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BRITISH

THE NEW SEALING BILL.

Published for the Information of Sealers and Others.

Be It Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session Convened, as Follows:

1.—In this Act, unless the context otherwise requires, the following words shall have the meanings hereinafter respectively assigned to them, namely:—
 "Ship" shall mean a steamer engaged at the seal fishery, and cleared from a port in this Colony.
 "Sealer" shall mean a member of the crew of any such ship.

2.—It shall be unlawful to kill any seals or to remain upon the ice in charge of any seal pens except between the hours from daylight to dark, and no sealer shall, without lawful excuse, be or remain upon the ice or away from his ship during any part of the period from one hour after dark to daylight, under a penalty not exceeding one hundred dollars, to be recovered, in a summary manner by any person who shall sue for the same.

3.—No Master or other Officer, of any ship shall, without lawful excuse, send any sealer on to the ice or permit him to go on to the ice except between the hours of daylight and dark, or at any other time when the state of the weather is such as endangers life and limb, under a penalty not exceeding one hundred dollars, to be recovered in a summary manner by any person who shall sue for the same; Provided that the Magistrate or Justice imposing such penalty may, in addition, suspend the certificate of competency held by such Officer under this Act for such period as he may deem proper.

4.—The provisions of Section two and three of this Act shall not apply to the work of strapping of seals and hoisting them on board a ship; and in any prosecution under either of the said sections no conviction shall be had unless it shall be proven that a complaint was made within twenty-four hours after the commission of the offence to the Master or other officer in charge of the ship, whose duty it shall be to enter the particulars of such complaint in the ship's log.

5.—Any breach of the Master or other officer of the provisions of Section three of this Act which shall result in the total disablement of any sealer for a period of not less than three months shall be a misdemeanour and punishable upon conviction by imprisonment for a period not exceeding one year and any such breach which shall result in the death within twelve months thereafter of any sealer, shall be a felony and punishable upon conviction by imprisonment for a period not exceeding three years.

6.—Immediately upon it being made known to the Master or other officer in charge of a ship that any of his men are missing he shall send out a search party to look for them, unless in his opinion the state of the weather is such as endangers life and limb, under a penalty not exceeding one thousand dollars, to be recovered in a summary manner by any person who shall sue for the same; Provided that the Magistrate or Justice imposing such penalty may, in addition, suspend the certificate of competency held by such officer under this Act for such period as he may deem proper.

7.—The owner of any ship who shall fail to provide such ship with an adequate supply of fire rockets of such class and in such quantity as may be approved by the Minister of Marine and Fisheries shall be subject to a penalty of four hundred dollars, to be recovered in a summary manner by any such sealer of such ship who shall sue for the same.

8.—Whenever any sealer is absent from his ship after dark, or in fog, mist, or falling or drifting snow, the Master or other officer in charge of such ship shall unless he has positive and trustworthy information that such sealer is safe on board, some other ship, cause a prolonged blast to be sounded by his steam-whistle or other steam sound signal, at intervals of about five minutes, and in default of his so doing he shall be liable to a penalty of not less than one hundred dollars and not exceeding four hundred dollars; and he shall also, in such circumstances, as aforesaid, cause fire-rockets to be discharged at suitable intervals, during the hours of darkness, unless the weather is such as to prevent such rockets from being visible from the ice, and in default of his so doing he shall be liable to a penalty of not less than one hundred dollars and not exceeding four hundred dollars.

9.—The penalties prescribed in the preceding Section may be recovered in a summary manner by any sealer

of the said ship who shall sue for the same; and the Magistrate or Justice imposing such penalty may in his discretion in addition require the delivery up of the offending officer's certificate of competency under this Act, and shall cancel the same, and such officer shall thereafter be incapable of receiving a certificate of competency under this Act.

10.—No ship carrying more than one hundred and fifty sealers shall be cleared for the seal fishery unless the Customs Officer granting such clearance is satisfied that she carries with such crew of competent medical practitioners: Provided that this requirement may be dispensed with on the production of a certificate from the Minister of Marine and Fisheries that the services of a competent medical practitioner cannot be obtained upon reasonable terms.

11.—No ship shall be cleared for the seal fishery unless she has on board in some capacity a person holding a certificate as Master or Mate which complies with Section six of Chapter one hundred and seventeen of the Consolidated Statutes of Newfoundland (Second Series): Provided that this requirement may be dispensed with by the Customs Officer granting such clearance in any case in which he is satisfied that the services of such a certificated person cannot be obtained.

12.—No sealer shall be placed on the articles of his ship without the approval of the Master of such ship.

13.—(a) No steel ship shall be cleared for the seal fishery from any port in the Island of Newfoundland until forty-eight hours after the time fixed for the sailing of the wooden ships. Steel ships under eight hundred and fifty tons gross shall, for the purposes of this section, be considered as wooden ships.

(b) It shall be unlawful for any ship to bring into any port in this Colony in any one seal-fishing season more than thirty-five thousand seals, and any surplus above that number shall be confiscated by the Minister of Marine and Fisheries and sold, and the proceeds thereof shall be paid over to the Marine Disasters Fund.

