In the Privy Council

On Appeal from the Supreme Court of Canada.

BETWEEN

OIVIND LORENTZEN, as Director of Shipping and Curator of The Royal Norwegian Government,

(Plaintiff) Appellant.

AND

THE SHIP "ALCOA RAMBLER" (Alcoa Steamship Company Inc. Owners), (Defendant) Respondent.

Record of Proceedings

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PART II

RECORD PART II In the Exchequer Court of

Canada.

Defendants Exhibit.

No. 1 Port of Halifax Public Traffic Regulations 1

PART 11

EXHIBIT NO. 1

ALCOA RAMBLER

DEFENDANTS EXHIBIT

NOTICE TO MARINERS

PORT OF HALIFAX NOVA SCOTIA

PUBLIC TRAFFIC REGULATIONS

BY ORDER OF REAR ADMIRAL COMMANDING ATLANTIC COAST OF CANADA WITH CONCURRENCE OF 10 MILITARY AUTHORITY 10

1. Until further notice the following regulations which cancel all former Public Traffic Regulations are to be observed by Merchant Vessels (see definitions paragraph 6) approaching or within the limits of the Port of Halifax, N. S.

2. The limits of the port are all that portion of the harbour and its approaches lying to the Northward of a line drawn from Chebucto Head Light to Devil's Island east light.

3. These regulations are issued for the guidance of Masters of vessels using the Port and must be obeyed or their ships will be treated as hostile. 20 They will remain in force until amended or cancelled by a Notice to Mariners.

4. These Regulations are supplementary to the general Rules and Regulations concerning caution when approaching and navigation within British and Canadian Ports issued in British and Canadian Notices to Mariners, and to such other orders for the regulations of shipping as may be issued from time to time in British and Canadian Notices to Mariners.

5. Unless overruled by these Regulations, the ordinary Regulations of the Port are to be adhered to.

6. Definitions.—For the purpose of these Regulations:--

RECORD PART II In the Exchequer

court of Canada.

Defendants Exhibit.

No. 1

Port of Hauifax Public Traffic Regulations (continued).

- (a) Fog, thick weather, snow or low visibility is considered to exist when it is impossible, owing to meteorological or other conditions affecting visibility, to communicate between the Examination Vessel and Examination Battery.
- (b) "Merchant Vessels." For the purpose of these Regulations the term Merchant Vessels includes all vessels other than the examination Vessels and British and Foreign War Vessels.
- (c) "Small Craft" refers to all vessels and boats other than oceangoing Merchant Vessels or those wearing the White Ensign or a foreign Naval Ensign. 10
- (d) "Night" refers to the period between fifteen minutes after sunset to fifteen minutes before sunrise.

PART 11—INTERNAL MOVEMENTS

31. The Chief Examining Officer is in charge of movements of all Merchant Vessels within the port and in the Examination Anchorage.

32. No vessel may change her berth without obtaining the consent of the Chief Examing Officer. This consent may be applied for by the Master or Agent verbally, in writing or by telephone. The pilot or the Master is responsible for obtaining permission for the actual movement, as short a time as possible before the sailing of the vessel. 20

AMMUNITION AND OIL SUPPLY SHIPS

33.(a) Ships entering harbour and carrying explosives, will be escorted from the Boom to the Quarantine Anchorage by a Naval Craft flying International letters I. C. They will remain in Quarantine Anchorage until they have been examined and found to be in safe condition and will then be moved to a berth in Bedford Basin. On this passage the Naval Craft will again provide escort. All ships seeing the Naval vessel flying International are to keep well clear.

- (b) Ammunition or oil supply ships, tankers or lighters, carrying ex- 30 explosive cargo are never to be alongside or anchored near vulnerable areas, except when necessary for embarking or disembarking ammunition or fuel.
- (c) Ammunition ships loading or unloading may not remain alongside their piers after eleven o'clock at night if stevedoring cannot be continued after that hour.

RECORD PART II

In the Exchequer Court of Canada.

Defendants Exhibit.

No. 1

Port of Halifax Public Traffic Regulations (Continued).

