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# Judge Knight's Report

#### On the Marine Disaster Enquiry To the Hon. Minister of Justice.

St. John's, May 16, 1914. Sir,—Pursuant to your instruc-tions I have held a Magisterial Enquiry into the loss of life at the sealfishery from amongst the crew of the s.s. Newfoundland.

The enquiry, as you are aware, had rimarily as its object the collection and selection of such evidence as may point to criminal liability on the part ing about 136 men, reached the Stesition made them responsible for the safety of such men of the crew as died; and it is with that aspect of the matter in view, and that solely, that I deem it advisable I should for your convenience and assistance review the testimony of salient matter which may be of value to aid you for such further proceedings as may be

The s.s. Newfoundland was commanded by Captain Westbury Kean and carried a crew of 189 men. Her Navigating Officer was Captain Chares W. Green, who holds a Master's Certificate, and the Second Hand was Mr. George Tuff.

The loss of life occurred on the night of Tuesday, the 31st of March, and the two following days. The storm and who were subsequently rescued was forty-eight men, but of these, one John Keels, of Bonavista, died at the General Hospital, in St. John's, as a result of his injuries.

fumbering about 160 or 170 men left their ship under the command of the Second Hand, George Tuff, at about 7 a.m. on the morning of Tuesday, the 31st of March to walk to the s.s.

certainly at that hour I do not think either Barometrical indications or personal observation led to the belief that any danger existed in the undertaking to go in the direction, which men went, of the s.s. Stephano es' from five to eight miles to the N.

The time occupied in the tramp to the s.s. Stephano was about four and high seas that where danger exists thereafter it was not blown until be- his fellows.

turned back at 9.30 or 10 o'clock, and reached the Newfoundland again at

about 1.30 o'clock. cause of bad weather indications, still having regard to the fact that they been exchanged between the Steph- and responsibility. and and Newfoundland to the effect that the former was working in seals on the previous evening, believing men thereafter.

St. John's, May 26th, 1914.

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and, finding none, they being probably some distance in the rear of the forward men, became disheartened, and so believing very little if anything was to be gained by prolonging their march, these matters operating in their minds influenced th also in their decision to go back.

phano at about 11.30 a.m. Having been given a "mug up" board, they left the ship at approximately noon to go in search of a patch of seals of which information had been given to the Second Hand George Tuff by Capt. Abraham Kean, Master of the s.s. Stephano. It was at this time snowing with

I direct your attention here to the

tramp over the ice and their subse- whistle.

thority as Master to Second Hand after 5.30 o'clock.

responsible for the movements of the

Captain Abraham Kean assumed no the Newfoundland left her.

Captain Westbury Kean testifies boarded some ship and not have attempted to return on the evening of

the 31st., to the Newfoundland. This state of mind he communicated to second hand Tuff remarking to him in the barrel before he left: 'Now, George, in case you get in the

The preponderance of evidence is to the effect that it was snowing and

Captain Abraham Kean and Second half as was the fact. Hand Tuff, according to the Captain's evidence exchanged opinions as to the weather prospects, and both agreed that although it looked dirty still it was likely to be mild.

In that opinion both erred. Thereafter the Stephano

The weight of evidence I incline to think shows that the Stephano had put the Newfoundland's crew on the ice at a point somewhat nearer their own ship than where she had picked them up; but I must refer you to the fact that there is considerable conflict of testimony as to whether the Stephano had not steamed with the

seals lay to the S. W. of where the and with apparent feeling—indicated men left the Stephano the men to me, and, I venture to assert to all would have to travel away from the Newfoundland's position; and whilst from some cause or another, he distance in the mind of George Now, lastly, in closing m

Tuff was two miles, yet to Captain The first seals were reached in about half an hour, and two or three hundred yards further on more seals were found. It is safe therefore to conclude the distance as second hand

the wind about S.E., and the Barom-

for the same date.

quent work

legal responsibility respecting these men, beyond that imposed upon him kean their leaving at about nine control of the enquiry, Mr. Morine, K. C., and Dr. Lloyd appeared for that by the obligation I have already men-

wind, but not necessarily a cold

about the work of picking up her pans and subsequently picking up some of the Florizel's men who were at work in her vicinity, and latter ship in accordance with exchange of Marconigrams picked up some of the

Stephano's crew who were near her. crew on board in a direction more south westerly than is testified to by Captain Abraham Kean.

