REPORT

Newfoundland. Commission of Enquiry into the Sealing Disasters of 1914
REPORT
OF THE
Commission of Enquiry
INTO THE
Sealing Disasters of 1914
Findings and Recommendations by Commissioners Sir William Horwood, C. J., and Hon. Mr. Justice Emerson.

To His Excellency Sir Walter Edward Davidson, K.C.M.G., Governor:

May it please Your Excellency,—

The Commission Your Excellency has been pleased to address to us, directed that we should "enquire into and report to you the circumstances attending the death of members of the crew of the steamer Newfoundland and the loss of the steamer Southern Cross and her whole crew at the last season's sealfishery, the manner of prosecuting the sealfishery; and the provisions made for conserving the health, comfort and safety of the persons engaged therein so as to ascertain the causes which have contributed to the above disasters and which may possibly contribute to the causing of others in the future; and to suggest such remedial measures as may be desirable to render similar disasters unlikely hereafter." Pursuant to the terms of the Commission we have enquired into these several matters, and upon our enquiry have been attended by the Honourable Attorney-General on behalf of the Crown, and Dr. Lloyd who appeared in the interest of the sealers generally at the instance of the Government, and Mr. Fenelon, counsel for the owners of the steamship Newfoundland, and assisted by them in the examination of witnesses. In all, fifty-two witnesses have been called to give evidence before us. We now ask leave to report the evidence taken before us together with our comment and conclusions thereon, and to suggest, as required by the terms of the Commission, certain remedial measures which seem to us desirable to render similar disasters less likely hereafter.

Our consideration was first directed to the circumstances attending the loss of the members of the crew of the steamer Newfoundland. The Newfoundland was a wooden screw steamer built in 1872, of 919 gross tonnage and 568 net, and registered at St. John's in the name of the Newfoundland Sealing Company, Ltd. She left the port of Wesleyville on March 12th, 1914, on a sealing voyage in charge of Captain Westbury Kean as master, with a ship's company numbering one hundred and eighty-six. On the morning of Tuesday, March 31st, when the steamer was lying in a S. E. direction from the Funks, her crew, to the number of about one hundred and fifty men, including the first officer or 'second hand,' four masters of watch, four second masters of watch and four bridge masters, left the ship at about seven a.m. to proceed to the S. S. Stephano, which lay to the
N.N.W. a distance of from five to seven miles. The Captain states as his reason for sending the ship's company on the ice in that direction, that on the day before he had received a signal from the Captain of the Stephano, informing him of the presence of seals in the neighbourhood of that ship. The signal was given in pursuance of an arrangement made between the captains prior to the departure of their ships from port. The morning was fine and mild, and, in consequence, the men for the most part wore only light clothing, which would not hamper their movements or impede their march. Before leaving, the second hand, George Tuff, was ordered by the Captain to go to the Stephano for instructions from her Captain as to the position of the seals. On the previous evening the Captain had informed Dawson, one of the masters of watch, of his intention to send the men out, and that they should find accommodation for the night on board the Stephano and Florizel. Dawson had communicated this information to the wheelman, deck master and bridge master, who in turn told others, with the result that it was generally understood amongst the crew that they were to go next day to the Stephano and that shelter would be provided for them there for the night. The Newfoundland lay at the time in the heavy icefloe fast bound and powerless to change her position. The character of the surrounding ice was such that the crew found progress slow and difficult, until about half way to the Stephano, when they reached the smoother, newly-formed ice, and travelling became easier. At about ten o'clock some men who had killed half a dozen seals, returned to the ship with four of the seals, and a number of other men, in all some twenty-nine also fell behind and returned. Various reasons are given by these men for their return, some claiming that they had done so because the weather had become bad, others denying that and stating that they had gone upon the ice merely to kill a stray seal or two and to bring them on board, and that having killed what seals were in sight they had completed their work. Others said that the Stephano was too far distant for them to reach, and seeing that she was moving still further away from them they felt justified in giving up the walk. The general body in charge of the first officer, reached the Stephano a little before noon. The difficulty of travel was such that it took these men more than four and a half hours to cover the distance between the two ships. The Stephano had been moving about that morning taking aboard seal pelt from points where they had been collected, but as the Newfoundland's men approached, she came to meet them. The Captain of the Stephano greeted them with a request to make haste and come on board as he wanted to get away to take up his own men. The Newfoundland's men went aboard the Stephano, partook of bread and butter and tea and, after twenty minutes, were ordered to go upon the ice. Meanwhile the ship had been going forward. The members of the Newfoundland's crew say she went in a S.W. direction, but the Captain and others of the Stephano state that she proceeded south; the distance she proceeded after taking the men on board was, the Captain of the Stephano says, was about two miles. When the Newfoundland's men reached the Stephano, some of the witnesses saw the Newfoundland from the deck of the Stephano, but the Newfoundland was too thick as to prevent getting off the ice, and the Newfoundland was, this being Wednesday, the Newfoundlander's day, and they had been ordered by the first officer to keep him of the position of the Stephano, so as to give him direction; they were ordered up to a few men of those seals. The Stephano later, as was understood, the Newfoundlander went upon the ice merely to kill a stray seal or two and to go to the Stephano for instructions from her Captain as to the position of the seals. On the previous evening the Captain had informed Dawson, one of the masters of watch, of his intention to send the men out, and that they should find accommodation for the night on board the Stephano and Florizel. 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the Stephano, but found when they returned to the deck later that the Newfound­land was out of sight, the weather meanwhile having become so thick as to prevent her being seen. Light snow had been falling for some time, and the weather seems rapidly to have grown worse after the men left the Stephano. While on board the Stephano the first officer of the Newfoundland had a conference with the Stephano's Captain, who informed him of the position of a body of seals distant about a mile and a half, giving him directions how to proceed to them. The Newfoundland's company were ordered upon the ice, and when Tuff had joined them, set out in search of those seals. This they did, believing that they would return to the Stephano later, as when they left their own vessel that morning it was with the understanding that they would spend the night on board the Stephano, and it was not until they were well on their way towards the seals that they learned from Tuff, in reply to a question from Dawson, that his plan was to return to the Newfoundland after the seals they were then in search of had been secured. These seals were reached, and the work of killing begun, when the weather, continuing to grow worse, a consultation was held by the officers and others, and all agreed to abandon further operations and immediately return. Dawson was asked by Tuff to lead the party, and was directed to proceed upon a S.E. course. This course was accordingly set by compass and closely followed. Tuff remained at the rear to be in a position to give assistance to the men in case of need. After travelling upon this S.E. course the party succeeded about 3 p.m., in intersecting the path by which they had travelled from the Newfoundland to the Stephano. They found this path by recognizing a flag marked with the Stephano's name and numbered, alongside of which was a strap and a few seal pelts. They had passed this in the morning. They continued upon this route for about three miles, losing it for a short time occasionally and then finding it again through the blood marks left by the few seal pelts which those who returned to the Newfoundland earlier had hauled over the ice. While on the return journey, at about 4.30 p.m., a whistle, which was recognized as the Newfoundland's, was heard twice within an interval of five minutes, and responded to by the shouting of the crew in the hope of making themselves heard by those on board the ship. Towards dark the track was completely lost. A halt was then decided upon. The storm had been constantly growing in intensity and traveling was becoming increasingly dangerous. They think that they were within a mile of their ship when they stopped and made ready for the night. The party divided into three groups. Dawson's party had, besides his own men, the majority of those belonging to the watch of which Sidney Jones was master. The result of the grouping of these two watches was to overcrowd the pan and to leave insufficient room for the men to take exercise. Small fires were made from ropes and flag poles; "gazes" were built of blocks of ice for the purpose of obtaining shelter during the night from the storm then raging and were so constructed as to break the force of the wind which, at the time they were built, was blowing from the S.E. For a time they afforded shelter but at a later hour the wind veered to the
N.W., rendering these protections no longer of use. With the change of wind the cold increased and the storm raged fiercely throughout the whole of that night and well into the next day. Before morning several deaths had occurred, principally amongst those who had fallen into the water on the previous day and had remained throughout in wet or frozen clothing.