- (d) Unless stevedoring is to continue, no explosive freight may be unloaded from cars which cannot be stevedored on the ship before eleven o'clock at night, and the ship must be moved off to an anchorage outside the vulnerable area and not returned prior to seven o'clock in the morning and then only provided the cargo can be ready for loading at eight o'clock.
- (e) The Agent responsible for loading or discharging explosives to or from a ship anchored in the Harbour or Basin is to have a tender in attendance during the entire operation.
- (f) Within the meaning of these Regulations, that part of Halifax 10 Harbour from and including the Narrows southward to a line drawn 090 degrees true from Herring Cove Light, with the exception of the Quarantine Anchorage and the Examination Anchorage, shall be considered to be a vulnerable area.

34. Every vessel within the ports of Canada or Canadian Waters, as defined in the Customs Act, shall comply with such orders regulating the movement, navigation, pilotage, anchorage, mooring, berthing, lighting and related matters with respect to the vessel as may be issued by or on behalf of the Minister of National Defence for Naval Services and shall obey any orders incidental to such matters issued by the Naval Officer in charge of the 20 Port or the Naval Officer charged with the administration of the Port and shall obey any order given, whether by signal or otherwise, by any Officer in Command of any of His Majesty's Canadian ships or any other of His Majesty's ships or any Naval, Military or Air Force Officer engaged in the defence of the coasts of Canada. Extract from Defence of Canada Regulations (Consolidation) 1941 Para. (40) (1).

35. The Ordinary Regulations of the Port must be strictly adhered to, except as affected by the Public Traffic Regulations.

RECORD PART II In the Exchequer

Court of Canada

Defendants Exhibit

No. 3 Abstract of Deck Log of S S Norefjord (translation) -

S/S NOREFJORD

EXHIBIT NO. 3.

(DEFENDANT)

DEFENDANT'S EXHIBIT DATED JULY 24, 1942.

Abstract of Deck Log for Voyage from Port Sulphur to the United Kingdom.

(translation) Friday, July 24th, 1942.

Sailed from Port Sulphur at 1525 with a cargo of 4,653 tons of sulphur destination the U.K. The vessel was in all ways seaworthy. Draft forward 23'0'': aft 24'6'': mean 23'9'.

Saturday August 15th, 1942.

Anchored in Halifax Harbour at 1950 with 45 fathoms starboard Anchor. Draft forward 21'0'': aft 23'3''; mean $22'1\frac{1}{2}''$.

Monday August 17th, 1942.

Having received bunkers, the vessel anchored in Bedford Basin at 2125 with 75 fathoms starboard anchor. Draft forward 22'6''; aft 24'6''; mean 23'6''.

Thursday August 20th, 1942.

Took on pilot C.T. Hayes at 0840 and tug boat came alongside. Started to weigh at 0850. At 0905 under way to D.G. range according to the 20 pilot's directions. The Captain, 3rd Officer and helmsman Ivan Nilsen were on the bridge. 0915 full speed astern. 0916 full speed ahead. 0917 full speed astern. 0918 engines stopped. 0918 collision occurred. The ship was rammed on the port side by the bulkhead between the stokehold and cross bunker by the U.S. freighter "Alcoa Rambler". All the bilges were sounded immediately. No leakage could be observed. 0922 slow speed ahead. 0935 the water had risen five feet above the engineroom floor and caused everything to stop. A collision mat was rigged outside over the damage. As the water was rising rapidly in the engineroom and stokehold, it was decided to beach the ship. At 1015 the ship was beached, assisted by 30 a tug. Soundings were taken all around the ship. Forward sounding 21' aft 32': midships 26'. At 1115 Inspector Bakken and Mr. Lorry, representing the insurance company arrived on board. 1220 a pump was brought alongside and taken onboard. At 1300 discharging of the water began from RECORD PART II In the Exchequer Court of Canada.

Defendants Exhibit.

