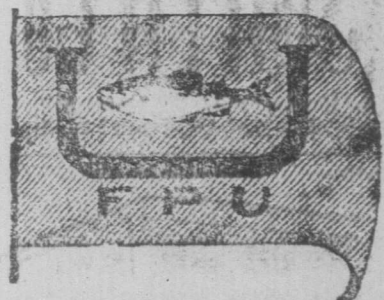


# Bowring, Munn & Kean Must Be Taught a Lesson

THE MAIL AND ADVOCATE, ST. JOHN'S, NEWFOUNDLAND, MARCH 12, 1915-5.

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The Mail and Advocate

Issued every day from the office of publication, 167 Water Street, St. John's, Newfoundland, Union Publishing Co. Ltd., Proprietors.

ST. JOHN'S, N.F.L.D., MARCH 12, 1915.

OUR POINT OF VIEW

## Our Retort

EDITOR ROBINSON attempts to rub it in this morning because of Kean being awarded a verdict by a St. John's jury yesterday against us. He forgets that the action was for the publication of a letter from a sealer, immediately after the arrival of the fleet last spring and when a strong controversy was on between Kean and this sealer over matters concerning Kean's blunders as a Sealing Master. Had we been as vindictive towards Editor Robinson as Kean was to us, we would not have withdrawn our action for libel against the "News," for if we were treated by a jury half as favorable as Kean was, the "News" would not have escaped over their base attack upon Mr. Coaker in October, 1913, which case they were given eighteen months to prepare for, but which they could not in any way justify.

When Mr. Coaker had the "Plaindealer" and "Herald" in a position that was defenceless he did not attempt to vindicate himself by demanding big damages as Kean did yesterday, but accepted an apology from both papers and ended the matter. We had offered to withdraw the libel, but Kean would not consent unless he had his pint of blood as well as his pound of flesh, and in view of our action in refusing to defend, and the very strong charge of Judge Horwood in favor of Kean, which called forth the objections of Mr. Morine, which caused the jury to be recalled, and of the Judge's statement that if he was a juror he would give substantial damages, the verdict is a greater victory for this paper than for Kean, seeing a St. John's jury gave him \$500 and too; three hours to reach that decision, having come into Court twice to seek the Judge's advice on different questions.

Papers do sometimes publish matter that creeps in almost unknowingly, and when such errors are discovered a honorable man will hasten to render amends to any unjustly assailed, but there are swollen-headed creatures in the form of men, whose conceit is surpassed only by their impudence

and brazenness and those men must be dealt with as the public feelings dictate. Kean's verdict will offend Bonavista Bay men, even if gratifies a few of Coaker's enemies, who have never ceased to entangle and ruin Coaker since the F.P.U. was formed. But Coaker is powerful enough to look on with pity, as in his eyes they are small potatoes. Kean's character can be gauged by an award of \$500 where he sued for \$10,000 and where most of his friends thought he would surely get \$5,000.

Let Kean work his vengeance. We have received \$180 this morning from CWY sympathisers and we hold \$257 from the Libel Fund, started when Kean and others took libel against us in the spring. Our friends, therefore, will be glad to find this paper won't have to suffer much. John Alexander is well-known as a man being spoiled in the making. He has some very good qualities, but he possesses some very bad ones, and he being unable to find a district in the country to place him in the House of Assembly, was glad to take a seat in the Dumping Chamber. Such men don't know the fishermen's feeling, and what they write or say goes in the ear of every eye and goes out at the other.

## Commis'r Johnson and Kean's Chart

Commissioner Johnson will have a fine opportunity to prove that his ability to take logical conclusions from the Sealing Commission evidence, is better than that of the "un-experienced critics" that he speaks of, when we are done with him and his very unsound deductions. If by inexperienced Judge Johnson means to refer to those who have had no experience at the ice, we want to ask, whence comes his particular ability as a critic. He has had none whatever, as far as our knowledge goes. Surely he does not mean to say that he has permitted his judgment to be shaped by those experienced men that he must be thinking of. Such a thing seems too unreasonable to suppose. What then does he mean? Does he mean by inexperienced those who have had no legal training. If he does he is guilty of a grave error of judgment in supposing that only a legal man knows anything about reasoning from clear evidence. What about juries, if Judge Johnson is correct. Juries can hang men, and juries have hung men. We pointed out yesterday a few very important points on which Judge Johnson was quite mistaken. There are a few other equally important points which the learned Commissioner with all his experience seems to have missed, and these we will now take up.

We hope our readers have kept the map we published yesterday, as it will help greatly to follow our remarks. Let it be understood that the distance between the two ships Newfoundland and Stephano at five o'clock on the morning of March the thirty-first, is five miles. This will give you the scale on which the chart is drawn. Commissioner Johnson maintains that Kean put the men on the ice at a point south of the dotted line connecting the two ships in the chart. So does Kean.

Now Judge Johnson has sense enough to know that a course set from a point south of that line or on either side of it, to intersect that line cannot be S.E. for the line itself runs S.E. and N.W.

Judge Johnson says the men must have walked N.E. instead of S.E. Of course they must have, if they were placed where Kean and Johnson say they were placed. To sustain Kean Judge Johnson is willing to submerge the evidence of Tuff, Dawson, Moul-and, Jones and others who said before the Commission that they walked S.E. and found the path.

Judge Johnson gets himself into a pretty tangle, by submitting in his statement that it is his opinion the men went N.E.

Abram Kean himself is praised by Johnson for his wonderful ability to fix the positions of ships, and here he runs amuck among his own beautiful conceits of Kean, and smashes them all to pieces at a blow.

Kean told Tuff, when he was about to leave the ship to join his men on the ice, that the Newfoundland bore then due S.E. from them, South East from Johnson's point at which the men were put out would not lead to the Newfoundland.