It was in the mind of second hand

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them about an hour and a half upon lacking. Second Hand Tuff says about an hour. North. Both witnesses were speaking from

their judgment of time. log of the s.s. Stephano as to the working of the barometer given on page 1 of the evidence of William J. Kean. The part marked "Spot of cised the conduct of one or two of the page 1 of the evidence of William J. Kean. The part marked "Spot of cised the conduct of one or two of the Martin, Navigating Officer on the s.s. Seals" to be consistent with the evi-Stephano, who kept the log.

I also refer you to the log of the s.s.

Newfoundland kept by Captain C. W. place where the Newfoundland's crew followed by a worse gale of wind, and Green and quoted on page 1 and page 3 of his evidence as to the reading of the barometer on board that ship of Watch Thomas Dawson swears the distinct testimony that according to their And here I may dwell for a moment flag marked "Stephano's flag" they might reasonably have been expected upon what seems to me to be the legal relationship of the parties upon half from their steamer, but as the one and all of those who went through responsibility may seem to plan was prepared evidently merely the ordeal, and those who succumbed rest for the protection and safety of to give an idea of the positions, I maintained the best traditions of their the men of the Newfoundland who have treated it as not absolutely corrace. perished in the storm. Captain West- rect in its detail, and the position of bury Kean delegated, and in the in- the "Flag" in the plan, I believe to suggest that in criticising the liaterest of the voyage properly so, his should have been shown further up bility of the man who had charge of command of the crew on the morning to the Northward. But even with that the crew of the The morning was fairly fine and of the 31st of March to the Second alteration it will be found that the their quest for seals on the day of the Hand George Tuff, who had voluntar- men, when they did get in the path, 31st and the subsequent day, we ily undertaken to assume it, and who were not a vey great distance from should not forget that as in all other

either to life or property, ships in the tween 5 o'clock and 5.30, and then at Of the number of men who set out vicinity or within call must render the instance of the Bosun who said For convenience of reference I beg upon the tramp, about thirty-four such aid as is within their power hav- there might be somebody out, to Cap- you to consider the following portion ing regard to their own safety and tain Westbury Kean, but both Captain of this report as Part 2, and I shall Westbury Kean and Captain Green refer to it as such, The legal aspect of the situation evidently concluded he referred to Whilst many of these men in their therefore seems to me to be that Captestimony assert they turned back be- tain Westbury Kean delegated his autin the day. The whistle was not blown made the investigation as complete

George Tuff, a man in whom no doubt I feel it my duty to call your attenhaving regard to the fact that they George Tuff, a man in whom no doubt had no knowledge that a signal had he had reason to impose confidence tion to the evidence of Captain Abratendad no knowledge that a signal had he had reason to impose confidence to the evidence of Captain Abratendad no knowledge that a signal had he had reason to impose confidence to the evidence of Captain Abratendad no knowledge that a signal had he had reason to impose confidence to the evidence of Captain Abratendad no knowledge that a signal had he had reason to impose confidence to the evidence of Captain Abratendad no knowledge that a signal had he had reason to impose confidence to the evidence of Captain Abratendad no knowledge that a signal had he had reason to impose confidence to the evidence of Captain Abratendad no knowledge that a signal had he had reason to impose confidence to the evidence of Captain Abratendad no knowledge that a signal had he had reason to impose confidence to the evidence of Captain Abratendad no knowledge that a signal had he had reason to impose confidence to the evidence of Captain Abratendad no knowledge that a signal had he had reason to impose confidence to the evidence of Captain Abratendad no knowledge that a signal had he had reason to the evidence of Captain Abratendad no knowledge that a signal had he had reason to the evidence of Captain Abratendad no knowledge that a signal had he had reason to the evidence of Captain Abratendad no knowledge that a signal had he had reason to the evidence of Captain Abratendad no knowledge that a signal had he had reason to the evidence of Captain Abratendad no knowledge that a signal had he had reason to the evidence of Captain Abratendad no knowledge that a signal had he had reason to the evidence of Captain Abratendad no knowledge that a signal had he had reason to the evidence of Captain Abratendad no knowledge that a signal had he had reason to the evidence of Captain Abratendad no knowledge that a signal had a signal had a signal had a signal had a si ham Kean where he claims he was others an opportunity to suggest wit-George Tuff as Second Hand became misinformed by his barrelman—Yet-nesses to be called, and in every case man—and the barrelman himself con- suggested, the named witnesses were firms it—as to the time the crew of called and examined.

