



RMS EMPRESS OF IRELAND INQUIRY JUNE 1914

Captain Henry George Kendall testimony

Lord Mersey.—Very well, now you may proceed with the examination of Captain Kendall.

By Mr. Aspinall:

1. Q. Captain Kendall, do you hold an extra master's certificate?—A. Yes.

2. Q. And have you held it for the last twelve years?—A. Yes.

3. Q. And on the occasion of this casualty were you the master of the *Empress of Ireland*?—A. I was.

4. Q. In addition to yourself, were there six other officers on the *Empress of Ireland*?—A. There were.

5. Q. Did four of them hold master's certificates?—A. Yes.

6. Q. And did two of them hold mate's certificates?—A. Yes.

7. Q. Have you been in the service of the Canadian Pacific Railway Company for the last eleven and a half years?—A. Yes.

8. Q. Did you start in their service as second officer?—A. I did.

9. Q. And have you for the last six and a half years been in command of their ships?—A. I have.

10. Q. I think since this casualty your health has been somewhat affected, Captain Kendall?—A. It has.

11. Q. And if you should at any time wish to be allowed to sit down I have no doubt that my Lord will allow you—you will kindly tell us so, Captain Kendall, if you feel unwell?—A. Thank you.

12. Q. Now I want you to give me some general information with regard to the ship before we approach the details which led to the collision—she was a twin-screw boat, I believe?—A. She was.

13. Q. And in the event of your putting her full speed astern and not using her helm, did she keep her heading or cant in any way?—A. She kept her heading.

14. Q. That is the difference between a twin-screw boat and a single-screw boat?—A. It is.

15. Q. What speed did she make at full speed ahead?—A. 17 or 18 knots.

16. Q. Through the water?—A. Through the water.

17. Q. And at half speed?—A. About twelve knots.

18. Q. And slow?—A. About from eight to nine.

19. Q. And dead slow?—A. About five.

20. Q. In the event of your ship travelling at full speed and your stopping and putting your engines astern, in what space of time does she become stationary in the water?—A. In about two minutes.

21. Q. And what distance does she travel in the water?—A. About two lengths.

22. Q. Have you made any experiment or experiments with regard to that matter?—A. I have.

23. Q. When?—A. About the 8th of May.

24. Q. This year?—A. Yes.

25. Q. Where?—A. Off Point Lyness, on the Welsh coast, near Liverpool.

26. Q. Now we will come to another matter—what is the practice on board the *Empress of*

Ireland with regard to boat drill?—A. The practice is before leaving each port the crew are put through their boat drill.

27. Q. What is the practice with regard to water-tight door drill?—A. They are put through that in each port.

28. Q. Was that done on this occasion?—A. It was.

29. Q. Well now, Captain, having given this general information, we want to take the navigation of your ship down the river—my Lord, here is the chart which I wish your Lordship to see—before going down the river, it is better, I think, that I should ask you this, where did the collision happen?—A. About six and a half to six and three-quarters miles east of Father Point.

Lord Mersey.—Now, Mr. Aspinall, would you kindly mark the point on this chart?

Mr. Aspinall.—Shall I get the witness to do it?

Lord Mersey:—If he understands it, but let the point be marked.

By Mr. Aspinall:

30. Q. You will want a pair of dividers will you not, Captain Kandall?—A. Yes, and parallel rules.

31. Q. This is the chart on which his Lordship wants the place of the collision to be marked—now Captain Kendall, now that you are asked to mark the place, I wish you would do it with as much precision as possible.

32. Lord Mersey.—Captain Kendall, will you please mark it with an 'A'?—A. Yes, your Lordship. (After a few moments). I have now marked the place where the collision happened with the letter 'A'.

By Mr. Aspinall,

33. Q. I am right, am I not, Captain Kendall, in saying that is a very small-scale chart?—A. It is rather.

34. Q. It is rather a small-scale chart and it is difficult, I dare say, to be able to do this with absolute precision?—A. With absolute precision, yes.

35. Q. And that is the place of the collision?—A. Yes.

36. Q. Now at what time do you say the collision took place?—A. About 1.55 a.m., on the 29th of May.

37. Q. Did you look at your watch or is that a guess?—A. Two minutes before the collision I looked at the chart-room clock.

38. Q. And according to ship's time—is that right, Captain Kendall?—A. According to Eastern Standard Time.

Lord Mersey.—Let us be clear about what we are doing. Have we three times, Montréal time, ship's time, and the *Storstad* time?

Mr. Aspinall.—My Lord, we have. However, I think we can work it out.

39. Q. The 1.55 was what?—A. Eastern Standard Time.

40. Q. That is what?—A. Montréal time.

41. What was your ship's time?—A. I couldn't say. The Eastern Standard Time we use for our navigation purposes until clear of the land.

42. Q. By Eastern Standard Time you mean what?—A. Montréal time.

Lord MERSEY.—Well, let us call it that. 1.55, Montréal time, is the time at which the collision is supposed to have taken place?

Mr. Aspinall.—Yes.

Lord Mersey.—Now, Mr. Duclos, according to your version what time was it when the collision took place, Montréal time?

Mr. Duclos.—Six or seven minutes past two, Montréal time.

Lord Mersey.—There is a difference between you of ten or twelve minutes?

Mr. Duclos.—Six or seven minutes past two, Montréal time.

By Mr. Aspinall:

43. Q. Is that a picture of the *Empress of Ireland*? (Photograph of *Empress of Ireland* filed as Exhibit 'B')—A. It is.

44. Q. Did you start from Québec at 4.20 p.m. Montréal time?—A. About 4.20 p.m.

45. Q. Having got out in the river, did you proceed down?—A. We did.

46. Q. Did you meet with clear weather at first?—A. Clear weather.

47. Q. Did you proceed down at your full speed?—A. We did.

48. Q. Was your ship at that time in charge of a pilot?—A. She was.

49. Q. Were you on the bridge yourself, except possibly while getting a cup of tea, from the time the ship left Québec until the collision occurred?—A. I was.