The next day brought to the survivors a succession of heart-rending disappointments. Towards mid-day, when the storm had abated, they saw the Bellaventure bearing about N.N.W. from them about two and a half miles away. A party set out for the steamer and reached within nearly a quarter of a mile of her when one of their number from a pinnacle of ice attempted to signal the ship by means of a flag attached to a gaff. The Bellaventure was then slowly drawing towards them and they could see members of her crew getting overboard killing and hauling seals but she did not see them and, after a few minutes, turned and went in an opposite direction. Before she turned she could have reached the party from the Newfoundland in fifteen minutes. After that, the Stephano was seen by those men coming in towards them. She came so near that they could see the ice turning up from her bow and for a moment they felt confident that she was coming to their rescue but she also turned and went away without recognizing them. That was about an hour before sunset. At this juncture sight was obtained of the Newfoundland and a party of about ten, including the first officer as leader, started to reach her. They got about half way towards her when she started and steamed to the N.W. If she had not got clear they would have been aboard of her in half an hour. Then the Bellaventure came back and picked up three of her crew left by her on the ice earlier in the day. In describing this one of the witnesses says: "The smoke of the Bellaventure was blowing down over our men and I thought she was taking them aboard." Attempts had been made previously to get into communication with the sealers placed on the ice by the Bellaventure but a break in the ice made it impossible. The Bellaventure having picked up her men, steamed further on but her lights could be seen all night from where the Newfoundland's crew remained. The survivors were thus compelled to spend a second night upon the ice. At daylight on Thursday morning the Newfoundland was again seen at a distance of from four to six miles and three of the ten men who started for her the previous day succeeded in boarding her. Meanwhile two other survivors reached the Bellaventure that morning. Captain Randall of the Bellaventure promptly placed himself in communication by wireless with the Stephano and Florizel and despatched rescue parties with stimulants and stretchers to render assistance to the survivors and bring on board the dead. The officers and crew of the Stephano and Florizel also joined in the work of rescue.