o'clock in words that conveyed the whereas in fact the men had already matter, and although Mr. Morine's that he expected his men would have at that time been travelling since

seven o'clock. Capt. Abraham Kean apparently relied on this information and in that Lloyd attended every sitting and lies the solution of his conduct sub- availed of every opportunity to elicit sequent to leaving the Newfoundland's men on the ice.

I refer you to page 6 of his evidence the issues involved, and we all obseals and are panning for any length upon that point. You will observe tained evidence upon such matters of time, you reckon on the Stephano by reference to that part of his evi- as came within the knowledge of the dence the reason for his conclusion Now, I must draw your attention to that the Newfoundland's men had not the time when the men left the S. S. travelled towards his ship, but had government for production before a gone to their own, and had reached Commission of Enquiry with broader

the wind increasing at the time. The events proved, but he had arrived at one; and as witnesses were allowed wind being S.E., was a dirty weather such conclusions not without reason, every latitude to speak, a large amcomputing the time it had taken them ount of hearsay testimony will be to tavel as being two and a half hours found in the evidence. When about to leave the Stephano, in the morning and not four and a

of the remark of barrelman Yetman as to the men leaving the Newfoundland at nine o'clock, is, that when he line with the ship, had probably come went into vision by getting on high pin-up her nacled ice and looked nearer to her than they actually were; and furthermore as his work in the barrel lay principally with his own crew and their doings, he may in making the remark at the time to the Captain, not have intended to convey the idea absolutely that they had just got away

from the Newfoundland. I think it my duty to say that too much reliance should not in my opinion be given to the evidence of Patrick J. Barkley, Operator on the S.S. Florizel as to the message that was sent by Capt. Joseph Kean to the Stephano," and in which he says Capt. Kean to look out for his men "and the Newfoundland's." The manner of giv-It was in the mind of second hand ing. is testimony—everything practically dragged from him except this captain Abraham Kean, that as the one little bit which came voluntarily who heard it, that he was prejudiced

Now, fastly, in closing my review of the evidence relating to the legal liability of those if any responsible for such loss of life, I may be pardoned if I observe that the whole evihundred yards further on more seals were found. It is safe therefore to conclude the distance as second hand Tuff says was not more than a mile.

According to the evidence of Thos.

Dawson, a Master Watch, it took of the crew to be concluded the distance as second hand the poor fellows who perished, for feited their lives whilst bravely struggling to retain them. Instances of kindness and self-sacrifice are not will be found in the examination of

their return to reach the path they as they heroically fought the unequal had travelled in the morning, but battle with the Storm King of he

ance than others won out, but many I now draw your attention to the of these who survived have done so

men, came out on the path near the capacity they did not do all which

became leader of the men in their their own ship, and did hear her walks of life such men have their natural limitations. He doubtless Captain Green's evidence is-see felt the great responsibility thurst Captain Abraham Kean was Master page 5 thereof-to the effect that the upon him by the storm and realized which was working at a distance varying in the testimony of witness- which was on the ice working at seals some miles to the N.W. or N.N.W.

of the s.s. Stephano, the crew of which was working at seals some miles to the N.W. or N.N.W.