No. 3 Abstract of Deck Log of S. S. Norefjord. (translation (Continued)

No. 3 hatch. The pump was not working efficiently due to a faulty hose. Work was discontinued from 1430 to 1550 while the hose was being replaced and the pump itself repaired. At 1640 a diver came alongside and managed to stop the largest leak. Another pump was brought on board at 1830 and discharging continued from the stokehold. Bilges and tanks are sounded continually. Two mates and three of the crew were on duty during the night. The rest of the crew stood by. The water rose up in the shelter deck and flooded aft and down in No. 4 and 5 hatches, as the pump in No. 3 was not able to control the leakage. The water began to fall in No. 3 and in the engine room by 1900.

Friday August 21st, 1942.

At 0030 two small pumps were rigged on the after deck, one in No. 4 and one in No. 5. The diver returned at 0900 and continued work on the damage for the whole forenoon.

At 1420 a pilot was taken onboard and two tugs came alongside to pull the ship off. At the same time the S. T. "Banspray" arrived to supply the ship with steam. The ship was afloat by 1515. At 1520 the ship touched a lighter, with her rudder but no damage was done to the lighter. 1615 anchored with 45 fathoms starboard anchor. Discharging of the water continued by shore pumps and by the ship's own pumps. The water 20 was falling in all holds. Tanks and bilges were sounded continually. At 1700 draft forward 23'6'': aft 29'6'' mean '26''. The tug "Hanrahan" stood by during the night and one mate and three of the crew were on deck. Soundings were taken every second hour.

T: NILSEN A.B

SIGMUND BERGAN 3rd. Officer

MICH F. STRUM Chief Officer

J. R. SKJELBRED Master

EXHIBIT NO. 7

ALCOA RAMBLER

DEFENDANT'S EXHIBIT DATED AUGUST 20, 1942

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Defendants Exhibit

Exhibit.

No. 7 Port Log of S. S. Alcoa Rambler. Leaving Anchorage August 20th A.M. Cut boilers in at 6.00 Tested steering engine and Engine telegraph at 7.27 Found O.K. Stand by 8.41—Slow astern 8.42—Stop 8.43—Slow ahead 8.44—Stop 8.45. Slow astern 8.51 Stop 8.52. Full ahead. 8.53. Half ahead. 8.56. Slow ahead 9.03. Half ahead, 9.12. Slow and 9.14. Stop 9.15. Full astern $9.16\frac{1}{2}$. Full astern 9.17 Full astern 9.17 $\frac{1}{2}$. Stop 9.19 Slow ahead 9.20 Slow astern 9.22. Half astern 9.23. Stop 9.24. Half ahead. 9:27. Stop 9.30 Slow ahead 9.30 Stop 9.34. Half

PART II In the Exchequer Court of Canada.

Exhibit. No. 7

Port Log of S. S. Alcoa Rambler. (Continued).

RECORD astern 9.35. Stop 9.35 $\frac{1}{2}$. Slow astern 9.37 $\frac{1}{2}$. Stop 9.41 $\frac{1}{2}$. Slow ahead. 9.47 Stop 9.48. Slow ahead $9.48\frac{1}{2}$ Stop $9.49\frac{1}{2}$ Slow ahead. 9.52. Half ahead. 9.53. Slow ahead 9.59. Stop 10.10 Full astern 10.13. Stop 10.17. Finished with Engines $10.17\frac{1}{2}$. 9.18 a heavy jar was felt in Engine Room apparently caused by vessel striking something. Examined all Engine Room equipment. No evidence of damage was found. Defendants

The above is a true and correct record of the engine operations of this vessel for this date.

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E. HENKE Master (Sgd.) J. Carbajal Chief Engineer

EXHIBIT NO. 8.

ALCOA RAMBLER

Defendants Exhibit.

No 8

Extract of Deck Log of S. S. Alcoa Rambler.

S. S. ALCOA RAMBLER-VOYAGE 7

Extract of Deck Log as dated August 20, 1942. Vessel collided with S.S. NOREFJORD while manoeuvring in Bedford Basin at 9.18 a.m.

8. 50 A.M. August 20th.