From the steamship Newfoundland seventy-eight lives were lost at the ice and subsequently one man died in the hospital. There were fifty-five survivors and out of these eleven were permanently incapacitated; ten were partially incapacitated while nine others suffered to a less extent.
The disaster was due to several causes, the absence of any one of which might have been sufficient to have avoided it, but its primary cause was the sending of the men so great a distance from their ship that there was no expectation of their being able to do the work for which they were sent in time to return to their ship for the night. Such a risk is sometimes taken by those in search of seals, but it is obvious that it can be exercised only where there is the certainty that shelter for the night can be found on board a neighboring ship. The captain of the Newfoundland says that before the crew left that ship that morning he said to Tuff “You reckon on the Stephano for the night,” as I thought that would be the one he would be most comfortable aboard. Of course I knew that, as in all other cases, he would go to the ship nearest and most convenient to board when he finished his day’s work.” Tuff says he doesn’t remember being told this. His statement is that he was directed to go on board the Stephano and there to take the instructions of his captain’s father, Capt. A. Keane of the Stephano. Although in conference with the captain of the Stephano for twenty-five minutes Tuff did not request or suggest any arrangement whereby his men would have the Stephano as shelter for the night, but captain A. Keane gave him instructions before the Newfoundland men were put upon the ice by the Stephano how to reach the seals respecting which the prearranged signal had been made, and gave him the course he should take to get back to the Newfoundland after he had concluded his work of killing these seals. Tuff seems to have had serious doubts as to the weather; from ten o’clock that morning he had noticed that a change was impending. It was snowing at the time they were on board Stephano and when leaving he asked the Stephano’s captain’s opinion as to the weather prospects. He says that the assurance he received fully satisfied him. It is clear that in the circumstances Tuff committed an error of judgment in leaving the Stephano to go in pursuit of those seals without having made an arrangement that ship would return before night to take him and his crew on board. While Tuff and Capt. Abraham Keane were in conference the Stephano was under steam and Tuff had been informed by the captain that the steamer was taking him two miles nearer the Newfoundland. It was upon this that Tuff made his calculations as to the course and distance when he subsequently decided to turn back. Capt. Abram Keane told him that he would find the seals about a mile and a half on a S. W. course from where the crew disembarked, and Tuff says they were found about a mile away after a half hour’s walk. When they reached them the weather was already too bad for them to do anything with seals in the circumstances and it was decided to abandon the work of seal killing and to start for the Newfoundland. Tuff directed them to take a S. E. course by compass and to allow half a point for the divergence they had made in walking to the S. W. and calculated that this would bring them on the path they had travelled out on in the morning where they would be within about a mile and a half of the Newfoundland. It failed to do this. It brought them after they had walked for an hour and a half during which they had estimated they had travelled perhaps two miles or more to the flag with the Stephano’s name and number and the seals and strap which they had passed as they had walked out in the morning. It was at this point they found the path which Tuff had calculated to intersect within a mile.
and a half of the Newfoundland. In computing the distance witness do not speak with exactness or complete agreement, but it is clear from the evidence that this flag was much nearer to the Stephano than to the Newfoundland. Tuff says it was about a mile and a half from the Stephano. The failure to reach the path at the point aimed at Tuff considers to be due to there having been a mistake made in giving him the course and distance which the Stephano travelled with the Newfoundland's men and that they must have taken by her further to the westward than he had been given to understand. This conclusion does not require any argument to sustain it.

The Newfoundland's men had been sent out from their ship that morning in consequence of a signal from the Stephano inviting them on board that ship to obtain information as to seals in the neighborhood. The signal, well intended in the interest of the Newfoundland and her crew created per se relations between the captain of the Stephano and visiting crew, and placed him in a position of responsibility towards them. It imposed upon him the duty of seeing that the advice which he had volunteered did not expose them unwhil to danger and of exercising the same prudence and consideration towards them as would be reasonably expected from a careful master when dealing with his own crew. It is difficult to understand how the captain of the Stephano could have so far misjudged the situation as to advise the crew to proceed to the place indicated by him for sea killing and to leave them to return to their own ship afterwards when at the time the Stephano left them, not only was snow falling thickly and the wind from the South East, and a falling barometer, but for half an hour or more he had been waiting for his ship to get away to fetch his own men. His explanation is that he did not know that it had taken the Newfoundland's men so long to reach the Stephano but was under the impression that they had come in two hours and twenty minutes and his first officer, Yetman states that he was responsible for having, earlier in the day, given him this misleading information. Yetman, however, fails to say why, being in the barrel of the Stephano, he had not seen the Newfoundland crew on the ice earlier than nine o'clock and how at that time, after they had been travelling two hours, they should have appeared to him as only then having left their ship. In the position of responsibility in which the captain of the Stephano stood towards those men he should have obtained from the Newfoundland's first officer exact information as to the time taken to travel that distance before presuming to advise. There can be no question that a grave error of judgment was committed by the captain of the Stephano in advising their going on to kill seals at the time and in the circumstances without arranging with them that the Stephano would return to enable them to board her before night.

At or near two o'clock in the afternoon the situation presented itself to Capt. Joseph Kean of the Florizel, as serious enough to induce him to ask the Marconi operator on board his ship to send a message to the operator of the Stephano as follows—"Look after the Newfoundland's crew and ours and we will look after yours." This message evidences a commendable solicitude.
on the part of the captain of the Florizel for the well being and safety of the Newfoundland's and Stephano's crew as well as for his own. The operator on the Stephano acknowledged the message but the captain is quite positive that the message, as delivered to him, did not contain any reference to the Newfoundland crew and that it was merely to the effect "you look after our men and we will look after yours." The evidence of the Stephano's operator was not obtainable on this enquiry. The message, however, shows that Capt. Jos. Kean recognized that the conditions were such that it was desirable that the Stephano should look to the safety of the Newfoundland crew. At about four o'clock the Florizel and Stephano met according to appointment made by wireless to exchange those of each others crews who had taken shelter on board ship from the storm, and when the ships met the captain of the Florizel, from the bridge of his steamer, asked the captain of the Steunano "what about the Newfoundland men?" to which the captain of the Stephano held up his hand and replied, "alright." The Stephano then proceeded on her way for about six miles, collecting seal pelts belonging to her en route, to the point where she had taken up the Newfoundland crew in the morning and from that point steamed out to the edge of the heavy ice near to where the men had disembarked from the Stephano. She blew her whistle as she slowly steamed up there so that if there were any men on the ice they would hear it. The whistle was blowing according to the evidence of the first officer Yetman, every two or three minutes that afternoon and from five o'clock when the ship stopped until eight o'clock. According to the evidence of the Newfoundland men they must have passed beyond that on their return journey at an early hour in the afternoon, owing to there being no arrangement made for the Stephano to return there and no expectation on their part that she would return to them. The sending of these men so far away from the Newfoundland as not to allow their doing the work for which they were sent and getting back to their own ship before night fall combined with the fact that they were left on the ice by the Stephano without any arrangement that she would return for them, are the causes which allowed them to be exposed without shelter to the fury of the storm that raged throughout that night and a portion of the following day.