which was working at a distance which was on the ice working at seals some miles to the N.W. or N.N.W. He did not control the crew of the who were seen returning to the ship, have erred in his judgment, the fact Newfoundland. But, I wish to ob- being those men whom I have referred remains that he took all the risks and serve that it is recognized upon the to as those who 'turned back,' but shared all the terrible hardships with

idea that they were just then leaving, to be most deeply interested in the continued attendance was prohibited by absence from town and profession al business in the Supreme Court. Dr most valuable testimony upon every question which seemed germane to witnesses examined which we considered might be of assistance to the scope, if the Government should con-In the last conclusion he erred as template the appointment of such an

> saving life and property. Captain Westbury Kean, on page 14 of Captain Green on page 6, and o Captain Abraham Kean on page 14. With regard to signals at the Sea! Fishery, evidence relating to such wil be found in the testimonies of Capt

page 5 and page 8. Next respecting food supply the testimony of Capt. Green commences at page 7 continuing, gives a sun North and running through the evi dence of most of the crew of the Newfoundland, will be found referen

From the latter evidence I find practically the only food carried by the men was hard biscuit, and by the Master of Watches some oatmeal,

I should inform you that at the op-

You will understand I had to eliminate a large amount of such testi-The explanation given in evidence meny from my mind in my capacity as Magistrate with functions under the act of a Coroner, in drawing your first observed them, they being in a inferences and conclusions in Part hereof.

In the first place I draw your at tention to the evidence relating to the value of wireless apparatus and particularly in its usefulness for

page 3, Edmund Short, page 2, Capt A. Kean, page 20, and Capt. Green a

ces to the food they carried.

The matter of clothing was dealt with by Captain Green on pages 7

## Coupons and \$5 notes for emply Virginia Packets.

For one month only commencing May 18th we will give every smoker 50 Cigarette coupons for every 25 empty Virginia 10's packets, or for every 50 empty Virginia 5's packets returned to our Premium Department.

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Mr. Joseph Roper, at pages 2 and 3 and in the evidence of Captain Westbury Kean at page 7, Captain Green, at page 1, Captain Randell, at page 4 Captain A. Kean, at pages 8, 9 and 17

and Chief Officer Martin, at pages 1 I beg herewith to transmit to you the original depositions taken before me in the Enquiry, together with the various exhibits put in; I send you also a spare copy of the depositions. I have the honor to be,

Your obedient servant. (Sgd.) A. W. KNIGHT, Act. S.M. To Hon. R. A. Squires, K.C., H. M. Attorney-General.

Gentlemen:-I had my leg badly the swelling very quickly.

Port Hood Island.

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ans, full of interest and played by the ety and beauty of design. Rings fo stars that have won fame in like pro-Home Rule for Ireland is in the air Signet Rings, Birthday Rings, Should and those who heard Sidney Earn-

large swelling came above the knee. shaw sing: "The Song that Reaches self, or that you had seen somebod I expected it would be serious— I Irish Hearts" last night tendered him else wear, just take your design rubbed it with MINARD'S LINIMENT, well deserved encores; he will sing Trapnell; there is nothing impos which stopped the pain and reduced again for the mid-week programme. The much spoken of two-reel dra-

I want free life and I want fresh air And I wonder why it is I don't care For the things that are like the things

We know who he will buy it for? But who will he buy it from? Hu dreds of Engagements and Weddings are sealed yearly in Newfoundland with Trapnell's Solid Gold Rings. er, sister and friend are embodied i lasting embrace with scmewhat similar to the Two Orphans, full of interest and played by the men, women, baby and miss for ever Gem Rings, Chased Rings, you have a desire to get a ring o such design as you may create you along these lines for his talente workmen. A splendid assortment I cannot speak too highly of MIN- ma: "Laska" which is coming to the sign calls for a Gem Ring. Ask to be Crescent will be presented on Mon-shown the new White Saphires. They shown the new White Saphires. AMOS T. SMITH. day next. This great two part production is taken from the celebrated -ap20,tf

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