Hove up anchor and proceeded from our anchorage berth, 2D, Bedford Basin toward the Narrows. Master and Halifax Pilot, R. L. Clarke in 20 charge. About 9.13 A.M. noticed on our Starboard another vessel underway and apparently heading for the Narrows too. Shortly afterwards observed that the other was turning towards us and attempting to cross our bow. Stopped and reversed our engines to full astern, dropped starboard anchor, sounded 3 blasts on our whistle, following with the danger signal.

At 9. 18 A.M. our vessel collided with the S.S. Norwegian Norefjord. As a result of this collision our vessel sustained damage to her bows. The NOREFJORD seriously damaged on port side amidships.

9.30 A.M.—Hove up anchor. Found degaussing cable foul of anchor. 30 9.52 A.M. Cleared degaussing cable from anchor and dropped to the bottom and proceeded back to out anchorage berth, 2D, Bedford Basin.

REMARKS

RECORD PART II

In the Wind Direction NNE—Force 2. Exchequer Temperature 51 degrees 0 Court of Canada. Weather cloudy

Defendants Exhibit.

No. 8 Extract of Deck Log of S.S. Alcoa Rambler.

7.27 A.M. tested steering gear whistle, etc. and compared clocks with E.R. 8.30 Pilot, R. L. Clarke aboard. 8.30 started to heave anchor up. 8.41 S.B.E. 8.42-half astern. 8.43-stop. 8.44-slow ahead. 8.45 stop. 8.51 slow astern. 8.52 stop. 8.55 anchor aweigh. 8.56 half ahead. 9.03 slow ahead. 9.12 half ahead. 9.14 slow ahead. 9.16 stop. Let go starboard anchor 30 fathoms in water. $9.16\frac{1}{2}$ full speed astern. 9.17 full speed astern jingle. 10 (Continued) 9.17¹/₂ full speed astern jingle. 9.18 collided S.S. NOREFJORD, struck on port side amidships. 9.19 stop. 9.20 slow ahead. 9.22 slow astern. 9.23 half astern 9.24 stop. 9.27 half ahead. 9.30 stop. anchors aweigh. 9.30 slow ahead. 9. 34 stop. 9.35 half astern. $9.35\frac{1}{2}$ stop. $9.37\frac{1}{2}$ slow astern. $9.41\frac{1}{2}$ stop. 9.47 slow ahead. 9.48 stop $9.48\frac{1}{2}$ slow ahead. $9.49\frac{1}{2}$ stop. 9.52 slow ahead. 9.52 cleared the degaussing cable from the anchor. 9.53 half ahead. 9.59 slow ahead. 10.10 stop. 10.13 full speed astern. 10.17 stop. let st'b'd. anchor, 60 fathoms in water. 10.17 stop. $10.17\frac{1}{2}$ F. W. E. In anchorage 2D. Master on bridge. Pilot assisting, Anchor watch maintained. 11.30 A.M. bilges sounded. Bearings checked. 11.30 Master & Pilot 20 ashore. 11.50 a.m. A. Dumont Jr., Port Engineer of U.S. War Shipping Administration board. 11.59 a.m. A Dumont Ashore. Also American Bureau of Shipping Representative on board surveying damage WSA-H

(Sgd.) E. HENKE

Master

EXHIBIT 9

ALCOA RAMBLER

OCT. 26. 1942

Deck Dept. PORT LOG Deck Dept. Port of Halifax Date August 20, 1942 30 of S. S.

> Name of Berth-Anchorage (Basin) Bedford Basin, 2D. Men for Lines, Tugs Etc. Pilot R.L. Clarke.

8.50 A.M. AUGUST 20th.

Hove up anchor and proceeded from our anchorage berth 2D, Bedford Basin, towards the Narrows. Master and Halifax Pilot, R.L. Clarke in charge. About 9.13 a.m. noticed on our starboard another vessel under-

Defendants Exhibit.

No. 9

Port Log,

Alcoa Rambler.

RECORD PART II In the Exchequer Court of Canada.

way and apparently heading for the Narrows too. Shortly afterwards observed that the other was turning towards us and attempting to cross our bow. Stopped and reversed our engines to full astern, dropped starboard anchor, sounded 3 blasts on our whistle following with the danger signal.

