHARD WOOLAMS.

The above statement of Lieutenant Richard Woolams, Royal Naval Reserve, of His Majesty's Ship High Flyer, was written and signed in our presence this tenth day of December, 1917. 30

(Sgd.) FREDERICK GEORGE CUNNINGHAM,
Staff Paymaster, H. M. S. High Flyer

(Sgd.) PETER CLARK INGRAM,
Assistant Paymaster, R. N. R., H. M. S., High Flyer

(Sgd.) ----- GARNET,
Captain, R. N.

RECORD.

No. 62.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

STATEMENT OF THOMAS ROBERTS,

Yeoman of Signals, H. M. S. High Flyer, Dec. 10th, 1917.

No. 62.

Statement
of Thomas
Roberts,
Yeoman of
Signals,
H. M. S.
High Flyer,
Dec. 10,
1917.

December 6th, 1917.

With reference to collision between Belgian Relief ship Imo and French steamer Mont Blanc. I was on watch on the after bridge and observed a French steamer come through the inner Boom defence about 8.45 a. m. She passed H. M. S. High Flyer and saluted by dipping her ensign at about 8.50, at the same time the Belgian relief ship Imo was seen coming out of the narrows and appeared to be steering a direct course for H. M. S. High Flyer. H. M. S. High Flyer was partly swung across the harbour and there was not much room between the French ship and the shore. Not very long after the French ship had passed she sounded 1 short blast and appeared to go to starboard, the Imo acknowledged this signal by 1 short blast, but did not seem to alter course at all. I think then the French ship could see there was not much room between the Imo and the shore, she then sounded 2 short blasts and immediately put her hard over to come to port, the Imo then made 2 short blasts, but still, she appeared to me to be steering the same course as when she left the narrows. The French steamer about this time when finding a collision inevitable seemed to ease down a lot and altered course a very little to starb. The Imo was then steering to strike Monte Blanc just before the foremast. The Imo at this point sounded 3 short blasts and her screws could be seen quite plainly to be working. The Frenchman also sounded 3 blasts but instead of going astern she seemed to go very slow ahead. I should say the time between these last signals and the collision was about 1 or 1½ minutes. The collision occurred about 8.55. Immediately Imo struck Mont Blanc flames were seen to be coming from the forehold starboard side of the foremast derricks, the Imo's head was going to starboard. The Monte Blanc was then proceeding slowly towards No. 8 Pier. The crew of the French ship abandoned the ship immediately she struck and pulled away towards the Dartmouth side. She was close into No. 8 Pier when she blew up, that was about 9.8.

This is a full and true statement of what I observed on the morning of 6th Dec., 1917.

(Sgd.) THOMAS ROBERTS,
Yeo. of Sigs.

RECORD. The above statement of Thomas Roberts, Yeoman of Signals, of His Majesty's Ship High Flyer, was written and signed in our presence this tenth day of December, 1917.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

(Sgd.) FREDERICK GEORGE CUNNINGHAM,
Staff Paymaster, H. M. S. High Flyer.

No. 62.
Statement
of Thomas
Roberts,
Yeoman of
Signals,
H. M. S.
High Flyer,
Dec. 10,
1917.
Continued.

(Sgd.) PETER CLARK INGRAM,
Assistant Paymaster, R. N. R., H. M. S. High Flyer.

(Sgd.) _____ GARNET,
Captain, R. N.

No. 63.

10

STATEMENT OF J. C. SIBLEY, LDG.

Signalman H. M. S. High Flyer.

No. 63.
Statement
of J. C.
Sibley, Ldg.
Signalman,
H. M. S.
High Flyer,
Dec. 10,
1917.

At 8 a. m., on the 6th Dec., 1917, I was on watch on the after signal bridge.

At about 8.30 I noticed a steamer proceeding up harbour flying the French flag and after seeing our colours lowered in return to the Frenchman's salute I took her name from the stern (Mont Blanc).

At the same time as the Mont Blanc passed us I saw another steamer (Imo) a Belgian Relief ship flying the Norwegian colours coming down the harbour from Bedford Basin.

20

A collision seemed very probable and after first taking the direction of my own ships head (W. N. W.) I watched the vessels very closely.

As they gradually closed one another I heard the Frenchman sound *one short blast* altering course just a little to starboard and then almost immediately turned round to port (the latter turn being made as far as I know, without a sound signal being made).

At the same time the Belgian Relief Imo also sounded one short blast and turned to starboard and she appeared to be going astern also but I remember no sound signal to that effect.

At about 8.4 a. m. the Mont Blanc and Imo collided, the latter hitting 30 the former just before the foremast on the starboard side—the Mont Blanc then caught fire her crew leaving the ship and landing at the Dartmouth side.

RECORD. After reporting all these facts to the Captain and officers concerned I returned to the after bridge watching the Mont Blanc until she blew up.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

When the smoke, etc., of the explosion had cleared a little I saw the Imo astern of my ship on the shore and on fire—this was reported.

This is a full and true statement of what I, John Sibley, observed on the morning of Thursday, sixth December, 1917.

No. 63.
Statement
of J. C.
Sibley, Ldg.
Signalman,
H. M. S.
High Flyer.
December
10th, 1917.
Continued.

(Sgd.) JOHN CLASPER SIBLEY.

The statement on the other side hereof was written and signed by John Clasper Sibley, Leading Signalman of His Majesty's Ship High Flyer in our presence this tenth day of December, 1917.

10

(Sgd.) FREDERICK GEORGE CUNNINGHAM,
Staff Paymaster, H. M. S. High Flyer.

(Sgd.) PETER CLARK INGRAM,
Assistant Paymaster, R. N. R., H. M. S. High Flyer.

(Sgd.) _____ GARNET,
Captain, R. N.

No. 64.

STATEMENT OF C. J. JENKINS OF H. M. S. HIGH FLYER

No. 64.
Statement
of C. J.
Jenkins, of
H. M. S.
High Flyer
of collision
between
S. S. Mont
Blanc
(French)
and S. S.
Imo (Nor-
wegian, Bel-
gian Relief)
December
10th, 1917.

of collision between S. S. Mont Blanc (French) and S. S. Imo (Norwegian Belgian Relief).

20

The French ship Mont Blanc passed the High Flyer at about 8.50. She was going up to Bedford Basin. Just after we had got her name and she had passed I saw the Belgian Relief ship just coming through the entrance of Bedford Basin.

The two ships it could be seen were not able to pass one another if they kept to their courses so the Mont Blanc turned about 4 points to starboard to clear the Imo but the Imo did not seem to alter course at all. To try and clear herself again or stop herself from going ashore, the Mont Blanc turned to port, thus laying herself across the harbour and heading for the Halifax side. The Imo then altered course to starboard and was heading straight for the Mont Blanc. She sounded three short blasts on her whistle for going astern but was too late to stop herself. She hit the Mont Blanc just abaft the forecastle head on the starboard side.

30

RECORD. As soon as they cleared one another smoke was seen issuing from the Mont Blanc where she was hit and shortly after the crew took to their boats and pulled across to the Dartmouth side. She was still slowly heading for the Halifax side and some tugs took her in tow alongside one of the piers.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 64.
Statement
of C. J.
Jenkins of
H. M. S.
High Flyer
of collision
between
S. S. Mont
Blanc
(French)
and S. S.
Imo (Nor-
wegian, Bel-
gian Relief)
December
10th, 1917.
Continued.

The Mont Blanc was alongside this pier, as far as I can remember, about 10 minutes before she exploded.

The Imo was still in mid-stream when the explosion occurred and when everything cleared she was seen to be slowly drifting down towards the Dartmouth side where she beached herself. She floated again and went 10 ashore a little farther up.

With regard to the different times of collision and explosion I can't state exactly but it all happened between 8.50 and 9.15. These times were taken from the clock in the signal house.

This is a full and true statement of what I, Clifford Jesse Jenkins, observed on the morning of Thursday sixth December, 1917.

(Sgd.) CLIFFORD JESSE JENKINS.

The above statement of Clifford Jesse Jenkins, Signaller of His Majesty's Ship High Flyer was written and signed in our presence this tenth day of December 1917.

20

(Sgd.) FREDERICK GEORGE CUNNINGHAM,
Staff Paymaster H. M. S. High Flyer.

(Sgd.) PETER CLARK INGRAM,
Assistant Paymaster, R. N. R. H. M. S. High Flyer.

(Sgd.) ----- — GARNET,
Captain, R. N.

No. 65.

RECORD

DECISION OF MR. JUSTICE DRYSDALE.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 65.
Decision of
Mr. Justice
Drysdale,
April 27th,
1918.

