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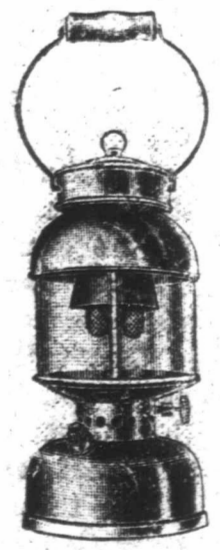
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## Speech of Hon. M. P. Gibbs On the Sealing Bill

### An Earnest Plea for the Protection of the Sealer and the Further Development of the Seal Fishery

Supported the Clause Which Was Aimed to Prohibit Steel Ships of Over 450 tons nett from Engaging in the Voyage.

HON. MR. GIBBS—I beg leave to move that this bill be now read a second time, and take the opportunity of pointing out that the awful catastrophe which happened at the seal fishery in 1914 points to the absolute necessity of legislation being enacted which would serve as a deterrent and at the same time a protection so far as human foresight can make it, against a recurrence of such conditions. A commission composed of the Judges of the Supreme Court carefully investigated the circumstances surrounding the terrible loss of life and as a result of their enquiry made certain recommendations, many of which will be found in this bill. As you cannot carry on business enterprises without considering man and his relation thereto and his welfare, so superior to all rights of property, it is and will be always necessary to protect him against the greed or recklessness of those who employ him. It may be said, and truly so, that for centuries down until the dawn of the 20th, the time of deliberative bodies, such as legislatures, was principally occupied in protecting the rights of property, while the rights of the individual, in consequence, suffered; in other words property rights were regarded as greater, if not superior, to the rights of the individual to life, liberty and the pursuit of happiness. That trend of thought passed from Europe to this country, and it is because it still exists, though not now to the same extent as formerly, that the enactment of this bill becomes a necessity.

**Hours During Which Seals May Be Killed And When Men Shall Be Sent On The Ice.**  
The first section of the Bill defines the meaning of the word "ship," and the word "sealer."

The second section deals with the hours during which seals may be killed, and when sealers may be employed at the work. It provides that it shall be unlawful to kill any seals or for a sealer to be upon the ice in charge of any pelts, except between the hours from daylight to dark, and it penalizes the sealer who without lawful excuse remains away from his ship or on the ice during any part of the period named by punishing him with a fine of one hundred dollars. This, I feel assured, will commend itself to the judgment of the Honourable Members, because the sealer who remains upon the ice without a good and valid excuse, knows that when so doing he will be liable to punishment under the Bill.

**Obligations of Master Or Officer In Connection With Sending Sealers On The Ice.**  
Section 3 has reference to the obligations of the Master or other Officer of a ship, in connection with the sending of sealers on the ice, or permitting them to be on the ice except between the hours of daylight and dark, or at any other time when the state of weather is such that the sending of them to kill seals or to search for them, would endanger their lives or their limbs. It makes the Master or Officer liable to a penalty not exceeding one hundred dollars, and the Magistrate before whom an offence under this Section may be tried, is given the power to suspend the certificate of competency of the officer given him under this Act, for such period as he may deem proper. The reason why this additional penalty is prescribed is because there will be degrees of guilt; some may willfully endanger the lives of sealers, while others may, through thoughtlessness, and not willfully, commit a breach of the section. Discretion in such case is given the Magistrate, as to whether the second penalty provided for will be imposed. It is only right that a Master or other Officer who sends men on the ice when weather conditions do not warrant him in so doing, that he should be made feel the consequence of his act.

**Complaint Must Be Made Within Twenty-Four Hours After The Commission of Offence.**  
Section 4 provides that the preceding Sections 2 and 3, shall not apply to the work of strapping or hoisting seals, and further, that in any prosecution under the Sections named no conviction should be had, unless a complaint is made within twenty-four hours after the commission of the offence, to the Master or other officer in charge at the time, whose duty it shall be to enter it in the log-book. The reasonableness of this

provision is apparent, because it is only fair that in the carrying on of an industry, such as the prosecution of the seal fishery, where officers of a ship have a number of men under their control going a long distance from a ship they should be apprised as soon as possible of the occurrences named in the Sections, in order that they may be in a position to investigate the circumstances when all the facts are fresh in the minds of the person or persons making the charge, and of those who may have witnessed its occurrence.

**Heavy Penalties In Case Of Total Disabling Or Death.**  
The next Section 5, may be considered somewhat drastic, because it provides that for a breach of Section 3, by the Master or other Officer, which results in total disablement to a sealer for any period less than three months, shall be a misdemeanour, punishable upon conviction by imprisonment not exceeding one year, and if death results the Section makes it a felony, punishable upon conviction to imprisonment not exceeding three years.