 $\begin{array}{c} \begin{array}{c} \mbox{Defendants}\\ \hline \mbox{Exhibit.}\\ \hline \mbox{No. 9} \end{array} \hspace{0.5cm} \textbf{AT 9.18 A.M. our vessel collided with the S/S Norwegian Norefjord.}\\ \hline \mbox{As a result of this collision our vessel sustained damage to her bow. The Norefjord seriously damaged on port side amidship.} \end{array} \right.$

Port Log Deck Dept. **9.30 A.M.** Hove up anchor. found degaussing cable foul of anchor. of S. S. Alcoa

Rambler. **9.52 A.M.** Cleared Degaussing cable from anchor dropped the bottom, and (Continued). proceeded to our anchorage berth 2D Bedford Basin. 10

Master

REMARKS

(Average)

Weather Cloudy

7.27 A.M. tested steering gear, whistle etc. compared clocks with E.R. 8.30 A.M. Pilot R.L. Clarke aboard 8.36 started to heave anchor up 8.41 S.B.E. 8.42 half astern. 8.43 stop. var. bells lagged in bell book. 8.55 a.m. anchor aweigh, var. bells 9.16 let go st'b'd anchor, 30 fathoms in water var. bells 9.52 cleared Degaussing cable from anchor var. bells 10.11 a.m. let go st'b'd anchor 60 fathoms in water 10.17 stop. $10.17\frac{1}{2}$ 20 F.W.E. In anchorage 2D. Master on bridge, pilot assisting. Anchor watch maintained. 11.30 a.m. Bilges sounded. Bearings checked. 11.30 Master & Pilot ashore. 11.50 a.m. Mr. A. Dumont port engineer of U.S. W. S. A. aboard. 11.59. Mr. Dumont ashore. Also American Bureau of Shipping representative aboard surveying damage.

RECORD PART II

In the Exchequer Court of Canada.

Defendants Exhibit.

 $\overline{No. 14}$ Abstract of deck bell book, appertaining to collision with the Nor- $\overline{No. 14}$ wegian S. S. Norefjord on August 20th, 1942, at Halifax, N. S. Deck Bell

Book of S. S. Alcoa Rambler. Aug. 20, 1942, 8.30 a.m. Pilot R. L. Clarke on board, started to heave up anchor.

9.27 " Half ahead

9.30 " Slow ahead

9.35 " Half astern.

9.37 $\frac{1}{2}$ " Slow astern 9.41 $\frac{1}{2}$ " Stop 9.47 " Slow ahead

9.34 " Stop

9.36 " Stop

9.48 " Stop

9.30 " Stop anchor aweigh

8.41 " Stand by engines. 8.42 " Half astern 8.43 " Stop 8.44" Slow ahead. 8.45 " Stop 8.51 " Slow astern. 8.52 " Stop 8.55 " Anchor away 8.56 " Half ahead 9.03 " Slow ahead 9.12 " Half ahead 9.14 " Slow ahead 9.16 " Stop 9.16 "Let go Starboard anchor, 30 fathoms shackle in the water. $9.16\frac{1}{2}$ "Full astern 9.17 "Full astern, jingle. 9.17 " Full astern, jingle 9.18 "Collided with S.S. Norefjord, struck her on port side amidships. 9.19 " Stop 9.20 " Slow ahead 9.22 " Slow astern 9.23 " Half astern 9.24 " Stop

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EXHIBIT NO. 14

ALCOA RAMBLER

S. S. ALCOA RAMBLER

Halifax, Aug. 20,1942

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RECORD PART II In the Exchequer

Court of Canada.

Defendants Exhibit.

No. 14

Abstract of Deck 'el Book of S. S. Alcoa Rambler. (Continued). 9.48 $\frac{1}{2}$ "Slow ahead

 $9.49\frac{1}{2}$ " Stop

9.52 " Cleared degaussing cable, slow ahead

9.53 " Half ahead

9.59 "Slow ahead

10.10 " Stop

10.13 "Full astern

10.17 "Stop, let go starboard anchor, 60 fathoms chain

 $10.17\frac{1}{2}$ " Finished with engines

(Sgd.) E. HENKE 10 Master S. S. Alcoa Rambler

EXHIBIT No. 17 BRANCH PILOT'S REPORT ALCOA RAMBLER

ACCIDENTS, REMARKS, ETC.