50. Q. As you proceeded down river, did you after a time meet with fog or haze?—

A. We met with a slight fog.

51. Q. Where?—A. Between Red island and Bic.

52. Q. When you met that fog, were any orders given on board your ship?—A. We reduced speed.

53. Q. To what?—A. Half speed and slow.

54. Q. Was your fog whistle used?—A. It was.

55. Q. Having passed through that fog, did you then proceed on at your full speed?—A. We did.

56. Q. Did you later meet more fog?—A. Yes.

57. Q. Where?—A. Between Bic and Father Point.

58. Q. When you met that fog did you make any alteration in speed?—A. Reduced to half speed and slow.

59. Q. Was your whistle sounded?—A. It was.

60. Q. Did you safely pass through the fog?—A. Yes.

61. Q. Having passed through that fog, did you proceed on?—A. We did.

62. Q. Where did you land your pilot?—A. At Father Point.

63. Q. For that purpose do you have to stand in somewhat to the southern shore?—A. Yes, we have.

64. Q. And did you do so on this occasion?—A. We did.

65. Q. Where was it that you landed your pilot?—A. About a mile north of Father Point gas buoy, on the steam tender *Eurika*.

66. Q. Now, having dropped your pilot, on what course did you put your ship?—A. North 50 east by compass.

67. Q. Is that the usual course?—A. Usual course.

68. Q. I notice that Mr. Haight stated the course of his vessel in magnetic; in order to avoid confusion perhaps you had better tell us what north 50. East by compass is magnetic?—A. North 47.

69. There are three degrees—A. Variation.

By Chief Justice McLeod:

Q. Your statement would be amended, then, by saying north 47.

Mr. Aspinall.—Yes, my Lord.

By Mr. Aspinall:

70. Q. North 47 magnetic; I think you said “variation.” You meant deviation, did you not?—

A. Deviation.

71. Q. The variation is about two points, I think. Did you proceed on that course at full speed?—

A. We did.

72. Q. Was the weather then fine and clear?—A. It was.

73. Q. From this time onwards, did you, having dropped your pilot, remain in charge of your vessel?—A. I did.

74. Q. I want you to tell me who was on the bridge of your vessel at this time. There was yourself; who else?—A. The first officer.

75. Q. What is his name?—A. Jones, and the third officer, Mr. Moore.

76. Q. Who else?—A. A quarter master at the wheel, a quarter master standing by and a messenger boy.

77. Q. A boy to carry messages, if they were wanted?—A. To the Marconi room and various places.

78. Q. Your vessel was fitted with the Marconi system?—A. Yes.

79. Q. I believe there were two operators?—A. Yes.

80. Q. How many of the six persons who were on the bridge were saved?—A. Three.

81. Q. There was yourself?—A. the first officer and one quarter master

82. Q. Was it the quarter master who was steering or the quarter master who was standing by?—A. Leaving Father Point it was the quarter master who was steering.

83. Q. Very well; these are the three who survived. Did they change before the accident?—A. Yes.

84. Q. When did they change?—A. By the wheel house clock, 2 o'clock.

85. Q. At four bells, we may call it?—A. At four bells the watch was changed.

86. Q. After you had been running on that course for some little-time, did you see any gas buoy light?—A. I did.

87. Q. Where was that buoy?—A. Cock Point buoy.

88. Q. Was it reported?—A. It was.

89. Q. By whom?—A. The man in the lookout.

90. Q. Where was the lookout being kept?—A. In the crow's nest.

91. Q. How was it reported?—A. One bell.

92. Q. Did you have in addition to the man in the crow's nest, anyone forward?—A. On the stem head,

93. Q. The report came from the crow's nest?—A. From the crow's nest.

94. Did you look?—A. I did.

95. Q. And did you see it?—A. I did.

96. Q. At that time was the weather clear and fine?—A. Clear and fine.

97. Q. Now, what was the next report that you got?—A. One bell.

98. Q. That means something on the starboard bow?—A. Starboard bow.

99. Q. Did you look?—A. I did.

100. Q. What did you see?—A. A steamer's lights.

101. Q. Two lights?—A. Masthead lights.

102. Q. Did these two masthead lights prove to be the lights of the *Storstad*?—A. They did.

103. Q. Was the weather then clear?—A. Clear.

104. Q. How far did you judge those lights to be away?—A. About six miles.

105. Q. Of course, these distances are judgments?—A. Judgments, quite so.

106. Q. And how did those two lights bear from you at that time?—A. Between three and four points on my starboard bow.

107. Q. At that distance and at that bearing, was there then any risk of collision?—A. No risk of collision.

108. Q. After that did you still stand on?—A. Until Cock Point buoy was on the beam.

109. Q. You stood on until you got Cock Point buoy on your starboard beam, and then what did you do?—A. Altered my course.

110. Q. Under what helm?—A. Port helm.

111. Q. Is that the usual method of navigation?—A. It is.

112. Q. How much did you alter it?—A. I altered my course to north 73 magnetic.

113. Q. That would be north 76 by compass.—A. By compass.

114. Q. North 76 east?—A. North 76 east, north 73 magnetic.

115. Q. Is that the right course for a vessel under those conditions, outward bound?—A. It is.

116. Q. You altered, did you say, how many points?—A. I altered 26 degrees. .

117. Q. That is a little over two points?—A. It is.

118. Q. There are Hi degrees in one point, are there not?—A. In one point.

119. Q. Having altered those two points, how did that bring the lights of the *Storstad*?—A. About a point on my starboard bow.

120. Q. Under those circumstances, how did you intend to pass the *Storstad*, if all had gone well?—A. On my starboard side.

121. Q. Was there at that time any risk of danger?—A. No risk of danger.

122. Q. After you had made this alteration did you do anything in order to verify your heading?—A. I did.

123. Q. What did you do?—A. Looked at the ship's heading by the standard compass, and took the bearing of the light at the same time.

124. Q. In order to look at your standard compass, what did you have to do?—A. Go on the upper bridge.

125. Q. You are standing in the first instance on your navigation bridge?—A. Yes.

126. Q. There is a ladder or something which leads up to the higher bridge?—A. Yes.

127. Q. And on that higher bridge is the standard compass?—A. Yes.

128. Q. Up to that you went?—A. Yes.

129. Q. You usually do that?—A. Always.

130. Q. Having got there, what information did you gain?—A. That the *Storstad* lights were bearing North 87 East by compass.

131. Q. From you?—A. From me.

132. Q. And you were heading?—A. North 76.

133. Q. That put the other vessel how much on your starboard?—A. Eleven degrees on my starboard bow.

134. Q. That standard compass would, if you did what you say you did, give you accurate information with regard to this?—A. It did.

135. Q. So, according to you, you were starboard to starboard?—A. Yes.

136. Q. Did you at that time see the two masthead lights of the *Storstad* in such a position as to give you any information as to her heading?—A. They did.

137. Q. What did you see and what information did you get?—A. The masthead lights had opened with the main masthead lights to the northwest.