The actions here are being tried together, viz., the Claim vs. the Imo, now lying in the harbour, and the Counter-claim vs. the Mont Blanc. The circumstances attending the collision of these two ships were investigated before me, assisted by two of the best nautical assessors in Canada, and by common consent the evidence adduced on the investigation is to be considered the evidence in this case. The only attempt to vary the evidence in the investigation, is that of one Makinney, called on the trial herein. As to Makinney's evidence I have only to say that he did not impress me as throwing any light on the situation. His manner was bad and his matter worse. In short, I did not believe him. Altho he professed to be an eye-witness of the collision, I am convinced that he did not add any light to the controversy. He failed to convince me that he knew what he was talking about. Notwithstanding, he professes to be an eye-witness to the collision, I am quite sure that he could not place the point or place of collision within one-half a mile of the actual place of occurrence. I think this man was a belated occurrence in the enquiry and came with a story, the result of instruction, and that on behalf of the French ship, I do not believe him. 10

As to fault or blame for the collision I am of opinion that it lies wholly with the Mont Blanc. Once you settle where the collision occurred and I think it is undoubted that it occurred on the Halifax side of mid-channel you find the impossibility of the story of Pilot Mackay. Even if you say mid-channel the story of the French ship is absurd. The fault to my mind clearly appears to have been the result of the last order of the Mont Blanc when being in her own waters on the Dartmouth side she took a starboard helm and reached for the Halifax wharves thus throwing herself across the bow of the outcoming ship Imo. Why this order was given I know not but I feel sure it was gross negligence and in so thinking I am supported by the advice and opinion of both nautical assessors. The order for a starboard helm and to lay a course suddenly across the harbour was justified by the officers in charge of the Mont Blanc as an emergency order to prevent a collision but taking into consideration the then position of the two ships this claim will not bear investigation. 2 30

I find the Mont Blanc solely to blame for the collision. I refer the question of damages to the Registrar and two merchants.

No. 66.

DECREE.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

On the 12th day of June, A. D., 1918, before The Honourable Mr. Justice Drysdale, Judge in Admiralty, Nova Scotia Admiralty District.

No. 66.
Decree.
June 12th,
1918.

The Judge having heard the evidence adduced on behalf of the Plaintiff and Defendant and Mr. McInnis, K. C., of Counsel, for the Plaintiff and Mr. Burchell, K. C., of Counsel for the Defendants, dismissed the action and condemned the Plaintiff and its bail in costs and pronounced in favour of the Defendants counter-claim and condemned the Plaintiff and its bail in the amount to be found due to the Defendant and in costs of the counter-claim, and he ordered that an account should be taken and referred the same to the District Registrar assisted by two merchants to report the amount due. 10

(Sgd.) J. L. BARNHILL,

District Registrar.

No. 67.

BAIL BOND.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 67.
Bail Bond.
May 10th,
1918.

KNOW ALL MEN BY THESE PRESENTS that National Surety Company of New York, a body corporate, hereby submits itself to the jurisdiction of the Exchequer Court of Canada, and consents that if the said Campaigne General Transatlantique, the plaintiff herein, shall not pay what may be adjudged against it in the above action and counter claim with costs, execution may issue against it or its successors or assigns, goods and chattels, for a sum not exceeding one hundred and thirty five thousand dollars. 10

This bail bond was signed by (Sgd.) NATIONAL SURETY CO., the said National Surety Company of New York as surety the tenth day of May A. D. 1918, at the County Court House, Spring Garden Road, Halifax, N. S., in the District Registry of the Exchequer Court of Canada,

L. A. LOVETT,

Resident Vice Pres.

J. G. RAINNIE,

Resident Assistant Secy.

Before me,

(L. S.) 20

(Sgd.) J. L. BARNHILL,

District Registrar.

No. 68

RECORD.

RECEIPT FOR DEPOSIT OF SECURITY.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 68.
Notice for
Deposit of
Security.
April 29th,
1918.

“B”

BANK OF MONTREAL

.....29th..... day ofApril..... 1918.....

Compagnie Generale Trans Atlantic

vs.

\$50.00.....

.....S. S. “Imo”.....

This is to Certify that.....Messers Code & Burrett.....

has this day paid into this Bank, to the credit of the account of the Reg- 10
istrar of the SUPREME COURT OF CANADA, and one of the Judges
thereof, the sum of.....Fifty.....xxDollars

BANK OF MONTREAL, OTTAWA.

EDWARD POPE,

Order dated.....190.....

Acct.

RECORD.

No. 69.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

NOTICE OF APPEAL.

TAKE NOTICE that Campagnie General Transatlantique intends to and does hereby appeal to the Supreme Court of Canada from the judgment or decision of Honourable Mr. Justice Drysdale and that the same has been set down for hearing on appeal in the Supreme Court of Canada.

AND FURTHER TAKE NOTICE that the required security has been deposited with the Registrar of the Supreme Court of Canada.

Dated at Halifax, N. S., the second day of May, 1918.

W. H. FULTON,

10

Solicitor for Campagnie General Transatlantique.

To the Registrar of the Exchequer Court of Canada.

Nova Scotia Admiralty District.

And to the Owners of the Ship "Imo" or their Solicitors or Agents.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

REASONS FOR JUDGMENT ON APPEAL TO THE SUPREME COURT OF CANADA.

No. 70.
Reasons for
Judgment
on Appeal
in the
Supreme
Court of
Canada.
By The
Chief Jus-
tice. (Sir
Louis
Davies).

The Chief Justice, (Sir Louis Davies):—

This is an appeal from the judgment of Mr. Justice Drysdale, the Judge in Admiralty, Nova Scotia District, in a case arising out of a collision which occurred in the Harbour of Halifax on the morning of the 6th December, 1917, between the steamers Mont Blanc and Imo, and caused the awful explosion from the cargo of the Mont Blanc consisting of high explosives which resulted in the loss of some thousands of lives and destruction of a part of the City of Halifax. The action was brought in that court by the owners of the French steamer Mont Blanc against the Norwegian steamer Imo, in which the Mont Blanc claimed the Imo was solely to blame, and in which the Imo counterclaimed that the Mont Blanc was solely to blame. 10

The questions as to the liability of the respective steamers depended largely, if not entirely, upon the findings on questions of fact and the learned trial judge who has had much experience in Admiralty cases, and who in this case, as he says, "assisted by two of the best nautical assessors in Canada," came to the conclusion that the Mont Blanc was solely to blame, in which conclusion his nautical advisers concurred. The learned judge held, and I think rightly, that once you conclude that the collision took place on the Halifax side of the mid channel, or even in mid-channel, you find the "impossibility of the story" given on the part of the Mont Blanc. He says: 20

"The fault to my mind clearly appears to have been the result of the last order of the Mont Blanc when being in her own waters on the Dartmouth side she took a starboard helm and reached for the Halifax wharves thus throwing herself across the bow of the outcoming ship Imo. Why this order was given I know not but I feel sure it was gross negligence and in so thinking I am supported by the advice and opinion of both nautical assessors. The order for a starboard helm and to lay a course suddenly across the harbour was justified by the officers in charge of the Mont Blanc as an emergency order to prevent a collision but taking into consideration the then position of the two ships this claim will not bear investigation." 30

I am in perfect accord with this finding of the trial judge and I agree

RECORD. that once you reach the conclusion that the actual collision occurred on the Halifax side of mid-channel or even in mid-channel itself, that crucial fact settles the controversy between the two ships in favour of the Imo.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 70.
Reasons for
Judgment
on Appeal
in the
Supreme
Court of
Canada.
Continued.

I have read most carefully the evidence of all the witnesses which was called to our attention by counsel on either side; and on this crucial point of the position of the two steamers at the moment of the actual collision the great weight of the testimony shews them to have been pretty nearly mid-channel but a little over on the Halifax side. In fact, the captain of the Mont Blanc himself answers—page 42, line 38—to the question as to where the Mont Blanc was at the time of the collision:—“About the middle 10 of the Narrows between the two shores at the time of the collision,” and the first officer of the Mont Blanc, Glotin, says—page 119, line 6—in answer to the question, “In which position in the channel did the collision occur?” “About the middle.”

Without quoting other evidence on the point, I think that it was conclusively shewn that the collision took place rather on the Halifax side of mid-channel. See Sullivan, page 470, lines 43-45; Rourke, Chief Engineer of the S. S. Douglas H. Thomas, page 238, line 30; Whitehead, page 662, lines 35-38; Captain McLean, page 221, lines 9-13, and page 227, lines 30-34. 20

Once that point is established, I think the learned judges findings are quite correct that the sudden change in the course of the Mont Blanc when Captain Lemedec blew his two blast signal and his vessel turned to port and steamed in an oblique line across the harbour “till her starboard bow was struck by the Imo cannot be justified,” and that the excuse or reason given for this sudden manoeuvre and change of course will not “bear investigation.” I tried my best during the argument to get counsel to state why in his opinion this manoeuvre could be justified or defended. The only explanation he gave was that the captain of the Mont Blanc who gave the order for the “two whistle blasts” and the change of course 30 across the harbour obliquely, believed, and had reason to believe, that the Imo was actually trying to force herself in between the Mont Blanc and the Dartmouth shore. But the location of the accident either on the Halifax side of the mid-channel line, or even on that line itself, seems to me absolutely conclusive against any such theory or the existence of any such belief on the part of Captain Lemedec.