If Honourable Members will carefully examine Section 3, they will see that the duty of Master or other Officer towards the sealer in relation to his hours of work and weather conditions, is clearly defined and when he willfully commits a breach of it, which results in the disablement of the sealer or his death, it is only right that he should be punished for his conduct in the manner prescribed by this section. If some such law had been in force for a number of years past, many of the hardships and privations which sealers have endured, would not have taken place, and many a home that is now bereft of its bread-winner would have one.

**Provides For Sending Out Of A Search Party.**  
Section 6 makes it obligatory upon the part of the Master or Officer in charge at the time when men are missing, to send out a search party to look for them. Honourable Members may say, "Why insert a provision of this kind—would not humane motives force the officer to immediately organize a search party?" But I am afraid that the records of the sealing industry compel us not to rely altogether upon that kindly feeling which should prompt every man to alleviate suffering.

**The Use Of Fire-Rockets And The Sounding Of The Ship's Whistle.**  
The next Section deals with ships being supplied with fire-rockets, and if they be so supplied there is a penalty of four hundred dollars. This in the light of experience is a very necessary provision. I feel assured that if ships had been supplied with fire-rockets in 1914, the very tragic occurrence that then happened would not have taken place.

The next Section 8, makes it obligatory upon the Master or Officer in charge of any ship to have on board more than two guns, or for any person on board of a ship to kill a seal by means of a gun. I feel assured that the object of this Section will commend itself to Honourable Gentlemen, because nothing has been more destructive to the seal herd than the employment of guns in pursuit of the seal. To the one obtained by means of shooting, numbers are wounded and die, and to such an extent has the employment of guns at the seal fishery, long as it might have been, not that any wrong had occurred and destruction that all have joined in a chorus of condemnation against this method of prosecuting the industry.

Section 15, is a re-enactment of a Section which is already upon our Statute Book, making it unlawful to bring into port hood seals.  
**The Panning Of Seals And The Right Of Property.**  
Section 16, deals with the right of property for seal pelts, or in other words the panning of seals by providing that no right of property shall exist in them unless they be taken into possession within forty-eight hours, after the killing of them. After forty-eight hours elapse, then any ships' crews in the vicinity may take them on board. This provision, while perhaps it may not meet with the support of all, must, however, commend itself to our judgment and common sense. It is a well-known fact that when a sealing steamer gets among the herd, the desire of the captain and crew is to slaughter as many seals as they can, and it thus happens that many thousands are

killed and panned in excess of that required to load the steamer. The result being, that the excess killed is in the greater number of cases entirely lost, and the industry suffers in consequence. Another factor which those who have given this bill study, which induces them to place the Section there, is that great hardship and suffering have very often occurred to the sealer in going long distances from his ship to pan seals. If the right of property in panned seals were entirely prohibited, the awful disaster of 1914 would not have occurred. This section, while it aims to protect the fishery, has, however, a higher object in view, and that is to protect the life of him who prosecutes it.

**The Prohibition Of Steel Ships Of Over 450 Tons.**  
A great deal of complaint has frequently been heard against the practice of persons other than the captain hiring sealers to prosecute the fishery and the 12th Section provides that no sealer shall be placed on the Articles without first having obtained the approval of the master.

The next Section 12, has for its object the prohibition of any steel steamer of more than 450 tons nett, engaging in the seal fishery. The sub-section, however, provides that the steel steamer which prosecuted the sealing industry this season shall have the right to do so in the future, but the catch is limited to 35,000 seals, under a penalty of one hundred dollars for every seal brought in in excess of that number. The necessity for the preservation of the fishery is because its decline has of late years, forced itself on the attention of those who desire to see it preserved for future generations. There can be no doubt, whatever, that if large, powerful ships be not prohibited from engaging in the industry that the seal fishery will cease in the very near future to be a source of any real wealth to the country. The chances of escape of any portion of the seal herd during the past ten years or more, have become less. As we have but one steel steamer prosecuting the industry, an opportunity is now afforded us of doing that which should have been done years ago, namely the protection and preservation of the industry. If we fail to take advantage of this opportunity, we will be false to the best interests of the country, we will permit desire to accumulate wealth at the expense of a great national industry, to be the objective point of the capitalist who invests money in large, powerful ships. Some may think that there should be no restriction whatever as to the class or size of ships or the number of seals brought in at any season. Those who reason thus, are very short-sighted, and are unable to rise superior to the gain of dividends at the expense of the exhaustion of the natural wealth of this industry. We must, if we desire to preserve the industry, show that we are not living for the present, that we have no desire to deplete and exhaust this industry.

**No Ship Shall Carry More Than Two Guns.**  
The next, Section 14, makes it an offence for any ship to have on board more than two guns, or for any person on board of a ship to kill a seal by means of a gun. I feel assured that the object of this Section will commend itself to Honourable Gentlemen, because nothing has been more destructive to the seal herd than the employment of guns in pursuit of the seal. To the one obtained by means of shooting, numbers are wounded and die, and to such an extent has the employment of guns at the seal fishery, long as it might have been, not that any wrong had occurred and destruction that all have joined in a chorus of condemnation against this method of prosecuting the industry.

