

Toilers Final Fight For Liberty

Fifteen Hundred Electors Ask Kean's Arrest Charging Him With Criminal Negligence.

Recapitulation and Review of the Findings of the Commission of Inquiry Who Investigated the Sealing Disaster

Judge Johnson Receives Some Criticism

The findings of the Sealing Commission published yesterday by the Government papers, will open the eyes of the public respecting the conduct of Capt. Ab. Kean and the necessity of greater safeguards to protect the lives of the sealers. We must confess that the majority report places the facts before the public in a manner that must compel all to recognize the great legal ability of those gentlemen. That they very carefully followed the evidence of witnesses and exercised great care in connecting each link and endeavoured to get at the bottom of the trouble, none will deny.

We must confess that we did not believe it was possible for legal men to grasp the situation and circumstances surrounding this great catastrophe as effectively as the findings of the Commission have revealed.

We cannot endorse all the deductions, nor consider the proposals for future safeguards and legislation as sufficient, but much of what is proposed bears out some of the proposals of the F.P.U. resolved at Catalina Convention last November. No sane man will believe that Chief Justice Horwood and Judge Emerson would feel friendly disposed to the F.P.U.'s intentions or be influenced by anything we have uttered respecting the matter, as we strongly criticized the proceedings while sitting.

The conclusions of those two learned Judges, will be accepted by all reasonable men as unbiased and impartial in every respect. They have stated in their report the truth as far as it is possible to discern it and the tenor of their findings read guilty Capt. Kean in almost every paragraph.

We have followed the enquiry very closely. We watched every word uttered at last Spring's enquiry. We have spent hours in conversation with many of the survivors. We have many facts bearing upon the matter that were not brought out before the Commission. We have beheld some survivors relating their experience amidst floods of tears. We have inner information that could make what is black "blacker," but we are satisfied that if all we possessed was known to the Commission their findings would not be more explicit or more severe in holding Capt. Kean responsible.

If the finding of this Commission, appointed by Sir E. P. Morris is not strong enough to compel him to arrest and try Capt. Kean for criminal negligence, then it is as well for the people not to heed Constitutional Government or Law Courts or Judges any longer, and it will be just as well to return to what the Country was when the Merchant Taskmasters in the shape of Fishery Admirals ruled the People and Country.

The Commission finds Tuff guilty of error in judgment, but their opinion of Kean's assertion respecting the course the Stephano steamed after taking the Newfoundland's men on board which Kean said was South, but which most of the men state was South West, is enough to show what they thought of some of Kean's statements.

Of course Judge Johnson believed every word Kean uttered and in so doing disbelieved what others differing from Kean uttered.

It doesn't require much ability to discover the difference between the majority report and the minority report. One is compelled to exclaim after perusing both, that there are judges and judges, lawyers and lawyers, for the difference in method, form, wording, observance, conclusions are glaring enough to cause men to ask how on earth Commissioner Johnson could manage to put together such a scrawl and where he showed his common sense and legal intuition when he penned his notorious conclusions—and what is perhaps even more remarkable still—his suggestions for future safeguards.

Well is it for the Colony the Commission did not consist entirely of Commissioner Johnsons for if that had been very little benefit would have been derived from the sittings of the Commission and few indeed would be the proposed changes.

We will publish for the information of the 6000 out-port subscribers of our paper the portion of the findings in which they are most interested and we ask them to care-

fully weigh every word uttered, for grave lawyers like the Chief Justice and Judge Emerson—weigh well every word they utter and often they hide deep meaning behind their words. As for Judge Johnson we don't consider his report requires much attention at our hands, for its perusal will readily convince a sensible man, of its value and its motive. The fishermen from North, South, East and West will read it in utter contempt, and will not soon forget the intent and meaning of it.

Commissioner Johnson states "I have had ample proof when sitting in Supreme Court that Capt. Kean's powers of correct observation at the sealfishery are very remarkable. They account for his consistent and extraordinary success as a seal killer and they strongly recommend his testimony to me." He again states "I have no doubt whatever that when he told Tuff how the seals and the Newfoundland lay from the Stephano he knew perfectly well what he was talking about. I am equally satisfied that that crew's failure to reach the Newfoundland was in no degree attributable to any mistake on Capt. Kean's part."

Again, "Capt. Joe Kean hailed his father and asked what about the Newfoundland's crew, in reply to which his father put up his hand and said "alright." Again, I find that so far from being guilty of any omission whatever, the Stephano's captain went beyond what was incumbent on him and displayed commendable care for the safety of those men for whom he was in no way responsible.

He further claims that Capt. Kean's enticing of the Newfoundland's crew from their ship by signals prearranged with his son—"imposed no duty or responsibility upon Capt. Kean. There would be an end to all kindly help if the giver were to be saddled with onus neither accepted nor incurred. He (Kean) is no more to be blamed says Judge Johnson, "than is the Captain of the Southern Cross because weather indications were deceptive. Again he declares "the disaster was the act of God and inevitable."

Let us dissect a few of those statements. Capt. Kean's powers of observation are very remarkable says Judge Johnson. Will Judge Johnson inform us, as to where Kean's remarkable opinion of observations were when he ran upon Catalina Brandies on a sunny day and after thought he had struck a derelict? Where did he leave those great powers so apparent to Judge Johnson in the Supreme Court, when he knocked the bottom out of the Portia on Edward's reef off Musgrave Harbor on a clear calm night? Where were those great powers when he ran upon Patridge Point last summer and barely escaped leaving the Prospero's ribs there?