It may then be asked if he, the captain, had not reason to believe or fear that the Imo was pushing herself or trying to push herself between his ship and shore, what other possible explanation can be offered for that fatal order and manoeuvre, and I answer, as counsel answered me: 40
“None.”

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 70.
Reasons for
Judgment
on Appeal
in the
Supreme
Court of
Canada.
Continued.

Up to the moment when that fatal order was given and the Mont Blanc left the Dartmouth side of the channel and steamed obliquely across the channel to the point of collision, she had rightly and properly kept on her course on the Dartmouth side of the channel. In reading her captain's evidence and that of her pilot Mackey, it will be seen that not only up to that moment had she been kept on her proper side of the channel, but that she was kept as close to the Dartmouth shore as it was possible to keep her without danger of her going ashore. See Captain's evidence, page 53, lines 15 and on.

Had the course of the Mont Blanc, instead of being deflected across the harbour when the two blast signal was given, been maintained, there could not possibly have been any collision; that is shewn, indisputably I think, from the location of the collision being fixed either on the mid-channel or on the Halifax side of it. See also the evidence of Captain McLean and Chief Engineer Rourke of the steamer Douglas H. Thomas, page 230, lines 5 to 9, page 234, line 34. 10

I also call attention to the fact that this fatal manoeuvre and the signal for it were made and given by Captain Lamedec himself on his own responsibility, and not on the advice of his pilot Mackey. They could not inter-change views, as the pilot could not speak French and the captain could speak very little English, and they did not converse together. See captain's evidence, page 46. He says that he not only himself blew the two blast whistle but gave the order in French to the helmsman to go to Port or to the left, as he expresses it. 20

Leaving now the Mont Blanc and her manoeuvres and navigation up to the time of the collision, I turn to the evidence respecting those of the Imo.

That steamer had been anchored all night on the west shore of the Bedford Basin. She was in charge of Captain From, who spoke English fluently, (page 403, line 35). Her pilot, William Hayes, was reputed to be one of the best pilots in the service in Halifax, (page 447, lines 9-11), and at the close of the evidence the learned judge said: "I have no doubt of the good standing of Pilot Hayes," page 741. 30

Unfortunately both Captain From and Pilot Hayes were killed by the awful explosion which followed the collision, as was also the first mate. We have only left, to give a statement of the Imo's navigation on that fatal morning, the wheelsman Johansen who, though injured, survived and appeared as a witness.

It was shewn that Pilot Hayes went on board the guardship on that

RECORD. fatal morning between 7.30 and 8 o'clock on his way up the Basin to join the Imo, and was informed that everything was in order to go to sea. From the evidence of Lieutenant Adams of the guardship, pages 688-695, it appears that the Imo had hoisted her flags shewing her commercial number, the guardship having corresponding flags hoisted. In the absence of wind, the flags were hanging limp and the Imo passed from her anchorage on the west side of the Basin close to the flagship in order to see the signal.

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There is, and can be, no doubt whatever that, when the Imo left the guardship and was about entering the Narrows, she met an American tramp coming from the harbour to go into the Basin and that the Imo tried unsuccessfully, by signalling her single blast whistle, to pass this tramp port to port, but was forced by the tramp, who wanted to keep on her course, to pass starboard to starboard. The captain of the tramp, Pilot Renner, frankly states in his evidence that it was entirely his fault that the vessels passed as they did, starboard to starboard, page 448, line 31. The Imo had given a one blast signal which the tramp answered by a cross signal of two blasts, indicating she intended keeping on the Halifax side, and to avoid, as is contended, a possible collision the Imo accepted the situation, answered with a corresponding two blast signal, and the vessels passed as above stated.

At the time the Imo was forced, as argued, to give this two blast signal to the American tramp, the Mont Blanc was distant nearly or about a mile from her. See Captain McLean's evidence, page 217. The Imo then, as Captain McLean says, was heading towards the Dartmouth shore.

Just after passing the American tramp, the Imo met the ocean-going tug Stella Maris with two barges behind her going up the Narrows to Bedford Basin on the Halifax side. The total length of the tug and tow was between 300 and 400 feet. The tug with the barges had left the dry dock about 8.15 for Bedford Basin intending to cross over to the Dartmouth side of the channel, but had only apparently got part of the way across when the Imo came in sight and the captain of the Stella Maris gave orders to turn in closer to the Halifax shore, (page 379, line 25; page 380, line 4; page 487, line 30).

The Stella Maris thus put herself on the wrong side of the channel and in what should be the Imo's waters. Thus it was argued the Imo was for the second time excluded from her proper waters and forced over towards the Dartmouth side.

When the two steamers, Imo and Mont Blanc, were about $\frac{3}{4}$ of a mile apart, the Mont Blanc opposite the dock yard but on the Dartmouth

RECORD. side, and the Imo between Piers 8 and 9, and probably also on the Dartmouth side of the centre of the channel, the Imo blew a single blast signal indicating that she was directing her course to starboard, and very soon afterwards a three blast signal indicating that she was reversing and her engines were going full speed astern. Brannen's evidence, page 481, line 17; page 487, line 39, and page 496, line 5, would seem to establish the fact of the one blast signal from the Imo having been given at this time. Very shortly afterwards the Imo, when, as I judge from the evidence, she came opposite the Stella Maris but was still on the Dartmouth side of the channel, blew the three blast signal and reversed her engines. This would throw her head to starboard. Her helm was then, as her wheelsman Johanson stated, put "a little apart," and she proceeded down the channel. 10

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As I have said before, the principal persons who could speak specifically as to the navigation and manoeuvres of the Imo from the time she met and passed the American tramp and met and was passing the Stella Maris with her two dredges in tow and from that up to the collision, namely, her captain and pilot and mate, were killed by the explosion and we have to rely upon the evidence of the wheelsman, Johansen, of Brannen, mate of the Stella Maris, and of, among other eye-witnesses, that of Captain McLean and Chief Engineer Rourke, of the Douglas H. Thomas. This latter steamer was the outside one of three steamers lying at the outer end of the Dry Dock. These two latter witnesses were quite independent ones, having no interest whatever to bias them one way or the other. They stood on the deck of their ship occupying perhaps the best vantage ground from which the movements and manoeuvres of the two steamers the Mont Blanc, the Imo, could be observed. I place very great reliance upon their evidence from the fact of their being in an excellent position to see what they have sworn to and from their experience in nautical matters. 20 30

The other witness Johnsen, did not profess to speak with any degree of certainty as to the whistles and signals given by the different ships, but he did speak with certainty and clearness as to the orders he received from the pilot with regard to his helm. These two witnesses, Captain McLean and Chief Engineer Rourke, both speak of the Imo having given a two blast signal, but they both agree that when that was given, the Imo and the Mont Blanc were a mile apart and the Imo was heading towards the Dartmouth side, page 217 and page 233. Counsel contended, I think with reason, that this was the two blast signal given to the American tramp by the Imo and had nothing to do with the Mont Blanc. They then say that one or two minutes after that two blast signal the Mont Blanc gave her first one blast signal, and that next the Imo gave a three blast whistle and reversed her engines, and this three blast whistle was 40

RECORD. followed by another single whistle from the Mont Blanc answered by a single blast whistle from the Imo. McLean says, page 219, the Imo was about abreast of No. 9 Pier when she blew her three blasts, and the Mont Blanc almost directly abeam of witness's ship at Dry Dock, and that between the centre of No. 9 Pier and Dry Dock was about half a mile. Rourke, page 233; Brannen, page 482, line 1; Dixon, page 561, lines 25 to 44; Skarre, page 388, line 14.

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This evidence places the fact of the Imo when entering the channel from the Basin having reversed her engines and straightened her course down the channel a little towards the Halifax side with her helm slightly 10
aport, beyond reasonable doubt.

She had up to that time been heading towards the Dartmouth side, and had, I think, most probably reached that side, but when she straightened out to come down the channel with, as Johansen the wheelsman said, her helm a little aport, she was heading towards the Halifax side and, as Rourke says, she "had reversed her engines, changed her course and had come slightly to the Halifax side, her bow swung to starboard to the Halifax shore and then the Imo blew one whistle and came ahead to starboard heading down our ship," (pages 233-4).