138. Q. She was carrying two masthead lights?—A. Yes.

139. Q. Which light is the higher?—A. The main masthead light.

140. Is that the aftermost light?—A. Yes.

141. Q. It is substantially higher than the forward light?—A. About 15 feet, not less.

142. Q. Will you tell us what you saw of those two lights and what information it gave you?—A. It gave me the information that *Storstad's* lights were open and that she would go clear.

143. Q. And that her lights were open—I think this is what you wish to convey; correct me if I am wrong—in such a way that her starboard side was open to you.—A. Absolutely.

144. Q. If the lights had been open the other way, which side of her would have been open to you?—A. Port side.

145. Q. You say that the lights were open in such way that it told you as a sailor that she was starboard to starboard?—A. It did.

146. Q. What age are you?—A. 39.

147. Q. You go up these steps to look at your standard compass, and you come down; how long does it take?—A. It is a matter of moments.

148. Q. Did you go back to the navigation bridge?—A. I did.

149. Q. And proceed on?—A. And proceed on.

150. Q. When you got back to your navigation bridge, what was the state of the weather then?—A. I noticed a fog bank well off from the land.

152. Q. From which land?—A. From the land on the south shore.

153. Q. In what direction was the fog bank travelling?—A. In a northwest direction.

154. Q. How was the fog bank spreading out?—A. It was spreading out very thin at the ends.

155. Q. In what direction was it running?—A. Running about northeast or southwest.

156. Q. Outside of the fog bank, are you and the *Storstad* coming up starboard to starboard?—A. Absolutely.

157. Q. Seeing this fog bank travelling out from the land towards your ship and towards the other ship, did you do anything?—A. I did.

158. Q. Did you wait for a time until it got farther out?—A. When I saw the *Storstad's* lights were getting a little misty, I stopped my ship.

159. Q. When the fog was dimming the *Storstad's* lights, had you by this time seen anything more than her two masthead lights?—A. Starboard lights.

160. Q. When did you see that light?—A. Shortly after I took the bearing of the masthead lights of the vessel herself.

161. Q. After you went to the navigation bridge?—A. Yes.

162. Q. You come down, you see the green light, and shortly after that you see the fog travelling out?—A. I do.

163. Q. And the fog beginning to dim her lights?—A. Yes.

164. Q. Which light did it affect first, do you think?—A. I could not say.

165. Q. You do not know?—A. No.

166. Q. At any rate, in view of the fact that it was beginning to dim the lights which you were seeing, which were the two masthead lights and the green light, what did you do on board your vessel?—A. Stopped the ship, and went full speed astern.

167. Q. What was the reason of that?—A. To take the way off the ship.

168. Q. Do your company issue very stringent regulations with regard to great care in thick weather?—A. They do.

169. Q. I suppose you have a letter, have you not, sent you when you get command of a new vessel?—A. I do.

170. Q. In addition to that, you have a red book sent you?—A. Yes.

171. Q. It is not necessary to deal with these matters at the moment, but what you did was, in order to be certain of safety, stop and order full speed astern?—A. Yes.

Lord Mersey.—You had better hand me a copy of the letter.

Mr. Aspinall.—May I read it to your Lordship, and then hand it in?

Lord Mersey.—You may read the letter now.

By Mr. Aspinall:

172. Q. This is a copy of the letter; the letter you which actually received went down with the ship, did it not?—A. Yes.

Mr. Aspinall.—The copy of the letter is dated May 9, 1914. It is from the manager-in-chief of ocean services to Captain Kendall, and it is in these terms:—

Dear Sir,—In handing over the command of this vessel to you, I desire to particularly call your attention to the importance of your command and to the value of the ship, and to emphasize to you the instructions of the company relative to the care of your vessel and the lives of your passengers.

It is to be distinctly understood that the safe navigation of the ship is to be in all instances your first consideration. You must run no risk, which by any possibility might result in accident; you must always bear in mind that the safety of the lives and property entrusted to your care is the ruling principle by which you must be governed in the navigation of your ship, and that no saving of time on the voyage is to be purchased at the risk of accident. I cannot sufficiently emphasize my desire that these instructions shall be carried out to the letter. It is expected that all the officers of your ship will bear this in mind, and will be specially cautioned by you, and, furthermore, that everyone on board will do their utmost to please and to gratify the company's patrons.

(Letter filed as Exhibit 'E')

By Mr. Aspinall:

173. Q. You say that in order to be certain of safely passing this vessel, you gave the orders you have told us: stop, full speed astern. Did you blow an appropriate signal whistle when you did that?—A. I did.

174. Q. What whistle did you give?—A. Three short blasts.

175. Q. At the time when you gave the three short blasts, were you still seeing to any extent the lights of the *Storstad*?—A. Yes, I was.

176. Q. But dim?—A. Dim.

177. Q. And did you continue to see them for a short time?—A. I did.

178. Q. What effect had the stopping and reversing of your engines; did it take your way off?—A. It did.

179. Q. How did you ascertain whether your way was off or not?—A. By looking over the ship's side.

180. Q. What information did you gather from that?—A. That my ship was stopped.

181. Q. I know, but how do you ascertain that your ship is stopped by looking over the side?—A. By the foam and the air bubbles on the water.

182. Q. Is it common practice for seamen to look over the side in fog to see whether or not their ship is stopped?—A. It is.

183. Before you looked over the side, had you blown another set of three blasts?—A. I did, before the way was off the ship.

184. Q. And then you looked and ascertained that you had stopped?—A. Yes.

185. Q. At the time that you ascertained that you were stopped, had you then lost the lights from the *Storstad*?—A. I had.

186. Q. Shortly before that?—A. Yes, before I blew the second three blasts.

187. Q. Between the first set and the second set you lost the lights of the *Storstad*?—A. of the *Storstad*.

188. Q. When you last saw the lights of the *Storstad*, what lights of her were you seeing?—A. Three lights, two masthead lights and the green side light.

189. Q. That is what you last saw of the *Storstad*; where were they bearing from you?—A. About a point on my starboard bow.

190. Q. So that when you last saw the *Storstad*, she was away on your starboard bow, green to green?—A. Yes.

191. Q. And did you expect that notwithstanding the fog you would safely pass one another, green to green?—A. I did.

192. Q. And if you kept your heading, what would be the only thing that would bring her into contact with you?—A. By him porting his helm.