Norefjord (Nor) Master—H. Olsen Reg. tonnage: 1918 Pilot—C. T. Hayes

Draught aft: 24 ft.

Draught forward: 23 Feet. Agents: T. A. S. DeWolf

Under Steam Agents: T. A. S. DeWolf Piloted from Anchorage to Range in Bedford Basin. Departed 8.30 a.m. 20-8-42 Arrive

Arrived 11 a.m., 20-8-42 20

Defendants Exhibit.

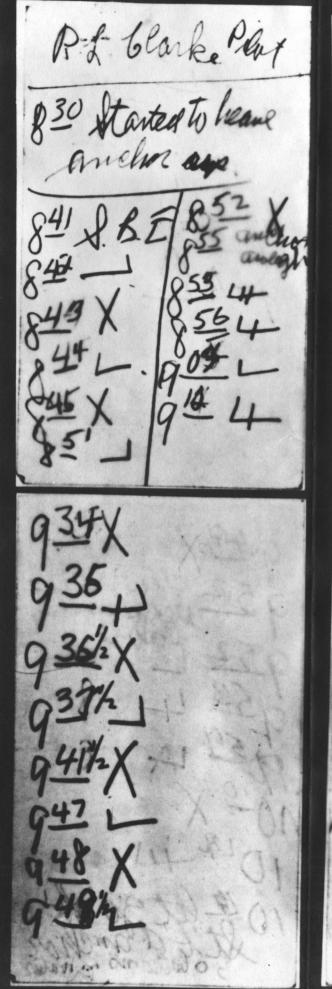
No. 17 Branch Pilot's Report.

I have to report that on the morning of the above date while piloting the "NOREFJORD" from anchorage in Bedford Basin to D. G. Range, collided with "ALCOA RAMBLER." Anchor was hove away in Bedford Basin B at 9.10 a.m Ships head approx. N. W. by compass tug boat "BANSURF" on starboard bow pushed vessel round until vessel head was heading toward centre of Turple Head and D. G. Range. Tug Boat was let go from ship and telegraph was put full speed ahead. Tug boat with Barge was proceeding in Basin on my starboard bow I blew one blast and altered my course to starboard when vessel was clear of said tug and Barge. I port- 30 ed easy to clear a ship at anchor after clearing ship at anchor I noticed spars of "Alcoa Rambler" on other side of a ship at anchor heading toward Narrows approx. one cable away on my Port bow. Fearing a collision I blew one short blast and put wheel hard a starboard as soon as vessel started to swing I blew three blasts, and came full speed astern to put vessel parallel with "ALCOA RAMBLER" but ships were too close at this time to avoid collision and Alcoa Rambler hit said vessel approx. amidships on port side. I was informed by Chief Engineer, vessel was leaking and instructed by Captain to beach vessel as soon as possible, which I did with the assistance of tug boat "Bansurf" south of Irving Oil Wharf 40

> C. T. HAYES, Branch Pilot

DATED at Halifax, N. S., August 20th, 1942.

ALCON RAMBLER Ex 6 11



X anchor st'G devre Cable 4 ID

918 Collicio NOREF, VORÉFJORCI L 923 024 X 30 Xand 10-1 X 10'ThF.W.E.

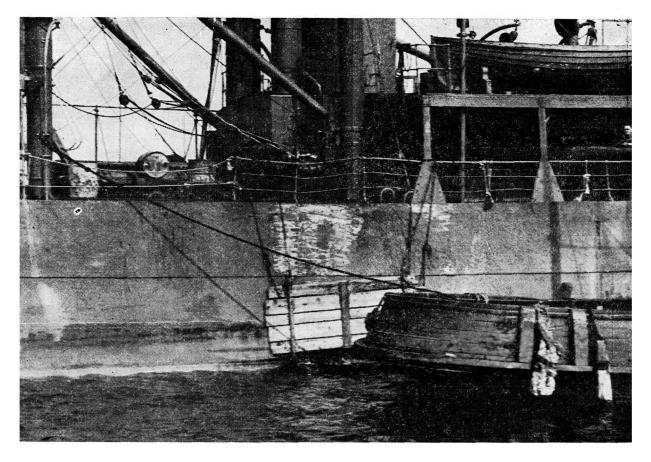
ang 20-1942 Halifox tearbance 55 ALCOA RAMBLER