Rourke says, page 234, line 30, "The two steamers were, I would say, 20
300 or 400 yards apart when the Mont Blanc blew her two whistle signal and altered her course to come to port to the Halifax shore. Prior to that, they had been on parallel courses."

Accepting, as I do, after reading it over a second time, the evidence of these two witnesses, Captain McLean and Chief Engineer Rourke, which I find confirmed in some particulars, as I have said, by other witnesses on important points and coming from men perfectly independent and skilled in the matters they were giving evidence on and who enjoyed the great advantage of occupying a position on the deck of their steamer which enabled them to judge better than any other witnesses the crucial 30
points and facts in dispute, I have reached the clear conclusion that the trial judge formed a correct conclusion in adjudging the Mont Blanc to be solely to blame.

If the evidence of McLean and Rourke is accepted, supported as it is, as I have before stated, on important points by Brannen of the Stella Maris; Johansen the wheelsman; Dixon and Skarre, and above all by the fact that the actual collision took place on the Halifax side of the centre of the channel, we must conclude, that the Imo and the Mont Blanc were about a mile apart when the former gave her two blast signal whistles which counsel contend was intended for the American tramp and 40

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could not at the distance the vessels were then apart, have been mistaken by the Mont Blanc as intended for her, also that the Mont Blanc one or two minutes afterwards gave her second one blast signal shewing her then intention to keep to her proper side of the channel, also that the Imo then gave her three blast signal and reversed her engines throwing her head to starboard and blew one signal blast, her bow swinging to the Halifax side, and that at this moment the vessels were about half a mile apart, that the Imo steadily followed the course down about the centre of the harbour, but a little towards the Halifax side; that the ships were within three hundred or four hundred yards of each other when the Mont 10
Blanc changed her course, blew her two whistle blasts and came obliquely across the harbour towards the Halifax shore and that, if she had not made that one fatal mistake and manoeuvre, both steamers would have passed each other without any trouble.

That as emphasizing the impression made upon McLean by this fatal mistake of the Mont Blanc, he remarked to Chief Engineer Rourke, who stood alongside of him at the time, "The Frenchman has given a cross signal and there is going to be a collision."

Summarizing my conclusions I must say that, in my judgment, before the Imo had passed the Stella Maris she was trying to avoid a possible 20
collision with that tug and her scows and heading, in order to do so, towards the Dartmouth side, but that when and as soon as any danger of collision with the Stella Maris and her scows passed, gave three blasts of her whistle; reversed her engines; straightened out her course to come down the narrows under a helm slightly apart with her head towards the Halifax side, and so continued on that course until the collision occurred, when she had reached slightly the Halifax side of the centre line. The distance between these two steamers when the Imo reversed and straightened her course and gave the single signal blast in response to the same signal from the Mont Blanc was between half and three quarters of a 30
mile (Captain McLean, page 214, line 30). Up to that moment the Imo would appear to any onlooker to be rather on the Dartmouth side and to be heading for that side and to this effect is the evidence of a number of the witnesses. For instance McLean speaks of then seeing her starboard side. But from the moment she reversed her engines, straightened her course down the narrows, signalled the Mont Blanc one blast in response to the latter's signal of one blast, she altered her course, turned her head to the Halifax side and steadily followed that course with her helm slightly apart till she reached and passed the centre line and when the collision took place was on the Halifax side of the harbour's centre 40
line. The evidence of Johansen, the wheelsman, McLean and Rourke and Brannen, mate of the Stella Maris, and Dixon and Skarre, speaking from their several points of view, seems to me clearly to confirm this

RECORD. conclusion. I specially call attention to McLean's evidence, (page 220, lines 16 to 25)

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"Q.—The Mont Blanc blew a short blast and some time after blew another short blast—then that was answered by the Imo, by one?

A.—Yes sir.

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Q.—Did you notice, Captain, after the Imo blew this one short blast; she only gave one short blast once according to your judgment and recollection? A.—Yes sir.

Q.—What about her course at that time—one short blast means a course I am going to starboard? A.—Yes sir, I think he altered his 10 course to starboard too—his head was, if anything, towards the Halifax shore—I could see his port side on a very small angle.

Q.—After the one short blast? A.—Yes sir."

On the whole evidence I cannot find the Imo at fault and would dismiss the appeal with costs.

No. 71.

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ton, J.

Idington, J.:—

The Appellant was owner of the Mont Blanc sailing northerly on the morning of the 6th December, 1917, in the Halifax Harbour, lying between Dartmouth and Halifax, when the Respondent was sailing southerly through the same. 20

They collided at about 8.45 a. m., at a point on the Halifax side of the centre line of the Fairway which there and for nearly a mile to the north and to the south is fifteen hundred feet, or more, wide and of ample navigable depth extending to either shore.

There was practically no tide or current; scarcely any wind; fine weather; unclouded sky, and only two or three vessels moving in that zone of the harbour.

The Imo's stern penetrated for a depth of nine feet or more the starboard side of the Mont Blanc, about No. 1 hatch, having struck at practically right angles. 30

I am unable to reconcile the evidence, as to signals given, and the alleged several relative positions, and several alleged distances apart of the

RECORD. vessels, when such signals given; and much less so in any way, to demonstrate that the creation of the condition of things at the collision, and in the place in which that took place, was or could be consistent with the theory that it necessarily resulted from the situation with which the *Mont Blanc* at any of the several stages of its progress was confronted, and therefore was on whole or in part the fault of the *Imo* instead of being entirely her own as found by the court below.

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I think the appeal should be dismissed with costs

Anglin, J.:—

No. 72.

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J.

I have found it necessary to read all the evidence in the record and to re-read and analyze with great care four-fifths of it. Much of the testimony—particularly in regard to the distances between the vessels when certain important steps were taken and to the signals given and the points at which they were given—is hopelessly conflicting. The estimates of distances are especially unreliable. 10

Because I find myself unable to agree fully in the conclusions of the learned trial judge, I have thought it better to refer briefly to some of the testimony which has led me to take a different view. On two points which seem of vital importance, the learned judge has not made findings. These are the position relatively to the centre line of the channel of the *Imo* at and immediately before the moment when the *Mont Blanc* sounded a two blast signal and began to turn to port for which she has been condemned, and the bearing of the course of the *Imo* on that of the *Mont Blanc* at and immediately prior to that moment. 20

Upon the whole evidence, although satisfied that had the two vessels maintained their courses as they were immediately before the *Mont Blanc* sounded the two-blast signal and turned to port they would have collided, I think they were probably not yet in such close proximity—in such imminent danger—that this distinct departure by the *Mont Blanc* from Articles 18 and 25 of the Rules of the Road was justified as an emergency measure taken “in the agony of collision.” I am not satisfied that she could not still have escaped collision without risk of going ashore by turning yet farther to starboard, or that reversing would not have been preferable to turning to port. I therefore accept the finding of the learned trial judge that this manoeuvre of the *Mont Blanc* amounted to fault which materially contributed to causing the collision that ensued. 30

I am also inclined to agree with his appreciation of the evidence of the witness Makinney and to accept his rejection of it as untrustworthy.

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But with deference and making due allowance for the loss of the evidence of the pilot and captain of the Imo, who were killed, the weight of the testimony in my opinion sufficiently preponderates to warrant a finding that the Mont Blanc was not solely to blame—that there was also fault on the part of the Imo, responsibility for the consequences of which she should not be allowed wholly to escape.

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While it might be difficult to point to any specific incident or feature of the trial warranting that opinion, the study of the whole record has left on my mind an uncomfortable impression that the case of the Mont Blanc in regard to responsibility for the collision was, unconsciously no doubt, prejudiced in the minds of those present at the investigation and the trial by the subsequent conduct of her officers and crew in allowing her to drift into the Halifax docks after the collision, thus imperilling the lives of thousands of people, while seeking their own safety in hasty flight to the Dartmouth shore without taking any steps, or at least any adequate steps, to give warning of the imminent danger even to those in the immediate vicinity, in contrast with that of the men on the Stella Maris and naval launches who jeopardized—and many of them lost—their lives in an effort to put out the fire. This feature of the case was emphasized by counsel for the Imo throughout the investigation. The license allowed him in other respects is indicative of the prevalent sentiment against the Mont Blanc. 10 20

The evidence convinces me that the Imo came down the narrows on the port, or Dartmouth side—in the waters of the Mont Blanc, and that her course as held, at all events until the vessels were probably within 150 or 200 metres of each other, when the Mont Blanc executed her manoeuvre to port, was one improperly cutting into or crossing that of the Mont Blanc, which up to that time had been properly proceeding up on the starboard, or Dartmouth, side of the channel. That this was the course of the Mont Blanc up to the moment when, having given a two-blast signal, she turned to port, is overwhelmingly established. There is virtually nothing to the contrary, the witnesses differing only as to her distance from the Dartmouth shore, some placing her very close to it, others nearer the centre line of the channel. I shall therefore proceed to consider briefly the testimony as to the course of the Imo. 30