We have invited the views of witnesses generally and especially of those most qualified to speak to the subject, as to what means, if any, can be suggested to prevent the recurrence of similar disasters. Various opinions will be found in the evidence appended hereto as to the distance which the witnesses think it is prudent to send men from their ship over the ice fields. Many have proposed that a limit should be placed on the distance; others are of the opinion that no limit is practicable. Of those who suggested a limit, some urged that it should be placed at three miles; others that the distance should not exceed half a mile; others that the distance should not be regulated by mileage but that the men should not go beyond where they could be seen from the ship, or, as suggested by others, out of the range of the steamer's whistle. To the application of each of these restrictions there are practical difficulties and it is not easy to lay down a rule which is at once certain and reasonable, and at the same time applicable in all circumstances.
It is obvious that in some circumstances it might be vexatious to restrict a crew going beyond even three miles; a view from the ship may be obstructed by pinnacles of ice or other physical conditions; while the range of a whistle to windward may, in certain events, be a matter incapable of being estimated. The discretion of the masters and officers if prudently exercised, affords the only working rule, but it ought not to be uncontrolled or left without safeguards calculated to prevent the crew being left on the ice at night. This last qualification seems to us most important. The protection of human life is the paramount consideration, alongside of which all other considerations fade into insignificance. There is nothing in the contract of service nor in the gain to the individual sealer which can excuse his life being placed in jeopardy either by himself or by others and in the public interest legislation should be framed for the protection of the sealer both against himself and from those whom he serves. It should not be permitted that the lives of the crew should be endangered by their being placed upon the ice for the night miles beyond the reach of any ship, exposed to all the changes of weather, cold, and storm incidental to the Arctic ice floe. It may be that an inevitable accident may render it impossible for men to reach their ship and against inevitable accidents no provision can be made, but we are now considering the case of risk deliberately undertaken for the purpose of securing seals and we are strongly of opinion that such a risk should be prevented as far as possible by legislation. It can only be prevented by stringent measures applicable to captain, crew and ship. We therefore recommend that legal effect should be given to the provisions on this subject contained in the schedule hereto annexed. These include a recommendation that it should be made penal for a master to send his crew so far from the ship as to make it impossible for them to do their work and return the same day. A further recommendation is that the work of killing or hauling seals should be limited to the hours between sunrise and sunset, and that within an hour after sunset all sealers should be on board their ships. To put an end to the practice of sending crews hazardous distances it seems to us to be also essential that the ship itself, as well as the master and crew should be brought within the scope of the proposed legislation, and our recommendation is that a liability should be imposed on the ship to make compensation where members of the crew die or suffer injury from exposure through being kept upon the ice at night. It is possible that other precautions may be taken to avoid disasters at the seal fishery in so far as they are due to preventable causes. One of the suggestions made in the evidence before us was that masters of watches should carry on the ice with blue lights to enable them to signal them to ships. Lights spoken of by the witness are described as enclosed in a solid piece of wood, weighing about a quarter of a pound which is set off from the hand by pulling a tape attachment. It is obvious, too, that lanterns or electric torches if supplied to the masters of watch might prove useful in enabling a party finding itself away from the ship to make its way in the dark over broken or dangerous ice. It goes without saying that no officer or master of watch having charge of men should
be permitted to leave the ship without carrying a pocket compass. An important suggestion is that care should be taken to select competent and experienced persons as masters of watch and that when appointed they should devote themselves exclusively to the care and supervision of the watch entrusted to them and should not themselves engage in the work of seal killing. The experiences of the Newfoundland’s crew emphasize the necessity and importance of having as masters of watch men with the qualities of leadership capable of coping with emergencies as they arise. On the other hand we may refer to the unwise method by which the crew were in this instance divided into watches and apportioned to the charge of the several masters of watch. It began by allowing each master of watch, according to seniority, to select his men. The first master of watch chose his entire number before the second was permitted to choose, the result being that when three or four had chosen their parties, those who remained unchosen, presumably the juniors and least experienced of the sealers, were given to the care of the junior master watch, who in this case happened to be a young man of limited experience and when, on the night of the 31st, the other watches formed separate groups, arranging for their own protection from the storm, his watch grouped themselves under another master of watch and had the effect of encumbering and curtailing the small space occupied by them to the disadvantage of all concerned. On the other hand we have testimony to the admirable leadership of master of watch Arthur Mouland, showing that the master of watch on the ice is the most important man at the seal fishery so far as the lives of his men are concerned. So soon as the men halted for the night he ordered those under his control to set to work immediately to build a ‘gaze’ of blocks of ice thirty feet long and to a height of at least a foot above their heads, had the crevices filled in with snow and had sides attached at right angles to the ends so as to afford protection if the wind veered in the night. When the wind veered his watch were able, by changing their position, to obtain protection from the side wings so constructed. His thoughtfulness and good judgment were further shown by the prompt removal of the bodies of the two men who succumbed that night through having fallen into the water while travelling, so that the presence of the bodies in the ‘gaze’ should not have a depressing effect upon the survivors. The fewest fatalities occurred in his watch.

Before the men are put on the ice it is evident that those responsible for their safety should fully satisfy themselves as to weather conditions. The observation of the careful mariner is, as has been pointed out in the evidences of Capt. Clarke, Dawe and others, a most important factor in determining the probabilities. At the same time, all the aids employed by the deep sea mariner through a comparison of thermometer as well as barometer indications should be available. It should be the duty of an officer holding a master’s certificate to see that both these instruments are properly set and placed in the open and to have readings from both regularly entered in the ship’s log as is done in the case of foreign going vessels. Further, the ships, when within range of a wireless
station should be supplied with the weather forecast as furnished by the bureau. It has been suggested by witnesses that the value of this forecast could be heightened if the ships co-operated with the meteorological department by furnishing daily reports of weather conditions in their neighborhood. We are of opinion that this suggestion is feasible and that effect ought to be given to it in order to serve the high purpose of promoting the safety of those at sea.