193. Q. That is the only thing that would bring it about if you kept your course?—A. Yes.

194. Q. When you ascertained that your ship was stopped, did you keep reversing your engines or not?—A. No.

195. Q. What did you do with your engines?—A. Rang the telegraph to stop.

196. Q. You brought your ship to a standstill?—A. I did.

197. Q. How were you heading when you were stopped in the water?—A. North 75 East by compass.

198. Q. How did you ascertain that?—A. By the standard compass.

199. Q. Did you again go up?—A. I did.

200. Q. For the purpose? Is there any doubt about that, Captain?—A. No. doubt.

201. Q. Were you wishful to keep your ship upon her heading?—A. I was.

202. Q. Is it desirable in a fog?—A. Absolutely desirable.

203. Q. Is, it desirable in a fog for you to keep your heading and not use your helm?—A. Knowing that there are other vessels in the vicinity.

204. Q. Had you that idea in your mind when you did what you did do?—A. I had.

205. Q. Now, you have told me that you had blown three blasts twice. Had you heard any fog whistle from the other ship during the period of time between your first three blasts and your second three blasts?—A. Yes.

206. Q. What did you hear?—A. A prolonged blast.

207. Q. Where did the sound come from?—A. About two points on my starboard bow.

208. Q. That blast you heard between the two sets of three? After you had blown your second three, did you hear any more fog signals from the *Storstad*?—A. Yes.

209. Q. What?—A. A prolonged blast.

210. Q. That is a fog signal telling you that she is under way?—A. Ship under way.

211. Q. Where did you hear that second fog signal?—A. About four points on my starboard bow.

212. Q. In view of the fact that she had been about one point and had brought about to four, did that mean a safe passing of the ships?—A. It did; it meant a safe passing.

213. Q. If the bearing keeps the same it means collision?—A. Danger of collision.

214. Q. If the bearing keeps the same it means risk of collision? The broadening would indicate safety?—A. Safety.

215. Q. You still think that unless she used the port helm, you would pass safely starboard to starboard?—A. I do.

217. Q. That was the second blast of the fog whistle that you heard from her, was it?—A. Yes.

218. Q. According to your evidence, you ascertained that you had stopped your way in the water?—A. I did.

219. Q. After that you blew the appropriate blast?—A. I did.

220. Q. What is the appropriate blast?—A. Two prolonged blasts.

221. Q. And you blew them?—A. I blew them to let the other ship know I had stopped.

222. Q. After you had blown your two last blasts, did you hear from her?—A.

One prolonged blast.

223. Q. Did you again sound your two long blasts?—A. Shortly after I gave two long blasts.

224. Q. That is the second two long blasts?—A. Yes.

225. Q. Did you hear any blow from her after that?—A. No.

226. Q. How many whistles did you hear from her in all?—A. Three.

227. Q. You told us that one of them was four points; that was the second one?

—A. That was the second one.

228. Q. How did the third one bear from you?—

A. About six points on my starboard.

229. Q. Still broadening?—A. Still broadening.

280. Q. What was the next thing that happened; what did you see or hear? — A. After blowing the second two blasts I happened to look out in the direction which the sound came from, waiting for a reply to my second two prolonged blasts, and while looking out on my starboard side I sighted his forward masthead light and his green and red side lights.

231. Q. How far away was he from you?—A. By the condition of the weather, I should say about 100 feet.

232. Q. Was it very thick at this time?—A. Not very thick, no; I could not call it very thick; it was 100 feet.

233. Q. How was he bearing from you?—A. At right angles to my course.

234. Q. Was he travelling fast or slow?—A. Fast.

235. Q. How did you inform yourself that he was travelling fast?—A. By the foam at the bow of his ship.

236. Q. In view of the fact that he was showing you his red light at this time, what must he have done on your starboard?—A. Put his helm hard-a-port.

Lord Mersey.—I do not understand what the *Storstad* would be doing putting her helm hard-a-port. I should like you to suggest, if you can, why she should have done that; they do not do these things without some sort of reason.

Mr. Aspinall.—My answer to Your Lordship's question is this: First of all, the statement which Mr. Haight has to-day made is that the helm was put-to-port and put hard-to-port, but it was said that the ship did not answer. As to why she put her helm hard-to-port, it is suggested that it was due to this: that these two ships were approaching each other in fog; that there was risk of collision, and that the third officer, who was in charge of the *Storstad* thought, and unfortunately, improperly thought, that by bending his helm he would avoid and give more room to the *Empress*

of Ireland. I think I do Mr. Haight no injustice when I say that it seems to me that that is in accord with the statement made by Mr. Haight.

Chief Justice McLeod.—He must have expected to cross the *Empress of Ireland*?

Mr. Aspinall.—If they were starboard to starboard, that would be so; of course, your Lordships know it is difficult in a fog to be certain that the sounds which are heard give certain information as to the bearing of approaching objects. We have now the fact that the helm was put-a-port and was put hard-a-port in the hope of passing, coupled, of course, as Mr. Haight said, with this, that the helm was not acting; was not effective. Of course that story I shall later ask your Lordships to reject. This gentleman, Captain Kendall, says that she was in fact doing that which was consistent only with the helm having been put-a-port. I do not know whether or not that answers your Lordship's question.

Mr. Newcombe.—These witnesses should be all out of Court, My Lord, except the officers.

Lord Mersey.—If you wish them to be out of Court, by all means; but is there any particular reason why they should be out of Court?

Mr. Newcombe.—It is usual.

Lord Mersey.—I am told, Mr. Newcombe, that it is not usual at a wreck enquiry.

Mr. Newcombe.—It is the practice in Admiralty; it is the practice in these enquiries before the Wreck Commissioner.

Lord Mersey.—What is your experience, Mr. Aspinall?

Mr. Aspinall.—My experience in England is that the witnesses are not kept out of Court in wreck enquiries, and may I add this: that so far as the officers of the two ships are concerned, they are made parties. With regard to the others, I do not know what the practice is in Canada, but I have no objection to their being here. We have now much committed ourselves to our story; speaking for myself it seems to me to be immaterial whether they are in or out of Court.

Chief Justice McLeod.—Occasionally witnesses are asked to retire, but it is not the rule.

Mr. Aspinall.—I do not know what Mr. Haight's view is; I should think that they would have liked

to be in Court; I do not suppose it would do any harm if they were not here.

Lord Mersey.—I think we had better leave it as it is at present.

By Mr. Aspinall;

237. Q. Seeing the ship in the position in which she was, did you think there was bound to be a collision?—A. I did.

238. Q. Did you give any order on board your ship?—A. I shouted through the megaphone to the vessel approaching me to go full speed astern several times.

239. Q. Did you do anything else?—A. I jumped to my telegraph mid threw my engines full speed ahead, at the same time giving the order hard-a-port.