It is admitted that she met an American tramp steamer and a tug towing two scows in the narrows and passed both starboard to starboard—the former about the exit from Bedford Basin, the latter farther down. Nickerson, one of the two witnesses called from the tug boat, says that Imo was “quite far on the Dartmouth side” of the channel, (page 371, line 28, line 35); the other, Brannen, also saw her on that side but expected she would later make a turn into mid channel, (page 493, line 11). 40

RECORD. Up to the moment when she turned to starboard, immediately after the Mont Blanc had turned to port, the Imo is located on the Dartmouth side of the channel not only by Lemedec, Mackey and Glotin, witnesses from the Mont Blanc, but also by the following independent witnesses:— Whitehead, (page 647, line 40; page 648, line 6); Mayers, (page 357, line 26, line 41); Henry, (page 353, line 26); Johnson, (page 336, line 3); Lieutenant Woolams, R. N. R., (page 742, line 14), and Roberts, (page 743, line 15). From where they were Lieut. Woolams, Roberts, Henry and Whitehead, (page 649, line 40), had especially good opportunities for observing the positions of the Imo and Mont Blanc in the channel, and the qualifications of Woolams, Mayers and Whitehead give added weight to their testimony. A few witnesses, it is true, placed the Imo about the centre, or slightly to the Halifax side, of the channel. But the point at which the collision occurred—about mid-channel, Brannen, (page 491, line 20); McLaine, (page 221, line 10); Lemedec, (page 42, line 38), and Glotin, (page 119, line 4)—if at all, according to the great weight of the testimony, very slightly to the Halifax side of the centre line, Sullivan, (page 470, line 42; page 471, line 1); Rourke, (page 238, line 30), and Whitehead, (page 662, line 36)—puts it almost beyond possibility of doubt that when, very shortly before the collision the Mont Blanc turned to port and the Imo to starboard, (i. e., towards the Halifax side), both ships were on the Dartmouth side of the channel. So close was the point of collision to the centre line of the channel that Henry (page 353, line 20), and Mayers, (page 358, line 26), both thought that it was to the Dartmouth side of the centre line.

Both the vessels had good steerage way when they turned towards the Halifax shore. Apart from direct testimony, undoubted facts—the crash, Woolams, (page 742, line 18); McLaine, (page 251, line 22,); Nickerson, (page 372, line 20); Whitehead, (page 649, line 28), and Dixon, (page 561, line 1), the penetration of the Imo into the Mont Blanc, Spence, (page 734, line 20); Palvadeau, (page 339, line 32); Lemedec, (page 38, line 35); Glotin, (page 102, line 33); Abbott, (page 478, line 20); Birkland, (page 277, line 14); (page 281, line 24); Nickerson, (page 373, line 6), and B'jonnas, (page 81, line 45), and the circumstance that the force of the collision turned the head of the heavily laden Mont Blanc southward from 45 to 60 degrees, Smith, (page 344, line 10); Babineau, (page 322, line 19); Henry, (page 354, line 17); Mayers, (page 358, line 11), and Sullivan, (page 469, line 38)—put that beyond question. Allowing for their movement westward, (i. e., towards Halifax), immediately before they came together, it seems to me to be indubitable that before they turned in that direction both ships must have been on the Dartmouth side of the centre line of the channel.

The testimony that the course of the Imo was directed towards the

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RECORD. Dartmouth side and cutting that of the Mont Blanc greatly preponderates. In addition to that of Lemedec, Glotin, Serre, Mackey and Leveque, from the Mont Blanc, we have the following evidence of the fact from independent witnesses, some of whom gave testimony generally favourable to the Imo, McLaine, (page 214, lines 33-40); Brannen, (page 490, line 19); Whitehead, (page 647, line 40); Jenkins, (page 745, line 25); Sibley, (page 744, line 21), and Roberts, (page 743, line 15; line 20).

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Although the evidence as to signals is very contradictory and unsatisfactory, the weight of it seems on the whole to favour the view that the Imo at least twice gave two short blast signals indicating a course to port. 10
In explanation it is suggested on her behalf that these were given for the American tramp and the tug and tow which she passed starboard to starboard. The improbability of this explanation in the latter case appears from the evidence of Nickerson, (page 370, line 40; page 382, line 30), and Brannen, (page 481, line 40; page 487, line 40). Both these men, who were on the tug boat, say that their relative positions were such that the Imo's signal could not have been intended for the tug boat. Brannen says it was for the Mont Blanc. At all events it seems obvious that these signals were given under such circumstances that the pilot and officers of the Mont Blanc would probably have taken them to be intended for her, as they swear they did, and that they were most misleading to them. 20
Taken with the Imo's actual course they were calculated to engender the belief that she intended to insist on passing between the Mont Blanc and the Dartmouth shore—starboard to starboard—as she had already passed the American tramp and the tug and tow.

It seems to me reasonably clear that having taken the wrong side of the channel when passing these vessels, whether excusably or not, the Imo most inexcusably maintained her course on that side until just before the collision when she reversed and threw her head to starboard in a belated effort to reach her own side of the channel after the Mont Blanc had begun her mistaken manoeuvre of turning to port. 30

While the conduct of the Imo may not have amounted to enough to relieve the Mont Blanc of responsibility for throwing over Article 25, (which she had carefully observed up to that point) and disregarding Article 18 when the ships were probably still 150 or 200 metres apart, there is no doubt in my mind that it very materially contributed to causing the collision which ensued. Indeed the disregard by the Imo of Article 25 may be put down as the primary or initial cause of the disaster; and its effect continued up to the last.

It would also seem probable that when the Mont Blanc came to port after blowing a two-blast signal and before the Imo reversed, the vessels 40

RECORD. were, momentarily at least, on parallel courses and the Imo might have passed the Mont Blanc starboard to starboard without colliding with her. The evidence of Lemedec, (page 37, line 4); Glotin, (page 101, line 22), and Mackey, (page 130, line 12; page 136, line 18; page 151, line 4), on this point is very clear. The Imo's reversing and throwing her head abruptly to starboard would seem to have been a mistaken manoeuvre under these conditions, induced, as they were, by her own prior misleading conduct. But this movement, though executed after, may have been directed before her pilot realized that the Mont Blanc actually intended to try to go to port and to pass starboard to starboard.

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On the whole case I am of the opinion that both vessels were at fault in disregarding Article 25. While I incline to think that the Imo was the more blame-worthy of the two, I am not sufficiently satisfied of this to do otherwise than apportion the responsibility equally.

I would for these reasons allow this appeal to the extent I have indicated.

Brodeur, J.:

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den, J.

I concur with my brother Mignault. I have come to the conclusion that the collision is due to the fault and negligence of the Imo by coming down the harbour in the waters of the Mont Blanc, and by inducing the latter to change her course. My opinion would be that the Imo should be held alone responsible for the collision. In view of the fact that two of my colleagues hold the Mont Blanc solely liable and that Mr. Justice Anglin would hold both ships at fault, I agree that formal judgment should be entered allowing the appeal with costs and holding both ships equally liable and directing that damages be assessed accordingly and without costs in the Exchequer Court.

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Mignault, J.:

No. 74.

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nault, J.

This appeal raises the question of the liability for the collision in Halifax Harbour, on December 6th, 1917, between the S. S. Mont Blanc, loaded with high explosives, belonging to the Appellant, and the S. S. Imo, a Norwegian ship, chartered by the Belgian Relief Commission. That this collision brought about a disastrous explosion, which destroyed a portion of the cities of Halifax and Dartmouth, with an appalling loss of life, may to a certain extent have obscured the real issue, but the consequences of this explosion have obviously nothing to do with the question of liability for the collision itself which has now to be decided.

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These proceedings were instituted by the present Appellant in the Exchequer Court, Nova Scotia Admiralty District, claiming the sum of \$2,000,000, and the owners of the S. S. Imo, the Southern Pacific Company, filed a counterclaim against the Appellant for a similar amount. After the explosion the matter was investigated by the Wreck Commissioners Court, composed of Mr. Justice Drysdale, assisted by Captain L. A. Demers and Captain Charles Hose, as nautical assessors. The present case was tried before Mr. Justice Drysdale, local Judge in Admiralty, but only one witness (to whom I shall not refer as his testimony was not credited by the learned trial judge) was examined at the trial, the parties 10 having agreed that the evidence taken before the Wreck Commissioners Court should be used in this case. While such a course was undoubtedly more convenient for the parties, it has not helped to clarify the issue, for a considerable part of this voluminous evidence is irrelevant on the question of liability for the collision, and the labour imposed on the court to thoroughly sift it, and to determine what portion has a bearing on this question of liability, has been a most arduous and time consuming one.