A further cause which contributed to the disaster was the failure of the Newfoundland to continue to sound her whistle that evening. At the suggestion of the boatswain this whistle was sounded between four and five o'clock. Two blasts of the whistle were given with an interval of about three or four minutes between. These were heard by the men on the ice and had the whistle continued to sound it is barely possible that it might have guided the men to their ship although the evidence showed that the travelling upon the ice became dangerous towards the close of the evening. The reason given by the captain for not having the whistle continuously blown was his conviction that his crew were then safely aboard the Stephano. Actual knowledge as to whether they had got on board the Stephano could only have been obtained had wireless telegraphy been available. The Newfoundland had been fitted with a Marconi apparatus but unfortunately it had been removed before she sailed. The Act since passed by the Legislature requiring every steamer engaged in the seal fishery to be provided with wireless telegraph installations has been recognized by those examined before the Commission as highly beneficial in that there will now be afforded to a captain of a steamer whose crew is absent the means of ascertaining from neighboring ships whether the crew has sought refuge there or not. As a measure of precaution it seems to us desirable that in all such cases sealing steamers should be compelled by law to sound their whistles at regular intervals during darkness, fog or snow storms when any of their crew are absent from the ship. Our recommendation on this subject is contained in the schedule annexed.

As by the terms of the Commission we were directed to enquire into the provisions made for conserving the health and safety of the persons engaged in prosecuting the seal fishery, the witnesses were heard in reference to such matters as concerned food and clothing. The testimony shows that the Newfoundland was well provided with ship's stores. There was an abundance of food of good quality but the cooking arrangements and the manner of serving food were of a most unsatisfactory character. The effect of the evidence on the subject has been to call the attention of the owners to the matter and the managing director, who was called as a witness, said that the first intimation he had of this difficulty was through a perusal of the evidence taken before the Commission and that the steamer owners are now arranging to send out a competent supervisor to take charge of this department with the object of initiating such improvements as are necessary to supply the deficiencies complained of.

In passing we may draw the attention of those concerned to the testimony of the medical witnesses who spoke to the relative food values of artices com-
The circumstances attending the loss of the Southern Cross and all her crew at last season's seal fishery have already been the subject of a marine court of enquiry. We have had the benefit of reference to that report, which was put in evidence before the present Commission. The finding of the court is that the ship foundered and went down with all hands in the heavy gale and snow storm of the 31st of March in the vicinity of Freei's Rock which lies two miles off shore W. 1-2 S. From Cape Pine. While there is no evidence whatever to show that anything that human foresight or judgment can suggest could have prevented this disaster there naturally arises from the loss of a steamer with her entire crew of 173 men from storm at sea and without any known special cause, considerations touching the adequacy of the provisions at present made for the safety of the crews of steamers engaged in the prosecution of the seal fishery and as to whether further and better precautionary measures might not be adopted. The inspection of steamers, the provision of boats and sails, the establishment of a load line and the prohibition of deck cargoes have all been the subject of discussion on the part of witnesses herein. It has been proven that steamers like the

monly used by sealers on the ice. They pointed out that bread or biscuit and butter contains but little nourishment; that the oatmeal and raisins which men usually provide for themselves, are more nutritive but that the most sustaining food of all is bread and cheese, cheese in particular, having a higher food value than any meat. It seems to us that something more is called for than the biscuit and butter, which is all that is ordinarily supplied by the ship to men going upon the ice and that those in charge should see that each man before leaving is both as to quality and quantity sufficiently provided in the matter of food with a view to the possibility of his return being delayed by unforeseen contingencies. While this may be a matter which does not call for legislative interference, it is not unworthy of the consideration of masters and owners as well as those whose avocations compel them to spend lengthy periods on the ice performing work which must entail large demands upon their physical powers. A still more important matter is that which concerns the clothing. The cooperation of the steamer owners and the supervision of those in authority, masters and masters of watch, should be directed to ensuring that the men provide suitable clothing considering that they may, in certain eventualities be called upon to endure for hours upon the ice rigorous comparable only to those found in the polar regions. These are matters which can be more satisfactorily dealt with by those concerned in the management of the ships than by legislative enactment and we feel confident that their assistance and cooperation will not be unreasonably withheld now that the matter has been brought to their attention. The doctors who examined the bodies of the dead of the Newfoundl and are agreed in their condemnation of fleece lined clothing recently placed upon the market as a substitute for flannels or woollen and point out that while this clothing when new suggests warmth to eye and touch it does not contain a particle of wool but is entirely cotton. It is wholly unsuitable for men who have to take violent exercise as, unlike flannel, it falls to absorb perspiration becomes wet and chills the body. In our opinion the importation or manufacture of this so-called “fleece-lined” should be prohibited.
Southern Cross are sometimes endangered owing to the inability to pump the ship from the engine room pumps and that their pipes which run along the limbers are liable to become choked through coal dust and other obstructions. While an annual survey covering both hull and machinery is necessary in the case of the steel ships in order to maintain their classification at Lloyd's there is no inspection of the machinery in the case of the wooden ships except with reference to the boiler. This is a deficiency calling for attention as, from what has been stated in evidence, a necessity exists for a thorough examination of the limbers and bilge pipes as well as the machinery by a competent officer appointed by the Department of Marine and Fisheries. Our recommendation is that before a clearance is granted from the customs to any steamer proceeding upon a sealing voyage a certificate should be produced from a qualified and duly appointed inspector that the steamer and her machinery have been thoroughly examined and have proven seaworthy. In the examination for the ship's hull special attention should be given to the condition and stability of the pounds.