240. Q. What was your object in giving these orders?—A. To avoid a collision if possible.

241. Q. What was your hope, assuming these two orders could have been carried out. If there was time and opportunity how did you hope the collision might be avoided?—A. By going ahead as well as turning.

242. Q. Here is the other ship pointing more or less at right angles to your course; you give an order full speed and helm her a-port in the hope of taking you forward and turning, throwing your quarter away?—A. Yes.

243. Q. That is what was in your mind?—A. What was in my mind, yes.

By Lord Mersey:

244. Q. Bringing them starboard to starboard?—A. Starboard to starboard, My Lord.

By Mr. Aspinall:

245. Q. And possibly minimising the effects of the blow?—A. Yes.

246. Q. Do you know whether there was time and opportunity to carry out these orders?—A. That is a chance I took.

247. Q. Between giving orders and the collision was how long, was it seconds? — A. A matter of seconds.

248. Q. And did she strike you?—A. She did.

249. Q. Did she blow any whistle at about the time you saw her?—A. She did.

250. Q. What?—A. Three short blasts.

251. Q. Was that about the time you saw her?—A. Well, I should say about three or four seconds after I saw her.

252. Q. The whole thing was a matter of seconds. Of course time is difficult to be certain about. How long do you think it was before the collision happened that she had blown her first three short blasts?—A. About five to seven seconds.

253. Q. Did she get all her three short blasts out by the time she struck you?—A. No.

254. Q. Tell me about that?—A. The third blast was blown almost at the time she struck me.

255. Q. What part of her struck your vessel?—A. The stem.

256. Q. What part of your ship was struck?—A. The part in the line between the two funnels.

257. Q. What do you judge the angle of the blow to have been between the two ships at the time they struck?—A. About seven points.

258. Q. That is your view?—A. That is my view.

259. Q. Knowing what you do now, where do you think she struck you with regard to the bulkhead that divides the room into two compartments?—A. I think she struck on the bulkhead.

By Lord Mersey:

260. Q. Do you think that she struck just where the bulkhead was?—A. Yes, my Lord.

261. Q. And if the effect was to destroy or to damage that bulkhead it would make the two compartments one compartment?—A. It would.

By Mr. Aspinall:

262. Q. As she was struck, or almost immediately after she was struck, did you give any orders to your officers?—A. Before she struck?

263. Q. Just.—A. Before she struck, seeing a collision was inevitable, I sent the first officer from the bridge to get the boats ready.

264. Q. That is Mr. Jones?—A. Mr. Jones.

265. Q. What did you say to him, do you remember?—A. Get away, get all hands and get the boats ready.

266. Q. Did he leave the bridge for that purpose?—A. At once.

Mr. Aspinall.—I do not know whether it will be convenient now, My Lords; I was travelling a course from the collision to the efforts made to

save lives. I do not know whether your Lordships are wishful that course should be pursued.

Lord Mersey.—I think so.

By Mr. Aspinall:

267. Q. Having sent away Mr. Jones, what did you next do?—A. I gave orders to the *Storstad* when the collision occurred to keep full speed ahead.

268. Q. When you say you gave orders, what in effect did you say?—A. I shouted, “*Keep full speed ahead.*”

269. Q. How did you shout it?—A. Through the megaphone.

270. Q. What in fact happened; did he keep ahead in the wound or not, or did the vessels separate?—A. The vessels separated.

271. Q. What did you say was the cause of the two vessels separating?—A. By her engines being full speed astern.

272. Q. You heard her give three short blasts just at the time she was striking?—A. Yes.

273. Q. Your view is she came out of the hole because the engines were reversing?—A. Yes.

274. Q. The moment she came out of the hole that withdrew the cork from the bottle, so to speak?—A. It did.

275. Q. What was the result to your ship?—A. Keeled over immediately.

276. Q. To which way?—A. Starboard.

277. Q. You have told me that in the hope of avoiding a collision or minimising its consequences you gave the order to go full speed ahead?—A. Yes.

278. Q. Just as she withdrew did you give any further orders?—A. Stopped the engines immediately when she struck.

279. Q. Now, she is withdrawn, and your vessel has listed to starboard; what was the next order you gave?—A. Blew the siren.

280. Q. For what purpose was this done?—A. I may correct myself if you want the orders, given in rotation; I will give them as well as I can.

281. Q. Do your best.—A. The next order I gave was to stop the engines and to close the bulkhead doors of the watertight compartments.

282. Q. You closed the bulkhead doors; how did you give that order?—A. By telegraph to the engine room.

283. Q. You are on the bridge and you have telegraphed that communication to the engine room?—A. Yes.

284. Q. It is a telephone, is it?—A. Telephone and telegraph, telephone first.

By Lord Mersey:

285. Q. This was after, as I understand, the side of the ship was open to the water?—A. Yes.

By Mr. Aspinall:

286. Q. Close the watertight doors?—A. Yes.

287. Q. What next did you do as far as you remember?—A. Went to the 'phone and gave it verbally to the engineer on watch. I also went to 'phone to the engine room and shouted down to the engineer on watch: Close the doors, and the answer was: We are already doing it.

288. Q. Are these watertight doors which are down in the engine room space operated down there?—A. Operated down there, yes, from the platforms above; not in the spaces but in the platforms above.

289. Q. From the platform above. Are the other water-tight doors which are in the other part of the ship operated by the stewards?—A. Yes.

290. Q. They will tell us about that with more precision later. That is the way in which the matter is dealt with; the lower order of doors operated by the engine room staff, the higher ones operated by the stewards' staff. Is that what next did you do, as far as you can remember—of course, it was a moment of excitement?—A. I ran along the boat deck myself and threw the gripes off several of the boats on the starboard side; the gripes that hold the lifeboats in their places.

291. Q. Did you at or about this time make an effort to get her headed towards the shore?—A. A few minutes after the collision, when I found the ship heeling considerably, I put the engines full speed ahead, and spoke to the engineer on watch and said: “*Give her all you can; I am going to try and beach her.*” The answer came back: “*The steam is gone.*”

292. Q. Did you at the time or at about the time you gave this order, notice how your ship was-headed?—A. I did.

293. Q. How was she heading?—A. Before she foundered she was heading southeast by the steering compass.

294. Q. And that heading had fallen away subsequently to starboard—A. Yes

295. Q. What do you think caused her to fall away?—A. The tendency would be to throw the bow towards the land. .

296. Q. Why?—A. Because the position where she struck would really be about the middle line of the ship.

297. Q. She struck you abaft amidships; as a consequence she swung and your idea is that the blow was of such strength as to drive your quarter port and your head to starboard?—A. Quite so.