Like all cases of this nature, we find here a very considerable variance of statement with regard to what happened in the few minutes which preceded the collision. Some of the versions of the witnesses of the collision 20 are unreliable, the testimony of others is perhaps open to suspicion because they were defending the course of navigation of their own ship, and while the learned judge in the court below came to a conclusion entirely unfavourable to the Appellant, he has unfortunately not made any attempt to analyze—or discuss the evidence. This has forced me to read the whole mass of it, and, having done so, I feel entirely free, although the issue is mainly one of fact, to express my own view of the merits of the present controversy.

Three courses are open to the court on this appeal. It can hold

1. that the Mont Blanc was entirely to blame, and this is what was 30 decided in the court below,
2. that the Imo was alone liable for the collision,
3. that both ships were to blame.

In their preliminary acts each ship has stated what she did to avoid the collision. The version of the Mont Blanc is as follows:—

“When the Imo was first seen the Mont Blanc blew one short blast to indicate that she was holding to the starboard side of the Fairway and slowed her engines. After this signal had been answered by two short

RECORD. blasts from the Imo the Mont Blanc again gave one short blast which was again answered by two short blasts from the Imo. The Mont Blanc stopped her engines to avoid what appeared to be otherwise an inevitable collision, blew two short blasts and starboarded her helm, bringing the ships in a safe position on opposite parallel courses. After this order was executed, the Imo was seen to swing to starboard. A collision was then inevitable whereupon the Mont Blanc reversed her engines full speed."

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 74.

Reasons for
Judgment
on Appeal
in the
Supreme
Court of
Canada.
Continued.

The version of the Imo, on the other hand, is that

"Imo was keeping as far as practicable to that side of the Fairway or mid-channel which laid on her starboard side and blew a signal of three 10 blasts and reversed her engines when ships were about one-half to three-quarters of a mile apart. Imo's speed was then reduced to about one mile per hour and engines were not put ahead again before collision and Imo was kept under a port helm and signalled accordingly. When Mont Blanc blew a two blast signal, indicating she was coming to port, and attempting to cross bows of Imo, Imo's engines were immediately reversed and three blast signal blown."

The version of the Mont Blanc is vouched for by her captain, by Pilot Mackey, who was advising the latter on the navigation of the ship, and by her other officers. The unfortunate fact that the captain, the pilot and 20 the first officer of the Imo were killed by the explosion, whereas the whole crew of the Mont Blanc escaped in boats, has deprived the court of authoritative testimony as to the navigation of the Imo by those who were responsible for it, but four of her officers escaped and were called, Peter B'Jonnas, second mate; Andrew Johansen, steward; Bjarne Birkland, third mate, and John Johansen, wheelsman. Their testimony naturally has not the same authority as would be attached to that of the chief navigation officers of the ship, but for this of course the Respondent is not blameworthy.

The collision occurred in a narrow channel, not exceeding 2000 feet in 30 width, between Halifax and Dartmouth. The tide was slack and there was virtually no wind, and although some haze existed in the upper stretches of the narrows towards Bedford Basin, the two ships could be easily seen as it was broad daylight, by each other. The Mont Blanc was steaming up the channel on the Dartmouth side on the way to Bedford Basin where she was to await a convoy, for her cargo of munitions was consigned to the French Government. The Imo left her anchorage in Bedford Basin that morning and was going out to sea, being bound unloaded for New York. The Imo was a larger and faster boat than the Mont Blanc, her captain, From, and her pilot, Hayes, were in charge, while the 40 captain, LeMedec, and the pilot, Mackey, directed the Mont Blanc. There is no doubt that both pilots were men of experience.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 74.
Reasons for
Judgment
on Appeal
in the
Supreme
Court of
Canada.
Continued.

The vessels were about a mile apart when they observed each other. I take it that the evidence shews, unquestionably for the Mont Blanc, and sufficiently for the Imo, that both ships were then on the Dartmouth side, which would be the wrong position for the Imo. It is, on behalf of the latter, explained that higher up she had met an American tramp steamer going up on the Halifax side which she passed starboard to starboard, and that further down she cleared a tug, the Stella Maris, with two tows, also going up on the Halifax shore, and which she also passed starboard to starboard. Whatever may have been the cause the Imo was on the wrong side of the channel.

10

The testimony of the pilot and officers of the Mont Blanc is that when they saw the Imo, they blew a one blast signal and directed their course to starboard as far as they dared towards the Dartmouth shore. The signal was answered by the Imo, they say, by two blasts, indicating that she was going to port. The Mont Blanc then blew one blast and again the Imo answered by two blasts. They say that then a collision was inevitable if both ships continued on their courses, and to avoid it the Mont Blanc blew two blasts and went to port towards the Halifax side, in order to place the two boats on parallel courses, but the Imo then directed her course to starboard, which may have been brought about by her having reversed her engines, and she struck the Mont Blanc substantially at right angles, penetrating about 8 or 9 feet from the water-line up, opposite the No. 1 hatch, causing a fire on the Mont Blanc. The last signals of both boats immediately before the collision were three blasts, indicating that they were reversing.

20

If this testimony be believed, the Imo is to be blamed for the collision, for she was on the wrong side of the channel, and her two blast signal twice repeated was not the proper signal to give, and if it brought about the collision and gave the Mont Blanc sufficient cause to depart from the starboard rule and go to port to avoid a collision otherwise inevitable, the Imo is answerable for the consequences.

30

The testimony of the surviving officers of the Imo as to the signals given by both ships does not appear to me sufficiently conclusive to off-set the positive statements of the navigating officers of the Mont Blanc. And the testimony of the other witnesses who observed the two boats is rather confusing and in some cases contradictory. The witness Mayers entirely corroborates the testimony of the officers of the Mont Blanc with respect to these signals, but his story of what happened to him by reason of the explosion is so extraordinary that I do not care to rely on his corroboration.

In all this maze of divergent, if not contradictory testimony, there is one witness who was placed in a very favourable position to observe the

40

RECORD. two ships and whose evidence, I think, will permit me to arrive at a proper decision. I refer to Mr. Herbert Whitehead, R. N., a mate in the service of the Canadian Naval Service, whose testimony is at page 646 of the Record.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 74.
Reasons for
Judgment
in the
Supreme
Court of
Canada.
Continued.

On the morning in question Mr. Whitehead was in command of a drifter, and his duties consisted in supplying provisions to the drifters at anchors at Dartmouth Cove and at North West Arm. He left the dock at the Halifax Dock Yard about 8 h. 35 and soon heard a lot of whistling out in the stream, and his helmsman observed it looked like trouble coming there. I will quote extensively from his testimony: 10

“Q.—What did you see when you looked? A.—I saw a vessel which afterwards proved to be the Mont Blanc steaming up the harbour and a vessel which afterwards proved to be the Imo, steaming down.

Q.—Where was the Mont Blanc when you first saw her? What part of the harbour? A.—I first saw her as I was backing out from the flag staff.

Q.—Where was she then? A.—She was just about abreast of the dry dock between the dry dock and the Niobe.

Q.—What part side? A.—Dartmouth side of the harbour.

Q.—Had she at that time passed the British cruiser laying at anchor? A.—Yes. 20

Q.—Did you see her pass the cruiser? A.—I did.

Q.—Which side of the cruiser did she pass? A.—Between the cruiser and the Dartmouth shore.

Q.—Did you continue to watch her? A.—After the helmsman pointed out there was going to be some trouble, as he said, I watched them; both ships.

Q.—At that time when your attention was again directed to the Mont Blanc where was she? A.—She was then about abreast of the dry dock.

Q.—Which side? A.—Over on the Dartmouth side.

Q.—Had she to your appreciation changed her course from the time you first saw her? A.—Not up to that time. 30

Q.—How far away from her was the Imo when your attention was called to her approximately? A.—I should say 600 or 700 yards.

Q.—To the best of your judgment how were their relative courses when you saw them? A.—They seemed to me at that time to be almost headed to each other.

Q.—Can you tell which was the further to the Eastward—nearer the Dartmouth shore at that time? A.—From my position I could not.

Q.—Would you say their masts would be in line at that time or was either inclined towards the other? A.—Was one canted a little? 40

Q.—Yes. A.—From my position I could not very well tell that. From where I was they seemed to be almost head on.

Q.—When you say on the Dartmouth side can you give us some idea

[RECORD.]

*In the
Exchequer
Court of
Canada,
Nova Scotia
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District.*

*No. 74.
Reasons for
Judgment
on Appeal
in the
Supreme
Court of
Canada.
Continued.*

how close they were to that side or if you cannot do that how much were they on the Dartmouth side of the centre channel? A.—Both vessels were well over the centre of the channel. The cruiser you mentioned was anchored about the centre of the channel and the Mont Blanc passed between her and the Dartmouth shore.