Reference has been made by witnesses to instances where steamers returning from the sealing voyage have been dangerously overloaded and where disaster has only been averted by the jettison of deck cargo. The instances referred to apply to ships engaged in the seal fishery at the front of the Island but the reasons apply with even greater force to vessels prosecuting the seal fishery in the Gulf. Alternative proposals have been made for remedying this evil. One proposal is that a load line should be established, the other is that no deck cargoes of seals should be permitted. Those who favor deck cargoes contend that they are advisable in some cases for the purpose of "trimming" the ship and are serviceable in that the seal pelts, being easily thrown overboard, may, in time of storm, break the waves before they reach the ship. On the other hand, those who oppose a load line argue that a ship is much safer when fully laden with seal pelts as there is then less danger of there being a shifting cargo or a breaking of the pounds which divide the compartments and that the greatest danger to a ship is from a heavy overload on her deck. As has been pointed out, captains would doubtless find means of trimming their ship other than with a deck load of seals if these were prohibited and it seems to us that the prevention of carriage of seals upon deck would be as effective a remedy against overloading as is likely to be obtained by means of any load line that can be established for the limitation of seal cargoes. There are two other suggestions made by witnesses with a view to insuring the safety of crews. One is that sails should be provided to assist the navigation of the ships in the event of a break down in her machinery. The other, which in our opinion is even more important, is the ample provision of life boats, whalers or dories sufficient to accommodate the entire ship's company, there was a concensus of opinion amongst the witnesses that the ordinary sealing punt is of little or no value for live saving in case of storm while experience has shown that the dory is highly valuable for life saving besides being capable of doing all the work at present performed by means of punts. We approach of both of the suggestions and recommend that before clearance is issued to a steamer for the sealing voyage a certificate should be obtained from the Marine and Fish
eries Department that adequate provisions of sails and boats suitable for life saving have been made to the satisfaction of that department.

We have the honour to be, Sir, Your Excellency's obedient servants,

WILLIAM H. HORWOOD, Commissioner
GEORGE H. EMERSON, Commissioner

St. John’s, Nfld., February 24th, 1915.

Schedule Attached to Report

1. It shall be unlawful for the Master of a steamer engaged at the seal fishery to send upon the ice or permit to be sent upon the ice, any members of the crew of such steamer a distance greater than that which is reasonable to enable them to perform the work ordered or required of them and to return to the said steamer within one hour after sunset of the same day as that upon which they were sent or permitted to be sent as aforesaid. (Penalty, on summary conviction by and to informer.)

2. It shall be unlawful to kill any seals found upon the ice or to take any seal pelts therefrom, or to remain upon the ice in charge of any seal pelts except between the hours from sunrise to sunset; and no person being a member of a crew of any steamer engaged at the seal fishery shall, without lawful excuse, be or remain upon the ice or away from the ship after one hour after sunset or before sunrise. (Penalty, on summary conviction by, and to informer.)

3. In the event of any member of the crew of a steamer engaged in the seal fishery not having returned to his ship after one hour from sunset, suffering injury from exposure on the ice

(a) If death results from the injury, if he leaves any dependents wholly or partially dependant upon his earnings, the owners of the ship shall pay the sum of $1,000 as compensation to the dependents, the said sum to be recoverable as hereinafter set forth invested and distributed in manner similar to that provided with respect to sums payable under the Workmen's Compensation Act, provided that the injury causing death is not attributable to his serious and wilful misconduct, and provided also that the amount of any weekly payments and any lump sum paid in redemption thereof, shall be deducted from such sum.
(b) When total or partial incapacity for work results from the injury a weekly payment shall be made by the owners of the ship during the incapacity, not exceeding fifty per cent of his average weekly earnings during the previous twelve months, such weekly payments 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 his average weekly earnings before the accident and the average weekly amount which he is earning or able to earn in some suitable employment or business after the accident. When any weekly payment has continued for not less than six months the liability therefor may, on the applications by or on behalf of the owners of the ship, be redeemed by the payment of a lump sum to be settled in default of the agreement by the Supreme Court or a Judge thereof, and such lump sum may be ordered to be invested or otherwise applied in a manner similar to that provided in respect of sums payable under the Workmen's Compensation Act provided that the said weekly payments and lump sum together shall not exceed $1,000, and provided that the said injury or accident is not attributable to his serious and wilful misconduct.

(c) Any party suffering injury as aforesaid and, where death results from the injury, his dependents may proceed in the Supreme Court either by personal action against the owners of the ship or against the ship in an action in rem on the Admiralty side of the said 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. Costs to be in the discretion of the Court or Judge.

4. Proceedings for the recovery of compensation for injury shall not be maintainable unless notice of the accident has been given as soon as practicable after the happening thereof, and before the sealer has left the ship after the conclusion of the voyage and unless the claim for compensation with respect to such accident has been made within six months from the occurrence of the accident causing the injury or, in the case of death, within six months of the time of death and within two years from the date of the accident.

And provided always that

(a) The want of notice or any defect in or inaccuracy in such notice shall not be a bar to the maintaining of such proceedings if it is found in the proceedings for the settlement of the claim that the ship is not, or would not if an amended notice were then giv-
en and the hearing postponed, be prejudiced in its defence by the want, defect or inaccuracy or that such want, defect or inaccuracy was occasioned by mistake, absence from the Colony or other reasonable cause;

And

(b) The failure to make a claim within the period above specified shall not be a bar to the maintaining of such proceedings if it is found that the failure was occasioned by mistake, absence from the Colony or other reasonable cause.