298. Q. Which takes it away to southward and eastward 4—A. Yes.

Lord Mersey.—Is that consistent with the description of the position of the place on the starboard side of the vessel?

Mr. Aspinall.—He tells us that the blow was struck abaft the middle line of the ship (To witness:) How much abaft, do you think?—A. That I could not say.

299. Q. You do not know?—A. No, but by the way she turned, I should say she was struck—
Lord Mersey.—The more abaft, the more the blow would tend to carry the *Empress of Ireland* to starboard.

Mr. Aspinall.—Yes. That in fact was what happened, and you think it was due to the blow.
The Witness.—I do.

By Mr. Aspinall:

300. Q. I suppose—if I may make the suggestion—that after your ship had become ungovernable by reason of her list, it is difficult to say how her head might go, isn't it?—A. About southeast: it was a matter of about a minute or two before she turned. It was difficult to get to the compass to see how her head was.

301. Q. You do say that she was heading southeast?—A. I know she was in a good position then, if we could get the steam to beach her; the way the ship was heading at that time, going on

that course, she would have brought on the beach in a short time.

302. Q. How long after the two ships struck was it you found her heading southeast?—A. About five or ten minutes.

303. Q. Now, you commenced to tell us about blowing the siren; then you said your memory was not accurate as to the order in which these things were being done, and you went to something else. Now tell us when, if you can, the siren was blown and for what purpose?—A. It was blown immediately after the collision.

304. Q. For what purpose?—A. Prepare to abandon the ship.

305. Q. Is that a recognized signal on board your ship?—A. It is.

306. Q. On these big passenger ships do you use sometimes the siren and sometimes the steam whistle for giving that class of order to the crew of the vessel?—A. Only the siren on the *Empress of Ireland*.

307. Q. But on other ships is it the usual practice either siren or whistle?—A. Very few ships have sirens; we had them both.

308. Q. At any rate, you blew the siren for that purpose?—A. Yes.

309. Q. Was it known on board your ship what that means?—A. It is posted up in the crew's quarters around the ship.

310. Q. Prepare to abandon the ship?—A. Yes, close the water-tight doors and prepare to abandon the ship.

311. Q. You have told me of your casting off the gripes of the boats. What next did you do?—A. Went back to the bridge.

312. Q. And having got there, what next happened?—A. Sent for the Chief Officer. Previous to this, at least he came to me at that particular time and I said: Send S.O.S. signal out to Father Point. His answer was: We have already done so. The next was I gave orders to get all boats out as soon as possible.

313. Q. And you say yourself with the men were working at the boats?—A. Yes.

By Lord Mersey:

314. Q. Would it be possible to get the boats out on the port side—A. Impossible, my Lord.

By Mr. Aspinall:

315. Q. So far as you could see Captain Kendall, were your men doing good work?—A. They were.

316. Q. And doing it in a fairly calm and collected way?—A. They were.

317. Q. And obeying orders which you gave?—A. They were.

318. Q. What next happened? Did you yourself see any boats get out? I do not want you to give us details, because we will have more accurate information from those who, in fact, did it?—A. I saw three boats land in the water on the starboard side.

319. Q. They were released from the tackles?—A. Yes.

320. Q. Was the idea to get the boats in the water so as to pick up any people who might be in the water from the ship, which was apparently turning over; was that the idea?—A. That was the idea.

321. Q. Did you see any passengers on the boat deck yourself, before the boats went away?—A. My deck was swarmed with passengers.

322. Q. When you speak of people swarming on the deck do you mean the boat deck?—A. On the boat deck.

323. Q. And what next happened the ship?

By Lord Mersey:

324. Q. I think you said there were three boats?—A. About three.

325. Q. Not more?—A. From where I was standing on the bridge, that is all I could see.

326. Q. You were on the port side?—A. I was on the port side of the flying bridge, my Lord.

Mr. Aspinall.—Your Lordship will be informed later on that there were three boats successfully launched.

The Witness.—From the position I was in, I could not say.

By Mr. Aspinall:

327. Q. I want you to tell us what you know; you are quite right in telling us only what you know. What next happened to the ship?—A. When the flying bridge took the water

By Lord Mersey:

328. Q. That is where you were standing?—A. Yes, my Lord. It gave a sudden jerk and fell, both funnels striking the water at the one time.

By Mr. Aspinall:

329. Q. What happened to you?—A. The ship disappeared and I was thrown.

329. Q. Into the water?—A. Yes. When I came up to the surface I saw a long line which apparently was the line of the ship, the suction caused by the ship foundering; two waves meeting.

330. Q. What happened to you?—A. I grabbed hold of a piece of grating which came up underneath. The next thing I remember was a man from a lifeboat, apparently it was No. 3, shouting out: There is the Captain, let us save him. I was then dragged into the boat by several of the men in the boat, who were passengers and crew. I then took charge of the boat and started to pick up others who were hanging on to wreckage, as many as we could possibly get hold of. We filled the boat and after filling the boat with as many as it would hold, which was about 55 or 60, I then placed the remainder around the boat hanging on to the lifelines.

331. Q. Have you got lines fixed round the boats so that you can hold on if need be?—A. Yes.

332. Q. Did you save many in that manner?—A. Yes, we did and told those who were in the boats not to let go of the men who were in the water, but to hold on to them in case they should lose them through exhaustion.

333. Q. What did you do with that load?—A. I then proceeded towards the steamer that I saw at a distance.

334. Q. Which steamer was that?—A. The *Storstad*.

335. Q. Having got to her what did you do?—A. On my way to her I passed two of the *Storstad's* lifeboats. In one boat was one of my passengers, lying all over one of the thwarts. Two men, the crew of the boat, were leaning over the bow pulling in another one. On my starboard side was another lifeboat belonging to the *Storstad*, and he had three passengers thrown across the thwarts and he was then pulling in another person. When I got alongside the *Storstad*, there were several

boats alongside of the boats belonging to my ship. Amongst them was also one of the *Storstad's* boats, and he had, I think, been discharging some people he had saved.

336. Q. The people on your boat were then put on the *Storstad*—A. They were.

337. Q. What did you do? Did you go on the *Storstad* or did you make further efforts to save lives?—A. I asked members of the crew in the boats how many would stay with me and go back and search for more.

338. Q. These were your own crew?—A. My own crew. Ten men put up their hands and said: We all will. I said I did not require ten, I only required six. So it was decided that six should remain with me.