Q.—And apparently going up on the same line? A.—Yes.

Q.—You said you heard whistles; give us the first whistle that you noticed; distinguished? A.—The first whistle was a two whistle signal from the Mont Blanc.

Q.—Did you hear any signal from the Imo? A.—I did. 10

Q.—After that? A.—I did.

Q.—What was that? A.—The Mont Blanc signal was followed almost immediately afterwards by a one blast signal from the Imo.

Q.—Was this at a time when they were 600 or 700 yards?

A.—They had approached in the meantime.

Q.—How close would you think the two vessels were when the Mont Blanc blew the two blast signal? A.—I could not say; they were very close.

Q.—Not 100 yards? A.—No, not under that; they were coming up on each other. 20

Q.—The one blast signal from the Imo followed closely after the two blast from the Mont Blanc? A.—Yes.

Q.—Was there enough interval for the people on the Imo to hear the two blast signal from the Mont Blanc before their one blast signal was blown; after the two blast signal was blown on the Mont Blanc was there enough time so that the Imo could hear that before they blew their one blast? A.—Yes.

Q.—Did you as a sea faring man; did it seem to you the second signal was blown in answer to the first? A.—Appeared to me what I call a cross signal in answer to the two blast signal from the Mont Blanc. 30

Q.—Following the two blast signal from the Mont Blanc did not notice any change in her course? A.—I did; she went to port.

Q.—Promptly or slowly or how? A.—She was not steaming very fast and answered the helm rather slowly but she went to port following the signal.

Q.—Can you give us any idea of the speed which the Mont Blanc was steaming at the time she blew the two blast signal? A.—Going very slow. I should judge the speed between two and three knots an hour.

Q.—Could you estimate the speed of the Imo at the time the two blast signal was blown from the Mont Blanc? A.—I could not; but she was 40 going much quicker than the Mont Blanc was travelling.

Q.—When the Imo blew the one blast signal did you notice any change in her course? A.—Yes, she changed to starboard.

Q.—Were there any other signals given before the collision after the signals you have given us and before the collision? A.—Yes.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

*No. 74.
Reasons for
Judgment
on Appeal
in the
Supreme
Court of
Canada.
Continued.*

Q.—What? A.—The Mont Blanc whistled or gave three blasts indicating he was going astern; that was answered by three blasts from the Imo.

Q.—Was there any great interval of time between these two 3 blast signals or followed one another rapidly? A.—Followed rapidly with an interval of possibly a few seconds.

Q.—The Mont Blanc first and the Imo followed? A.—Yes.

Q.—Did you notice whether in accordance with the signal the Mont Blanc's engines were put astern? A.—I didn't personally I don't believe they were reversed; the signal was given that the engines were going astern but I saw no wash around the propeller to indicate the engines were moving astern. 10

Q.—What about the Imo? A.—Her stern was away from me; I could not tell you.

Q.—After the three blast signal from the Imo was given, could you tell whether her course changed at all after the three blast signal?

A.—No I could not; the Mont Blanc was between me and the Imo.

Q.—By that time she had closed you off as it were? A.—Yes.

Q.—I presume from what you told us, shortly after this the collision happened? A.—Yes. 20

Q.—Can you give us any idea of the time that elapsed from the three blasts given by the Mont Blanc, between that and the collision?

A.—It would no be a minute; less than a minute.

Q.—Did you hear any sound of the collision? A.—I did; crash.

Q.—Describe it as best you can? A.—A crashing, rending sound; I can hardly describe it; as though—well you can imagine how iron will crash with a rending sound.

Q.—Instantaneous or did it last any appreciable length of time?

A.—A sudden crash.

Q.—Yes. A.—No, a rending crash. 30

Q.—Extended over some period of time? A.—A short period.

Q.—To your mind did the length of the sound indicate anything whatever as to the nature of the collision as to whether one ship penetrated at all in the side of the other? A.—From the noise I heard, I was sure one ship had gone into the other a certain distance.

Q.—Where was your boat at the moment of the collision?

A.—I was about a hundred yards away from the Mont Blanc."

Mr. Whitehead's attention was called by the whistling, so he can only testify to the signals he heard after he watched the two boats. His statement is important because he was in close proximity and he testifies that the two boats were, when he first noticed them, almost headed on each other. 40

The contention which the Respondent made at the argument was

RECORD. that the Mont Blanc, immediately before the collision, should have continued her course and should not have gone to port. Reliance is placed on Regulations 18 to 25 of the International Rules for Preventing Collisions at Sea, which oblige meeting ships to keep to the starboard or right side of the Fairway. The Respondent says that the Mont Blanc caused the collision by going to port, and that she should have continued her course and left to the Imo the duty of keeping out of her way.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 70.
Reasons for
Judgment
on Appeal
in the
Supreme
Court of
Canada.
Continued.

The Appellant, on the other hand, contends that keeping the Mont Blanc to her course would have rendered, in view of the position and course of the Imo, a collision inevitable; that its ship being heavily loaded with high explosives it was justified in going to port as being the only way, had the Imo not gone immediately afterwards to starboard, of avoiding a collision. The Appellant also states that the Imo had placed the Mont Blanc in a very perilous position by wrongly going down the Dartmouth side, and that in this sudden emergency and under all the circumstances, the latter ship had the right to depart from the starboard rule under Regulation 27, which says:—

“In obeying and construing these Rules, due regard shall be had to all the dangers of navigation and collision and to any special circumstances which may render a departure from the above rules necessary to avoid immediate danger.”

The learned trial judge found that the collision took place on the Halifax side, and this, he considers, points conclusively to the Mont Blanc being in fault.

I think, with deference, that the actual place of collision is immaterial in view of the fact that both ships were proceeding on the Dartmouth side, the Imo being wrongly there, and the Mont Blanc having gone to port to avoid the collision and the Imo to starboard immediately afterwards, it is not extraordinary if when the Imo struck the Mont Blanc both ships were on the Halifax side of the centre of the channel. The real question to my mind, is not where the actual collision occurred, but whether it took place through the fault of the Imo, and upon due consideration of all the evidence I cannot answer this question otherwise than in the affirmative

In an ordinary case I would greatly hesitate to set aside the findings of fact of the trial judge, but it seems to me, with all respect, that we are after all in at least as good a position, as a court sitting in Halifax shortly after this terrible disaster, to determine upon the testimony the liability for the negligence and lack of proper seamanship which brought about the collision. I have conceived it my duty to read very carefully all the evidence and having done so I have no hesitation in stating as my opinion that the collision occurred through the fault of the Imo.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

*No. 70.
Reasons for
Judgment
on Appeal
in the
Supreme
Court of
Canada.
Continued.*

In my opinion therefore the appeal should be allowed with costs here and in the court below, and the counter-claim dismissed, also with costs, and an enquiry ordered as to the damages suffered by the Appellant.

In view of the fact however that my learned brothers, the Chief Justice and Mr. Justice Idington, are of the opinion that the Mont Blanc was solely to blame for the collision, that my brother Anglin holds the Mont Blanc and the Imo equally at fault, and that my brother Brodeur concurs in my opinion that the Imo is alone liable, the result is that of the five judges who sat in this case, three hold the Mont Blanc at fault and three decide that the Imo is blame-worthy. On account of these findings, my 10
opinion is that the formal judgment of the court must be entered allowing this appeal with costs, holding both ships equally liable, and directing that damages be assessed accordingly, without costs to either party in the Exchequer Court.

RECORD.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 75.
Decree of
Supreme
Court of
Canada.

DECREE OF SUPREME COURT OF CANADA.

IN THE SUPREME COURT OF CANADA.

Monday the 19th day of May, A. D., 1919.

PRESENT:

THE RIGHT HONOURABLE SIR LOUIS DAVIES, K. C. M. G.,
Chief Justice.

THE HONOURABLE MR. JUSTICE IDINGTON.

THE HONOURABLE MR. JUSTICE ANGLIN.

THE HONOURABLE MR. JUSTICE BRODEUR.

10

THE HONOURABLE MR. JUSTICE MIGNAULT.

Between: { **COMPAGNIE GENERALE TRANSATLANTIQUE,**
Plaintiff (Appellant)
AND
THE SHIP "IMO" *Defendant (Respondent).*

The appeal of the above named Appellant from the Judgment of the Honourable Mr. Justice Drysdale, Judge in Admiralty, Nova Scotia Admiralty District of the Exchequer Court of Canada, pronounced in the above cause on the 12th day of June, in the year of our Lord 1918, having come on to be heard before this Court with the assistance of Captain Dixon as 20
Nautical Assessor on the 11th, 12th, and 13th, days of March in the year of our Lord 1919, in the presence of counsel as well for the Appellant as the Respondent, whereupon and upon hearing what was alleged by counsel aforesaid, this Court was pleased to direct that the said appeal should stand over for judgment, and the same coming on this day for judgment,

THIS COURT DID ORDER AND ADJUDGE, that the said appeal should be and the same was allowed and the said judgment of the Honourable Mr. Justice Drysdale should be and the same was reversed and

Y.A.C. 2802

RECORD. set aside and found that both ships were equally liable and directing that damages be assessed accordingly.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 75.
Decree of
Supreme
Court of
Canada.