9275 _ 9412× 941 _ 942 _ 948 2 _ 948 2 952 ~ 953 4 959 ~ 10th 1013 + 1012 / let go still anchor, 60 fathom shackle in the water 10 X 10 The F.W.E.

accor Rombler Ex 10 for I dent. oct n/42 In evedence 10/20/4-> deo

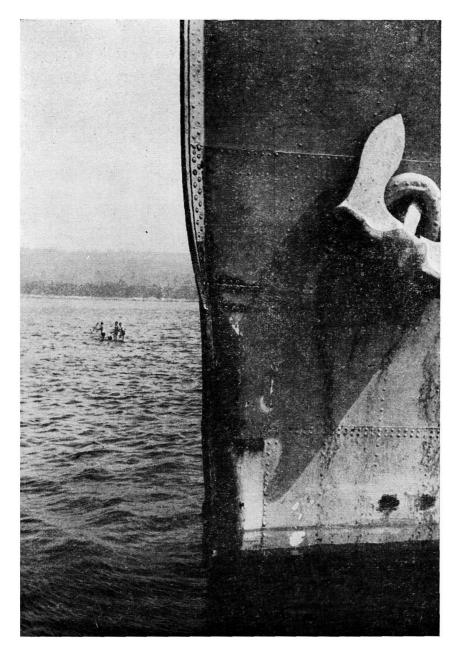
(See Page 36)

Exhibit No. 2 Alcoa Rambler (Defendants) Photograph of S. S. Norefjord



(See Page 154

Norefjord's (Plaintiff's) Exhibit No. 11 Photograph of Alcoa Rambler

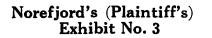


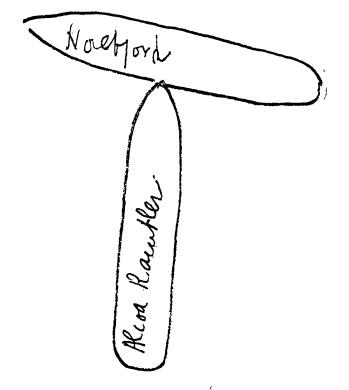
Norefjord (Plaintiff's) Exhibit No. 2

Alcoa Rampler

Position of ships by Master of Norefjord

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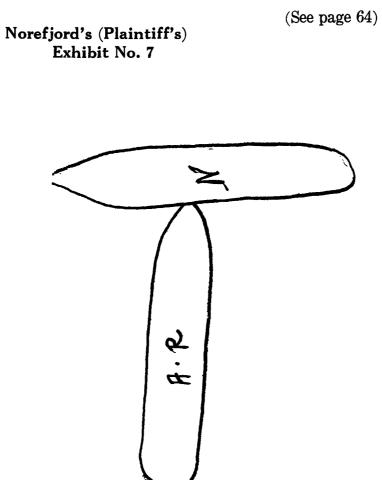
Position of ships by Master of "Norefjord."