(c) It shall be lawful for the Minister of Marine and Fisheries to cause all ships, to be surveyed and a special load-line marked thereon for the purposes of the seal fishery, and no ship shall be loaded below the load-line so fixed, under a penalty not exceeding two thousand five hundred dollars, to be recovered from the Master of such ship in a summary manner in an action in the name of the Minister of Marine and Fisheries, whose duty it shall be to see to the enforcement of this section: Any penalty recovered under this section shall be paid to the Marine Disasters Fund.

14.—(a) No owner of a ship shall put on board or authorize the putting on board said ship of more than two guns, under a penalty not exceeding one thousand dollars, to be recovered from such owner in a summary manner by any person who shall sue for the same; and any other person who shall bring or put on board such ship any gun or guns shall be subject to a similar penalty.

(b) No person on board any ship shall kill any seal by means of a gun, under a penalty of one hundred dollars for every seal so killed, to be recovered from the Master of such ship in a summary manner by any person who shall sue for the same.

15.—It shall be unlawful for any ship to bring into any port of this Colony any hood seals between the tenth day of March, one thousand nine hundred and seventeen, and the thirteenth day of April, one thousand nine hundred and twenty, under a penalty of one hundred dollars for every seal so brought in, to be recovered in a summary manner from the Master of the ship bringing, in the name of any person who shall sue for such penalty.

16.—If at the end of the voyage the work of the cooking staff has been satisfactory to the owner of the ship, the said owner shall pay to the chief cook a bonus of twenty dollars, and to each of the assistant cooks a bonus of fifteen dollars.

17.—The Governor in Council shall appoint a Board of Examiners, consisting of three persons having each not less than ten years' experience as Masters of Sealing steamers. The said Board shall make rules and regulations governing the examination of all persons intending to prosecute the seal fishery in steamers as Master, Second Hand, or Master Watch, which rules and regulations shall be approved by the Governor in Council, and shall have power to examine such persons and to grant certificates. No person shall go to the seal fishery as Master, Second Hand, or Master Watch without a certificate of competency from the Board of Examiners under a penalty of \$5,000, to be recovered in a summary manner from the owner of the ship in which any such person who shall sue for the same. The Governor in Council shall make rules and regulations as to fees to be paid such Board of Examiners, and as to fees to be paid by Masters, Second Hands or Master Watches in relation to such examinations: Provided that this shall not apply to any Master, Second Hand or Master Watch who has been at the seal fishery for two consecutive years previous to 1917, in any of the said respective capacities. And the said Board shall furnish free of cost certificates of competency to all such persons upon satisfactory proof of their having been at the seal fishery as aforesaid.

18.—(a) Whenever any injury from exposure on the ice is suffered by any sealer who has not returned to his ship within one hour after dark, the owner of such ship shall be liable to pay to him, or to his dependents if death results from such injury, compensation as hereinafter provided, subject, however, to the exceptions hereinafter contained.

(b) Where death results from the injury, and the sealer leaves any dependents wholly or partially dependent upon his earnings, the amount of compensation under this Act shall be the sum of one thousand dollars; Provided that the amount of any weekly payments made under this Act, and any lump sum paid in redemption thereof, shall be deducted from such sum.

(c) Where total or partial incapacity for work results from the injury, the amount of compensation shall be a weekly payment during the incapacity not exceeding fifty per cent of the sealer's average weekly earnings during the previous twelve month, such weekly payment not to exceed five dollars; Provided that in case of partial incapacity the weekly payment shall in no case exceed the difference between the amount of the sealer's average weekly amount which he is earning or able to earn in some suitable employment or business after the injury. When any weekly payment has continued for not less than six months the liability therefor may, on the application of the owner of the ship, be redeemed by the payment of a lump sum, to be settled, in default of agreement, by the Supreme Court or a Judge thereof, and such lump sum may be ordered to be invested or otherwise applied in manner similar to that provided in respect of sums payable under the Workmen's Compensation Act: Provided that said weekly payments and lump sum together shall not exceed one thousand dollars.

(d) Any sealer suffering injury as aforesaid, and where death results from the injury, his dependents, may proceed in the Supreme Court either by a personal action against the owner of the ship, or by an action in rem against

the ship on the Admiralty side of the Court, for the recovery of compensation as aforesaid, and shall have a lien therefor upon the ship and her cargo in like manner and with the same priority as in the case of claims for seamen's wages. All compensation recovered under this Act by dependents of an injured sealer shall, be invested and distributed in manner similar to that provided with respect to sums payable under the Workmen's Compensation Act. The cost of all proceedings, for the recovery

of compensation under this Act shall be in the discretion of the Court or Judge.

(e) No claim for compensation shall arise under this Act in any case in which the injury is attributable to the serious and wilful misconduct of the sealer himself, or in which the injury was suffered while he was absent from his ship on private business or for pleasure, and not in the course of his employment as a sealer.

(Continued on page 3)

NOTICE OF REMOVAL AND PARTNERSHIP!

Hon. R. A. Squires, K.C., LL.B.

ANNOUNCES the removal of his LAW OFFICES to the New BANK OF NOVA SCOTIA Building at the corner of Beck's Cove and Water Street, and the formation of a PARTNERSHIP for general practice as Barristers, Solicitors and Notaries, with MR. J. A. WINTER, eldest son of the late Sir James S. Winter, K.C., under the firm name of Squires & Winter.

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