Where was his wonderful observant abilities when he ran down a schooner in St. Anthony harbor on a Sunday afternoon in 1913 and barely escaped killing five persons? Where were those qualities so observable to Judge Johnson in the Supreme Court as he boasts in his minority report—when he ran the Prospero on Horse Island Rock last January in broad daylight after having been showed the rock by a pilot the evening before? This little error of judgment has compelled insurance companies to devote five weeks to repairs of the Prospero's bottom on dock at a cost of \$25,000. It also caused the F.P.U. a loss of \$250 for goods thrown overboard at that time, which should have been landed at their destination when the ship went North as some of it belong to Fogo men at which place the ship called but refused to discharge freight.

Where was Kean's great powers of correct observation which Judge Johnson claims he possess when he lost the Rimouski scores of miles out of proper reckoning and caused Reid to pay some \$30,000 for the loss of the ship which Reid had hired that season for service on Bonavista Bay, and which Kean was bringing back to Halifax—he being Reid's ship's husband at that time, which position he lost through that disgraceful bungle.

There is one feature of the Reids that is universally recognized, they know a good man when they have one and they are very quick in getting rid of bad men—they seemed to have sized Kean up very quickly and made small potatoes out of him.

Will Judge Johnson show where those great Kean powers of observation was, at the sealfishery, even last year,

Was it commendable zeal or error of judgment or entire lack of ordinary precaution that led Kean to infer that there was no storm coming on, when, it was in fact on, when he put the Newfoundland's men on the ice?

Did Kean err in judgment or did he display any of that commendable zeal, so touchingly referred to by Judge Johnson, when he caused the Newfoundland's crew to hurry and get away, so that he could go at once to pick up his own men?

Why the great care for the safety of his own men? Surely he saw reasons for thinking a storm was coming on. Yet he tells us there was no sign of a storm. Was there an error of judgment or entire lack of care on the part of Kean?

It does not matter a bit, the fateful and fearful result has been the same, and whether Kean erred in judgment or failed to exercise judgment or exercising his judgment judged so disastrously, there is very good grounds for the demands we make that Kean be kept on shore. Even if he were actuated by the very best motives that a kindly nature could suggest, that does not alter the position one bit. However well intended, Captain Kean's judgment is, like Judge Johnson's all astray.

When a man proves himself so utterly incapable of using judgment that is sound as has Captain Kean, then we say with all the force at our command, that it is criminal to permit him to go to the ice where errors of judgment cost so dearly. Where a mistaken judgment may send hundreds to their untimely death.

Lastly let us ask Judge Johnson and the other friends of Captain Kean, if they believe that it was commendable zeal for the welfare of the Newfoundland's crew, which induced Captain Kean to go picking up pans after he had got his own crew on board, instead of going at once to the rescue of those men whom he had put out on the ocean in the face of a coming storm?

We have some other important points to lay before Justice Johnson, all important points, which in an error of judgment he seems to have overlooked. But space does not permit us to go into these points to-day. In Monday's issue we will take up this subject.

Is there any other commendable quality possessed by Capt. Kean beside his zeal for the welfare of the Newfoundland's crew. Let us see.

Has he commendable knowledge fitting him to take charge of sealing where certain peculiar knowledge is so indispensable to the safeguarding of human life?

Before advancing further let us briefly review the qualities that a sealing captain should possess that would fit him to be entrusted with human lives.

The first thing is he should be possessed of a humane disposition. He should have a heart to feel for the privations of others. Whether Captain Kean displayed any of that very commendable and highly necessary quality is open to question, and we intend to examine his conduct on that score too.

Beside having a humane heart the captain of a sealing ship must have a knowledge of weather conditions. He must be able to foretell the coming of a storm, by means of his barometer and let us call it his instinct, that quality which leads our intelligence in the matter of weather forecasting, and generally is spoken of as weather-wise.

He must be able to tell how much can be reasonably expected of a man, in the matter of travelling and seal-killing. These are the three leading, the three absolutely indispensable qualities that a sealing captain should possess, in order to make him a safe man.

(To be continued)

when Billy Winsor took the lead of him and showed him how to pick up fat? Will he explain how Kean came to miss the white coats three springs although other ships loaded?

Will Judge Johnson now inform us about the truth—the whole truth—respecting Ab. Kean's wonderful observant qualifications that he saw so clearly from the bench of the Supreme Court? Let him answer those points and let the people watch his answer.

Petitions Asking Kean's Arrest

To His Excellency the Governor in Council:—

The petitions of the undersigned residents of New Perlican and electors of the electoral district of Trinity Bay, humbly sheweth that on March 31st and April 1st last, seventy-eight sealers of the crew of the sealing steamer "Newfoundland" died on the icefloe from exposure, and that in the opinion of your petitioners, Captain A. Kean, Master of the "Stephano," was guilty of criminal negligence in relation to the said men, wherefore your petitioners humbly pray that Your Excellency be pleased to test before the Courts the liability or otherwise of Captain Kean. And as in duty bound they will ever pray.

JOSEPH CALLAHAN
ROBERT WARREN
CON. SMITH
GEO. PENNEY, Jr.
ISAAC BURRAGE
JAMES SMITH
ARTHUR GENT
JACOB WHITE
GEO. BURRAGE
AZERIAS MILLS
EDGAR M. KELLAND
JOSEPH PEARCEY, Jr.
WM. COTTER
FREDK. SMITH
JOHN PINSENT
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ALBERT PITTS
ALBERT SMITH
MARCUS MARTIN
CORBET LEGGE
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