If the Newfoundland bore due S.E. when Kean put the men on the ice, then they were put out on the line you see connecting the Stephano and Newfoundland in the chart. But Kean says it was South of that line, so does Johnson. If the Stephano did put the men out on that line, they walked about a mile S.W. from it, and returning to it again, intersected it by travelling S.E. Can't you see how foolish the argument. It is too nonsensical to be entertained for a moment. Here are Tuff's own words for it, where he states that they walked S.E. by E.:

"At a quarter to one we started for 'our own ship.' I put a master watch 'on ahead and I said 'Now you walk 'S.E. by E. until you pick up the 'path that we came out in.'"  
That is pretty clear, unless Judge Johnson wants to make out that Tuff does not know his compass, and that would be too inconsistent even for Judge Johnson, we think, for he praises Tuff's intelligence very highly.

If Kean is right when he says the ship was S.E. from them when he put the men out, he is wrong when he says he put them out at the spot indicated, and so is Judge Johnson.

If she was then S.E. he must have brought them farther from their ship, and we reason thus: First, Just before the men reached the Stephano that ship began to move to the N.E. This caused them to travel in a curved line to come up with her. Travelling S.E. afterwards it was this curved part of their path or that part bending away to the N.W. which they intersected. Second, He did not put them out nearer their ship for this reason. The total distance, according to Johnson was about four miles. Well Kean maintains that he put them down two miles nearer their ship. This would leave only two miles to go after they had found the path. Tuff says, they found the path about one hour after they had made up their minds to return. This would place them on the path at about a quarter to two, for they began the return journey at a quarter to one. They kept the path till dark or about six o'clock. Even at so slow a pace as half a mile an hour they should have been on board their ship at six.

Now, the point indicated on the chart as the spot where the men were put out is about one mile from the path. Add to this the mile and a half they walked S.W. to the patch of seals, and you have two miles and a half miles in one hour. It is a bit strange that they failed to make the other two miles we are told they had to go to their ship in four hours. Very strange indeed.

There is another reason for thinking Kean took the men in a S.W. direction; and not southerly, and it is this, if we may be permitted to thrash the thing out in the pure cold light of reason. It seems preposterous to suppose that Kean took those men south, and then told them to go south-west to the seals. Why cause the men to go in this indirect way, or why did he steam south when he could have gone south-west, straight to the seals.

We are more than ever convinced that Kean took the men south-west a certain distance and then left them to continue the distance on foot in the same direction.

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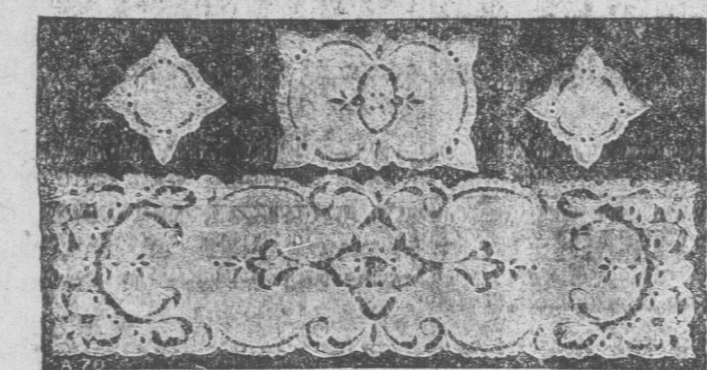
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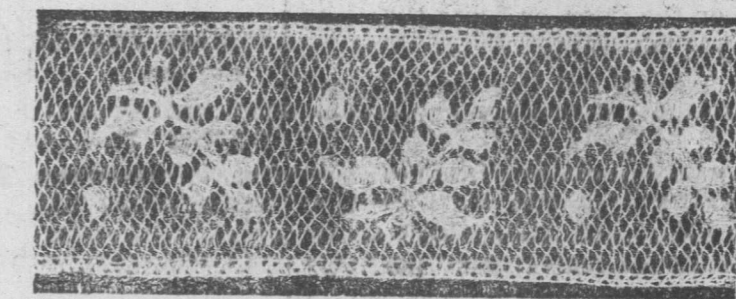
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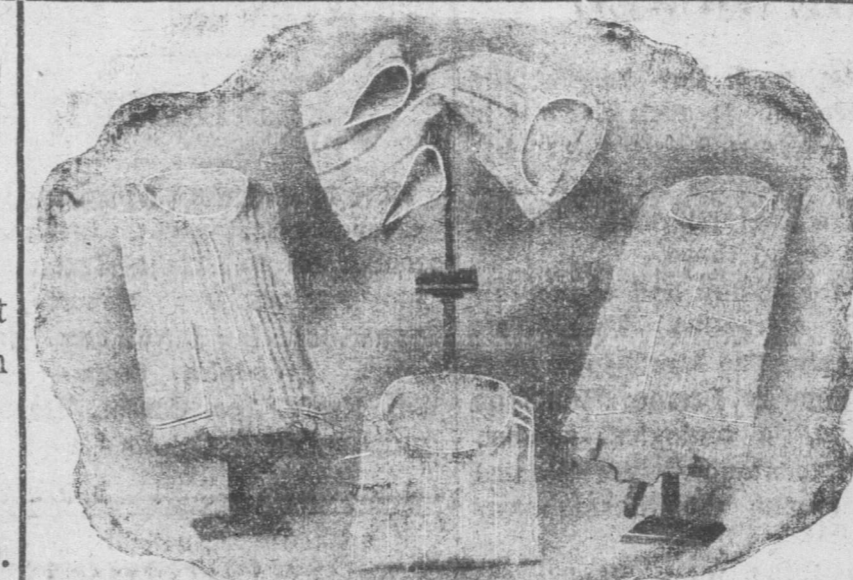
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