5. Every steamer engaged in the seal fishery, whenever any of her crew is or are absent after dark or in fog, mist or falling or drifting snow, shall make with her steam whistle or other steam sound signal, at intervals of not more than two minutes, a prolonged blast. Penalty.

The above suggestions are intended by the Commissioners signing the foregoing report as additional to the other remedial measures therein suggested.
Findings and Recommendations by Commissioner Hon. Mr. Justice Johnson

To His Excellency Sir Walter Edward Davidson, K.C.M.G., Governor of Newfoundland:

May it please Your Excellency,—

As one of the Commissioners appointed by your Commission dated the 16th day of November, 1914, I have the honor to report the evidence which the Commissioners have taken and my comments as to (a) the loss of the sealing steamer Southern Cross with her entire crew of 174 persons near St. Shott's on the 31st of March 1914; (b) the circumstances of the deaths on the ice-floe at a point some forty miles east of Cape Bonavista of 78 members of the crew of the sealing steamer Newfoundland on the last day of March and first of April, 1914; (c) the causes which contributed to those disasters; (d) the manner in which the Newfoundland seal fisheries are prosecuted; (e) remedial measures which may help to prevent repetition of such disasters, or may better provide for the safety, good health and comfort of those engaged in those fisheries.

We have been materially assisted by the Honourable Attorney-General and Doctor Lloyd, who appeared at the instance of the Government which provided the expenses of the attendance of the several witnesses whose evidence we decided to hear. These witnesses were:—

The sealing master of the steamer Newfoundland.

The navigating officer of the steamer Newfoundland.

The sealing master of the steamer Stephano.

The navigating officer of the steamer Stephano.

Six officers of the steamer Stephano.

The sealing master of the steamer Bellaventure.

The sealing master of the steamer Florizel.

Two officers of the steamer Florizel.

The Marconi operator of the steamer Florizel.
Four masters of watch of the steamer Newfoundland.

Nineteen of the crew of the steamer Newfoundland.

Three medical practitioners of St. John's.

The managing owner of the steamer Newfoundland.

Five senior masters of sealing steamers, viz—Captain George Barbour, Henry Dave, Moses Bartlett, William J. Bartlett and John Clarke.

The Government Inspector under the 'Boiler Inspection Act of 1899.'

The Government Inspector of Shipping, Newfoundland Registry, and Lloyd's Registry.

Three others (Fifty-two witnesses in all)

The evidence of the five masters above named, of Captain Green and of the medical gentlemen was particularly instructive, and thereto I direct the attention of the Government.

The evidence of the masters of the Newfoundland, Stephano, Bellaventure and Florizel was directed in particular to the case of the crew of the Newfoundland, and the officers of these ships with the surviving members of the crew have left no material facts undescribed.

Considerable minor discrepancies appear in the evidence—as was to be expected—but the salient points in the case of the Newfoundland stand out with unmistakable clearness.

Before proceeding with the work of the Commission we caused public notice to be given of the time and place of sitting, so that all interests which chose to appear might be represented. Of this, no party availed but the owners of the steamer Newfoundland, who were represented at several sittings by Mr. Fene-lon.

I shall refer to the greater calamity, the loss of the Southern Cross with all hands. If, when the storm burst upon her, she had been but five miles further on her homeward journey, she would have had Trepassey under her lee. The tragic side of this misfortune is equalled in the Newfoundland disaster then about to happen one hundred miles to the N. E. when three steamers which might have saved many lives of the Newfoundland crew turned and steamed away without having seen the men on the ice, when to have approached less than half a mile would have meant their salvation.
The Southern Cross, a vessel of 325 tons net, was built in a foreign dockyard and was not then intended for the Newfoundland seal fishery; her lines were those of a good sea boat and she had weathered Arctic and Antarctic storms during a third of a century. At the time of her loss she was bound to Harbor Grace from the Gulf of St. Lawrence by way of Cabot Strait with a full load of seals. Her master was an experienced man; the evidence satisfies me that she was in safe trim to weather all but the heaviest seas. Her horse-power was small. There appears to have been no signs of an impending storm until she approached the East Side of Placentia Bay nor was there any reason why her master should have then borne away for shelter. I find that he was justified in continuing his course for the purpose of rounding Cape Race, but the S. E. gale struck her as she neared Cape Pine. The evidence of the crew of the mail steamer Portia and of the lighthouse keeper at Cape Pine leaves no doubt that wind and sea near St. Shott's quickly became so heavy that she could make no headway, and that she foundered near Freels Rock. It is idle in such circumstances to guess whether the seal-pounds may have given way, whether seas filled her midship well and so caused her to sink whether in the strain of such a contest she may have sprung a leak, or whether something may have gone wrong with her bilges. As she passed the Portia a little West of Freels Rock she was in no trouble; that she foundered near that rock was evident; the rest must be left to conjecture.

In considering the facts described by the thirty-seven witnesses who deposed the events of the 30th and 31st of March and the 1st and 2nd of April relating to the crew of the Newfoundland, it must be borne in mind that the current which bears these ice-floes has mainly a southerly direction but that, because the separate fields of ice vary in weight and area they wheel with the varying minor currents and winds in different directions and at different rates of speed. The forces at work baffle human calculation. The relative compass-bearing of ships lying in the ice in sight of each other are apt to vary many points within an hour or two while the distance between them does not noticeably alter; and this without reference to the wind then prevailing. It would be presumptuous for those inexperienced in such matters to criticise the conclusions of men who have studied the subject intimately during many years. The same applies to weather forecasts based upon what one man sees but which another fails to observe. These matters should be reckoned with in summing up the shifting data connected with the return journey of these eighty or ninety men towards the Newfoundland. The only evidence as to the swing of the ice is that which vaguely described the shifting of the pans after the crew had walked to the Stephano and which here and there obliterated their morning foot-prints. If this wheeling had not occurred, and if one or two of the weaker men had not added to their delay, there can be little doubt that all would have reached the Newfoundland before nightfall. It is impossible to guard against such elements of destiny.