339. Q. Did you go back with the six?—A. I then threw all the sails and such gear out of the boat over the side and then proceeded back to the wreckage to take up or look for more bodies; to look for people who were alive.

340. Q. Did you pick up more on this occasion?—A. No, I did not find any; everybody I came to on the water was dead. I felt myself to see if there was any life in them but they were all floating with the buoys around their waists.

341. Q. When you speak of buoys you mean lifebelts?—A. Lifebelts.

342. Q. They had their lifebelts on, but they were dead?—A. Yes.

343. Q. Did you get anybody on that occasion?—A. No.

344. Q. What did you do then?—A. I saw a boat about two miles out to sea, one of my own boats, and then pulled out to this boat, thinking there might be someone in it but when I got to it I found that it was smashed and half filled with water; no one in it.

345. Q. After that?—A. I returned to the *Storstad*.

346. Q. Having come to the *Storstad* what did you do?—A. I returned to the *Lady Evelyn*, which had been going amongst the wreckage trying to pick up bodies.

347. Q. What class of vessel is she?—A. The mail tender at Rimouski.

348. Q. The property of whom?—A. The property of the Canadian Government.

349. Q. What did you do when you got to her?—

A. I made enquiries; asked them if they had anyone on board and they said 'no' but they were going to steam around and pick up the bodies.

350. Q. Then what did you do?—A. Returned to the *Storstad*.

351. Q. After you got there what did you do?—

A. I then discharged the crew of the boat and when they had boarded the *Storstad* I went on board myself. I went on the bridge of the *Storstad* to see the Captain. Is it necessary that I should tell this?

Lord Mersey.—You have arrived pretty nearly at the end of the story.

Mr. Aspinall.—I do not know whether it is wishful to tell us, but there was some controversy between Captain Kendall and the Master of the *Storstad* on the bridge; there always is in those cases.

The Witness.—I wish to tell it.

Lord Mersey.—You may wish to tell it, but we must consider whether it is relevant or not.

What do you say, Mr. Duclos?

Mr. Duclos.—I have no objection.

Lord Mersey.—Would you prefer that he should give it?

Mr. Duclos.—I would prefer.

Lord Mersey.—I think you had better ask the witness to state it.

The Witness.—I then went on the bridge of the *Storstad*. I said: "Are you the captain of this ship?" He said: "Yes." I said "You have sunk my ship." I said "You were going full speed, and in that dense fog." He said: "I was not going full speed, you were going full speed." With that the pilot of the *Storstad*, who had just boarded, came to me and said: "do not say anything; you had better go below." With that I went off the bridge and went into his chart room. It was then I collapsed.

352. Q. You know no more?—A. I know no more.

At one o'clock the Commission took recess.

The Commission resumed at 2.15 p.m.

Captain Kendall (resuming his evidence):

Mr. Aspinall.—There is a matter in which I desire to ask your Lordship's ruling. Certain statements have appeared in a newspaper reflecting upon the conduct of Captain Kendall, and he is very anxious to have this opportunity in public court of refuting the accuracy of those statements.

Lord Mersey.—I do not like paying any attention to newspaper animadversions; they are better left alone.

Captain Kendall.—Thank you, my Lord.

Mr. Aspinall.—Captain Kendall very naturally feels very sore over the matter, but I leave it at that.

Mr. Haight.—May I see the chart that Captain Kendall marked this morning?

By Mr. Haight:

353. Q. Captain Kendall, will you please tell me whose watch it was as you approached Father Point—was it the chief officers?—A. (Captain Kendall) The first officer's, Mr. Jones's.

354. Q. Who was regularly stationed on the bridge with the first officer during the watch?—A. Officer?

Q. He was not there alone?—A. No—do you mean another officer?

Q. Anybody.—A. The third officer.

Q. Which third officer?—A. Mr. Moore.

Q. Whose watch was it in the engine room?—A. I cannot say.

Q. You do not know whether it was the first assistant or the second?—A. No, I do not.

377. Q. How close did the whistle of the *Storstad* sound to you when you heard her whistle two points off on your starboard bow?—A. At a safe distance.

378. Q. Could you form any estimate?—A. Yes, by the dimness of the sound.

379. Q. Was it a mile?—A. It might have been a mile or half a mile that I cannot say according to the mechanism of his whistle. I do not know whether he has a powerful or a weak one. Different vessels have different whistles.

By Lord Mersey:

380. Q. Can you rely upon the whistle as being an indication as to where a ship is or as to how far

away she is?—A. The direction but not the distance.

381. Q. You can rely on the whistle for the direction?—A. I thought that without wind, like it was that particular night, it was quite safe.

By Sir Adolphe Routhier:

382. Q. In a fog?—A. Yes.

382f. Q. You are sure as to the direction?—A. Yes.

By Mr. Haight:

383. Q. How close did the whistle sound when you heard it six points on your starboard bow? Did you think that it might be about a mile or so away?—A. I should think that he would be passing a mile away.

383f. Q. You thought the *Storstad* was a mile away?—A. A safe distance.

384. Q. Your course away from Father Point was North 47 East magnetic?—A. Yes.

385. Q. When you first saw the masthead lights of the *Storstad* how did they bear on your vessel approximately?—A. Between three and four points.

386. Q. On your starboard bow?—A. On my starboard bow.

387. Q. How far had you got away from Father Point when you saw his masthead lights?—A. Just before getting Cock Point on the beam.

388. Q. How long before that do you think you started your engines full speed ahead from Father Point?—A. About three miles.

389. Q. You were heading North 47 East magnetic?—A. Yes.

390. Q. You had him on your starboard hand and you were the burdened vessel?

—A. I had him on my starboard hand. Will you repeat that?

391. Q. At that time you were showing your starboard light to his port?—A. I was.

392. Q. So that under the rules you were required to keep out of his way and he was required to keep to his course and speed?

Lord Mersey.—Read the rule.

Mr. Aspinall.—It is to be remembered that Capt. Kendall states in his evidence that he had not seen

the starboard light of the *Storstad*; he had seen the first two masthead lights but not the side lights.

Lord Mersey.—Will you read the rules?

Mr. Haight. Rule 19 is as follows:—

When two steam vessels are crossing, so as to involve risk of collision, the vessel which has the other on her starboard side shall keep out of the way of the other.

Rule 22: Every vessel which is directed by these rules to keep out of the way of another vessel shall, if the circumstances of the case admit, avoid crossing ahead, of the other.