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Section 17, makes provision that if the cooking be satisfactory to the owner of the ship, the owner shall pay to the chief cook a bonus of twenty dollars, and to each of the assisting cooks a bonus of fifteen dollars. This is a highly commendable object, because it ensures the proper preparation and cooking of food and prevention of waste. If food be not properly cooked, the men suffer and the owner as well, because of the waste that occurs.

The next, Section 18, deals with the appointment of a Board of Examiners, for master, second hand, or master watches, and the granting of certificates of competency and makes it illegal for any person to go to the seal fishery who has not in his possession a certificate of the kind, under a penalty of five thousand dollars to be recovered from the owner of the ship. An adoption of this Section ensures the employment of men of competency in positions of the kind.

**Compensation To Be Paid In Case Of Death.**  
The next, Section 19, and the various sub-sections connected therewith, deal with the compensation to be paid to the sealers who have not returned to their ship within one hour after dark and suffer injury or death. In the case of death the amount to be paid shall be one thousand dollars. Where total or partial incapacity results, the amount of compensation shall be a weekly payment during incapacity not exceeding fifty per cent. of the sealers average weekly earnings during the previous twelve months, the amount not to exceed five dollars a week. This Section also provides the mode of procedure for the recovery of compensation in the event of it not being made. It differs from the Workman's Compensation Act in this respect, that no claim under the Section will be valid where the injury is attributable to the serious and wilful misconduct of the sealer, or where the injury was suffered while he was absent from his ship on his own business or for pleasure, and not in the course of his employment.

Section 20, relates to the mode of procedure where injury or death has resulted and is really copied from the Workman's Compensation Act.  
(Continued on page 3)

Minister of Marine & Fisheries issues a certificate to this effect, then the ship may be cleared.

The eleventh Section, makes it obligatory that before clearing for the Seal Fishery, a ship shall have on board a person holding a certificate as Master or Mate, which complies with Chap. 117, of the Consolidated Statutes. This requirement, however, may be dispensed with, if the Customs Officer granting the clearance is satisfied that one cannot be obtained.

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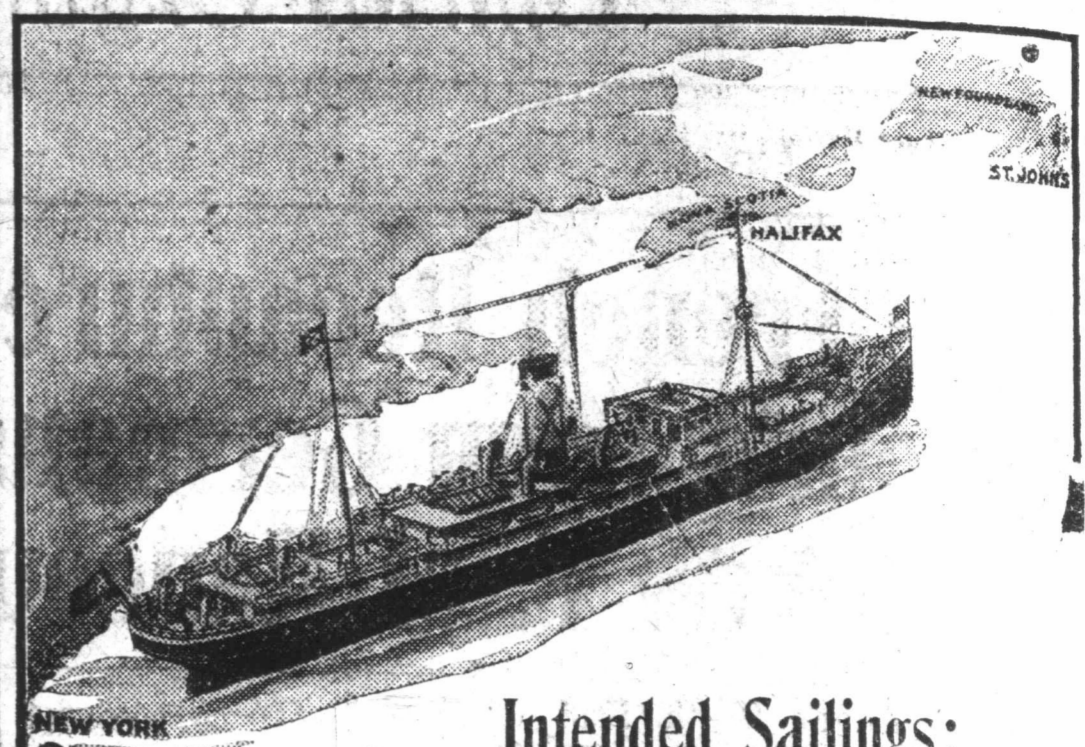
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