AND THIS COURT DID FURTHER ORDER AND ADJUDGE that the Respondent should and do pay to the said Appellant the costs incurred by the said Appellant in the Supreme Court of Canada and that no costs be payable to either party in the Exchequer Court of Canada.

E. R. CAMERON,

Registrar.

No. 76.
Notice of
Appeal.

No. 76.

NOTICE OF APPEAL.

10

TAKE NOTICE that the Defendant appeals to His Majesty in His Privy Council from the Decree or Order of the Supreme Court of Canada made the nineteenth day of May, A. D., 1919.

Dated the thirteenth day of June, A. D., 1919.

CHAS. J. BURCHELL,

Solicitor for the Ship "Imo."

No. 77.
Order Fix-
ing Bail.

No. 77.

ORDER FIXING BAIL.

Before the Honourable Mr. Justice Mignault, in Chambers.

Friday the thirteenth day of June, A. D., 1919.

20

UPON MOTION made by Mr. John W. P. Ritchie, of counsel for the Respondent, for an order fixing the bail to be given by the Respondent upon its appeal to His Majesty the King in Council, from the judgment of this Court dated the nineteenth day of May, 1919, to answer the costs of said appeal.

RECORD. UPON HEARING read the said judgment of this Court, the Notice of Appeal served on Friday the thirteenth day of June, 1919, the notice of application to fix the bail served herein on Tuesday the twenty-seventh day of May, 1919, filed, and upon hearing counsel for the Respondent and Appellant.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 77.
Order Fixing
Bail.

IT IS ORDERED, that the above named Respondent The Ship "Imo" do give bail to answer the costs of appeal to His Majesty the King in Council in the sum of three hundred pounds sterling to the satisfaction of the Registrar of this Court on or before the 20th day of June 1919.

AND IT IS FURTHER ORDERED that the costs of this application 10 be costs in the cause.

(Sgd.) G. B. MIGNAULT, J.

No. 78.
Bond on
Appeal to
the Privy
Council.

No. 78.

BOND ON APPEAL TO THE PRIVY COUNCIL.

KNOW ALL MEN BY THESE PRESENTS that the National Surety Company, an incorporated company doing business in the Province of Nova Scotia, hereby submits itself to the jurisdiction of this Court and consents that if the said ship Imo, Appellant, shall not pay what may be adjudged against them in the above action for costs, that execution may be issued against us, our successors and assigns, goods and chattels, for an amount not exceeding three hundred pounds sterling.

20

Dated at Halifax, N. S., this 31st day of May, A. D. 1919.

Signed sealed, and delivered
in the presence of,

RICHARD N. TYLER.

(Sgd.) L. A. LOVETT,

Resident Vice-President.

(Sgd.) J. G. RAINNIE,

Resident Secretary.

(SEAL).

RECORD.

No. 79

ORDER APPROVING SECURITY**Before E. R. Cameron, Esquire, Registrar, in Chambers.**

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 79.
Order
Approving
Security.

UPON APPLICATION of counsel on behalf of the above named Appellant in the presence of counsel of the above named Respondent, upon hearing what was alleged by counsel aforesaid,

IT WAS ORDERED that a certain bond bearing date the 31st. day of May, A. D., 1919, and filed this 13th day of June, A. D., 1919, in which the National Surety Company is obligor and the above named Respondent is obligee as security that the above named Appellant will effectively prosecute this Appeal to His Majesty in Council under the judgment of this Court bearing date the 19th, day of May, A. D., 1919, and will pay such costs and damages as may be awarded against them by His Majesty in Council, be and the same is hereby approved and allowed as good and sufficient security, 10

AND IT IS FURTHER ORDERED that the costs of this application be costs in the said Appeal.

Dated at Ottawa, Ontario, the 13th day of June, A. D., 1919.

(Sgd.) E. R. CAMERON.

No. 80.
Notice of
Cross
Appeal.

No. 80.

NOTICE OF CROSS APPEAL.

20

TAKE NOTICE, that the above named Respondent (Plaintiff) by way of cross-appeal, will ask on the hearing of the appeal that the decree or order of the Supreme Court of Canada made herein be varied, and that it may be determined that the Appellant's (Defendant's) ship Imo was wholly to blame for the collision.

Dated at Ottawa the 2nd, day of June, 1919.

CODE & BURRITT,

Agents for Solicitors for Respondents.

RECORD.

BAIL BOND ON CROSS APPEAL.

*In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.*

No. 81.
Bail Bond
on Cross
Appeal.

KNOW WILL MEN BY THESE PRESENTS, that National Surety Company of New York, a body corporate, hereby submits itself to the jurisdiction of His Majesty's Privy Council and consents that if the Compagnie Generale Transatlantique, the Appellant herein, shall not pay what may be adjudged against it for costs in its counterclaim herein, execution may issue against it or its successors or assigns, goods and chattels, for a sum not exceeding three hundred pounds.

This Bail Bond was signed by the said National Surety Company of New York as Surety the fourteenth day of June, A. D., 1919, at the office of Rainnie & Keator 10 Prince Street, Halifax, N. S., before me,

H. D. KEMPT

of 35 Bedford Row,

Halifax, N. S.

Barrister-at-Law

(Sgd.) L. A. LOVETT,

Resident Vice-President.

(Sgd.) J. G. RAINNIE,

Resident Secretary.

(L. S).

RECORD.

IN THE SUPREME COURT OF CANADA.

*In the
Exchequer:
Court of
Canada,
Nova Scotia
Admiralty
District.*

FRIDAY, THE 20th DAY OF JUNE, A. D., 1919.

BEFORE—C. H. MASTERS, ACTING REGISTRAR IN
CHAMBERS.

No. 82.
Before—
C. H. Mast-
ers, Acting
Registrar in
Chambers.

Between: { THE SOUTHERN PACIFIC WHALING COM-
PANY, LIMITED, OF CHRISTIANA,
Owners of the Ship "Imo," (*Defendant*), *Appellant*.
AND
COMPAGNIE GENERALE TRANSATLANTIQUE, 10
(*Plaintiff*), *Respondent*.

Upon application of Counsel on behalf of the above named Respondent, in presence of Counsel for the above named Appellant, upon hearing what was alleged by Counsel aforesaid.

It is ordered that a certain bond bearing date the 14th day of June, A. D., 1919, and filed this 20th day of June, A. D., 1919, in which the National Surety Company of New York, is obligors and the above named Appellant is obligee as security, that the above named Respondent will effectually prosecute its cross appeal to His Majesty in Counsel, from the Judgment of this Court, bearing date the 20th day of May, A. D., 20 1919, and will pay such costs and damages as may be awarded against them by His Majesty in Counsel, be and the same is hereby approved and allowed as good and sufficient security.

AND IS FURTHER ORDERED, that the costs of this application be costs in the said appeal.

C. H. MASTERS,

Acting Registrar.

No. 1919.

Agreement.

IN THE PRIVY COUNCIL, ON APPEAL
FROM THE SUPREME COURT OF CANADA.

RECORD.

In the
Exchequer
Court of
Canada,
Nova Scotia
Admiralty
District.

No. 83.
Agreement.

Between: { **THE SHIP "IMO" (SOUTHERN PACIFIC
WHALING COMPANY, LIMITED,
Owners),** (*Defendant*), *Appellants.*

AND

{ **LA COMPAGNIE GENERALE TRANSATLANTIQUE,**
(*Plaintiff*), *Respondents.*

IT IS AGREED between Counsel for the Respondents and Appellants, 10 that the following shall constitute the record of the case and proceedings on appeal to the Privy Council.

1. The Printed Case, as used on the Appeal to the Supreme Court of Canada, in two volumes, and in addition, the following:—

- (a) Reasons for judgment of the Supreme Court of Canada.
- (b) Decree of the Supreme Court of Canada.
- (c) Notice of Appeal to the Privy Council.
- (d) Notice of Cross Appeal to the Privy Council.
- (e) Orders Fixing and Approving Bail in the Supreme 20 Court of Canada on Appeal and Cross Appeal.
- (f) Bail Bonds on Appeal and Cross Appeal.
- (g) Factums of Appellants and Respondents on Appeal to the Supreme Court of Canada.

Dated at Halifax, N. S., this 17th day of June, A. D., 1919.

C. J. BURCHELL,

HECTOR McINNES.