Norefjord's (Plaintiff's) Exhibit No. 6 (See Page 61)



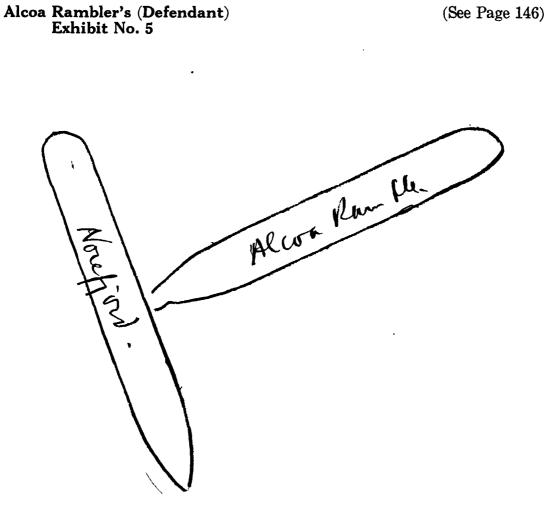


By Chief Officer "Norefjord"



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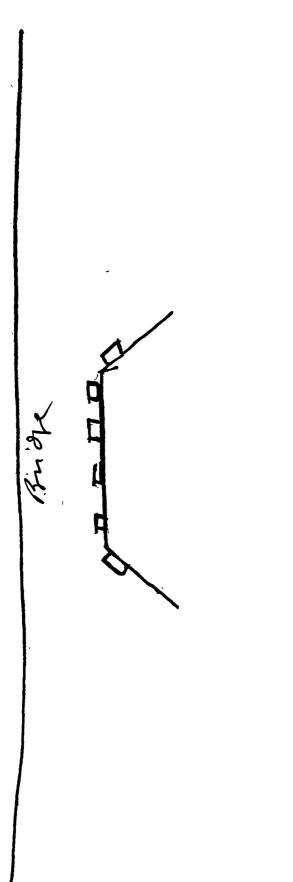
By Chief Officer "Norefjord"



Position of ships by Master "Alcoa Rambler"

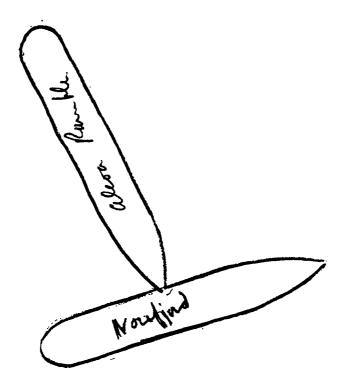


(See Page 160)

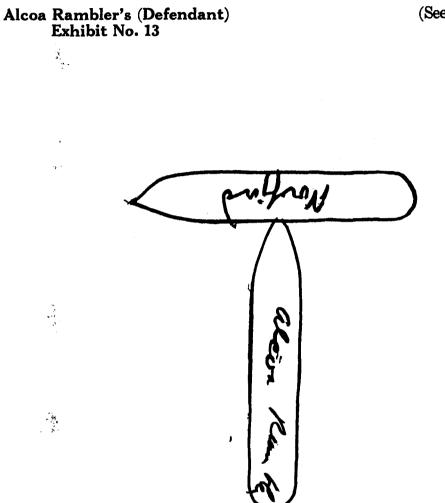


Alcoa Rambler's (Defendant) Exhibit No. 12

(See Page 165)



By Chief Officer Alcoa Rambler



By Third_Officer Alcoa Rambler

(See Page 172)

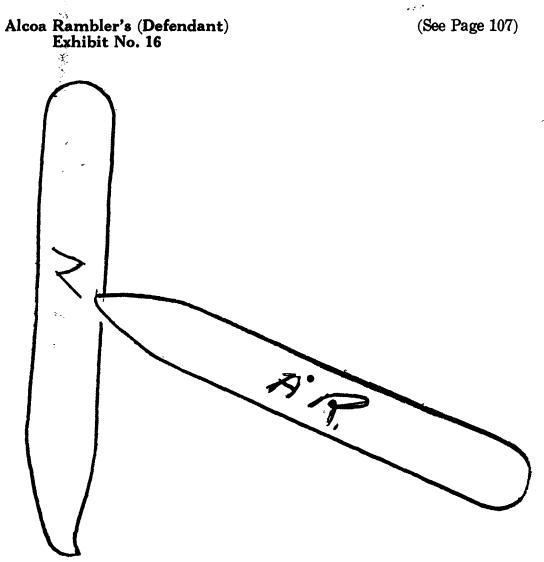


Diagram of collision by C. Tupper Hayes