Lord Mersey.—It is the first of these two rules that you refer to?

Mr. Haight.—Yes, and I am about to refer to the second.

Lord Mersey.—I do not quite follow the question and the answer. Was there, according to your view, danger of collision at this time? If there was not the rule does not apply.

Mr. Haight.—As I understand the rule, when vessels are crossing courses, there is always danger of collision if the course of each is maintained. When a man see a vessel off his starboard hand bound up the St. Lawrence and he is bound out into the gulf, as soon as he knows the position of the other vessel, which vessel he knows is going up the river, the rule applies. That is my understanding.

Sir Adolphe Routhier. You consider that the *Empress of Ireland* was crossing Mr. Haight?—
A. Yes, sir.

By Mr. Haight:

393. Q. Assuming, Capt. Kendall, that the *Storstad* was bound to Montréal when you were on a course North 47 East it would necessarily be a crossing course with you?—A. Assuming what?

394. Q. When you first saw the *Storstad* you recognized that she was going up the St. Lawrence and that she was on your starboard hand?—A. Quite so.

395. Q. That then called upon you to keep out of her way and not to keep on your course?—A. The distance between the two ships at that time was too far apart to consider any point of collision.

By Lord Mersey:

396. Q. If they had kept on their course would there have been any collision?—A. No, my Lord, not on the course we were steering as the distance between the two ships was too far apart.

By Mr. Haight:

397. Q. If he had kept on his course as his vessel was first seen by you, would you have crossed his bow or gone under his stern?—A. I would have gone ahead of her a long time before she would have got to that point.

398. Q. How much do you think you should have cleared her bow if you had continued on your course North 47 East magnetic?—A. It is not a question of a short distance; it would be a great distance, a very great distance with the speed of my ship compared with the speed of his.

399. You would have crossed her bow by a mile or two?—A. By keeping on my course North 47 magnetic.

400. Q. You say that your speed was such that you would have cleared him if you had remained on your course North 47 East?—A. Yes.

401. Q. When you changed your course North 72 East you headed your vessel very much more towards the *Storstad*?—A. Towards the land and the *Storstad*.

402. Q. Towards the *Storstad*? That change increased the risk of collision?—A. No, that did not increase the risk.

403. Q. Well, you brought your course so that you would pass very much more closely to the *Storstad*?—A. I had sighted his mast lights and the position he was steering.

Lord Mersey.—Keep to the answer and you can explain afterwards. It is the truth to say that the change which you made did bring you closer to the ship?—A. It is.

By Mr. Haight:

404. Q. When you changed from a course of North 47 East, how far had you run from Father Point?—A. About 4 miles.

405. Q. When the vessels came together, did they remain in Contact only an instant, or did the *Storstad* immediately back away?—A. She seemed to tear the ship's side as she went away with her.

406. Q. How long do you think the stem of the *Storstad* was in the wound?—A. It was a matter of moments.

407. Q. Three or four minutes?—A. I cannot give you any statement as regards time; it was a matter of moments.

By Lord Mersey:

408. Q. A matter of moments, I suppose, would be a matter of seconds?—A. A matter of seconds.

409. Q. The *Storstad* was only in contact a few seconds and then backed away?—A. Then backed away.

410. Q. Your statement is that your boat was absolutely dead in the water?—A. Stopped.

411. Q. You feel positive of that?—A. I am positive she was stopped with no way upon her.

412. Q. There was no reason why the *Storstad* might not have stayed in the wound and perhaps saved this fearful catastrophe at least in part?—A. There was no reason.

413. Q. Did she back away practically on the angle at which she had hit you? A. No.

414. How did she back up?—A. She backed away with her stern towards my stern.

By Lord Mersey:

415. Q. With her stern towards your stern?—A. She swung around in this direction (indicating).

By Mr. Haight:

416. Q. How do you mean with her stern swinging up against you; if she punctured you angling towards your bow then her stern was towards your bow and her stem down more or less towards the stern?—A. Because, he gave the order for full speed astern, and when the shock took place the right hand propeller was thrown around in the direction I mention.

417. Do you think that after the stem had punctured the side of the *Empress of Ireland* the action of the reversed engines would be sufficient to move the entire steamer around as well as the stem?—A. Quite so.

418. Q. You first saw the *Storstad* about 100 feet away from you?—A. About 100 feet.

419. Q. And you say she was going then and that you saw quick water at her stem?—A. I did.

420. Q. Did you estimate her speed?—A. 10 knots.

421. Q. Assuming that you stopped your vessel in two minutes, do you think that the *Storstad*, loaded with about 11,000 tons of coal, could stop any quicker?—A. No.

422. Q. She would run probably farther through the water if anything?—A. Yes.

423. Q. How do you think that a vessel going 12 knots an hour, 100 feet away from you could succeed in backing away from you in a matter of three or four seconds after she struck you? —A. It was the impact that drove the ship back. With the speed on her engines at the moment.

424. Q. Do you think she would strike you and bounce away if she reversed her engines 50 feet away from you—rebound?—A. Yes, she rebounded to a certain extent.

425. Q. If she had kept her engines full speed ahead she would have rebounded?—A. She would still go back.

594. Q. In your direct examination you spoke of a conversation with the master of the *Storstad*. As I understand you, you went into the chart-room or on the bridge and said to the captain of the *Storstad*, “*You sank my ship, you were going full speed ahead,*” and he said, “*I was not going full speed ahead, you were.*” Is that correct, Captain Kendall?—A. Yes.

595. Q. Did you at that time drop down on to a bench in the chart-room and drop your face in your hands and say: “*I wish to God I had gone faster?*”—A. No.

596. Q. Was there any conversation at all of that character?—A. On the bridge before, when I saw him on the bridge, he said: “*You were going full speed,*” and I said: “*I wish I was; if I had been you would never have hit me.*” That was my remark.

597. Q. Did you at that time accuse the captain of the *Storstad* of having changed his course and deliberately run you down?—A. No.

598. Q. Did you complain at that time that he had quite unnecessarily backed off, and backed off half a mile and left you there to sink?—A. No.

599. Q. None of those things were discussed?—A. No.

600. Q. Do you remember passing another steamer, Captain Kendall, an hour or two before?—A. No.

601. Q. Well, about ten o'clock, don't you remember?—A. I don't remember.

602.Q. Were you on the bridge?—A. Yes.

603. Q. How does the *Empress of Ireland* steer under normal conditions, easily or otherwise?—

A. Very easy

604. Q. So that any change of course you do make is the result of deliberate intention by actual change of wheel?—A. Yes

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