The Newfoundland was not fitted with the apparatus of wireless telegraphy. Within the last twelve months the law has been wisely amended on that point.
No doubt use of wireless telegraphy on board the Newfoundland would have considerably reduced the loss of life, but I attach no blame to her owners on that account. It takes such a disaster as that which happened to show the true value of this beneficial system. Before 1914 owners and others viewed Marconigrams at the ice as a means of transmitting information as to where the main body of seals was to be found. Hitherto punts on sealing vessels have been regarded as for use in following seals in open ice, and not for saving life when the ship sinks by stress of weather in open water.

The evidence reported herewith shows that it has been agreed between Captain Abraham Kean of the Stephano and his son Westbury of the Newfoundland, before they left port, that hoisting a derrick in a particular position on board the Stephano would notify Westbury Kean that the Stephano was among the seals. No other private signals were arranged between them. On Monday, the 30th of March a derrick was hoisted accordingly on board the Stephano. About 6 p.m. that day the Newfoundland was caught and held in the ice, and continued jammed until the afternoon of the following Thursday, except that she moved a short distance late on Wednesday; the Stephano, meantime, was in lighter ice. The line of demarcation between the heavy and lighter ice extended in a Northerly direction from a point not far west of the Newfoundland's position.

On Monday evening Westbury Kean decided that next morning he would send a party to the Stephano if, meantime, the Newfoundland was not released. He made this known to his officers and he chose the second hand, George Tuff, to take charge of the party. The morning of Tuesday, March 31st opened with all the indications of fine weather. The air was mild and all hands expected a warm day with southerly winds and probably rain. If there were any visible signs of change, they did not appear to many; consequently the great majority of the travelling party left the ship lightly clad.

Charles W. Green, a certificated mariner of considerable experience both on foreign voyages and in Arctic regions, was the navigating officer of the Newfoundland: to his evidence I draw particular attention; he kept the log, and after the habit of foreign going captains, paid due attention to his barometer, which before the departure of the men, apparently gave him no reason to expect bad weather. It stood at 30.60 on Monday evening, and at 30.40 at 8 a.m. on Tuesday evening, which he read as indicating milder weather. At 4 p.m. on Tuesday it had dropped to 30.15, indicating increasing wind, and at 8 p.m. to 29.80. Before this last hour the snow storm and gale had fully arrived. There was no deck thermometer on board the Newfoundland.

At 7 a.m. two-thirds of the crew of the Newfoundland left that ship to walk to the Stephano which was then not more than five miles distant, bearing N. W. by N. In sending away his men in charge of George Tuff, a man of long experience at this fishery, Captain Westbury Kean was fully justified, in the circumstances. It is true he gave Tuff no instructions as to
whether the men should come back to the Newfoundland before night, or whether other arrangements should be made as might be found necessary. Tuff is a man considerably more experienced than Westbury Kean. The party were entrusted to the best leader in the ship and they were travelling to a ship whose barrelman would report their coming. Two other steamers were moving about near the Stephano, and the ice afforded a safe bridge for the transit. At a point about two miles S. E. of the Stephano they passed close to a flag which Captain Abraham Kean had set up there a day or two before. Those who continued to the Stephano boarded her half an hour before noon. Some thirty others saw well to return to the Newfoundland from a point about half way to the Stephano. Two or three of these thirty were called before the Commission. To my mind they did not justify their return. Those who boarded the Stephano went below to get refreshment and, meanwhile, Captain Abraham Kean being on the bridge she made her way through ice to a point near the western edge of the heavy ice about two miles south of the place where the men had boarded her. Near this point another flag had already been posted by the master of the Stephano earlier the same day. As this is an important point in the narrative, I shall refer to it later as the point F. Notwithstanding that several of the Newfoundland sealers got the impression that while they were being conveyed in the Stephano she was steaming S. W., I am satisfied that her course was nothing West of South and that before they got out on the ice she had taken them about two miles South. It is admitted that the visitors were on board the Stephano about twenty minutes and that during that time she was steaming. Captain Abraham Kean was on the bridge; he deposes that the mean course during those twenty minutes was South, though the ice rendered it necessary to steam around some intervening pans. He puts the distance at 2 miles. Yetman, second officer, says the course was South. There is no authoritative statement that the mean course was not South, nor did any of the Newfoundland men consult compasses on board the Stephano. They were all engaged below getting refreshment. Hedley Payne of the Newfoundland, a particularly bright witness whose evidence recommended itself to the Commissioners, thought that the Stephano took them about two miles. He had looked over the side and had noticed the speed at which she was travelling. He is clear that the wind (which is admitted to have been S. E.) was a little on her port bow, just a little, about a point on her port bow; less than three points. He also observed that Captain Kean, while in conversation with Tuff, pointed in the direction of the seals for which the Newfoundland men were going and that he pointed a little on the Stephano's port bow. Tuff says that Captain Kean told him while on the Stephano that he was taking them two miles nearer to the Newfoundland. At the time of this statement no one thought of any disaster, and it is impossible to believe that Captain Kean should have made such a statement, if it were not true.
I have had ample proof when sitting in Supreme Court that Captain Abraham Kean’s powers of correct observation at the seal fishery and his ability to recall and describe the positions of several moving ships at different times of the same day (even where his own vessel was not concerned) are very remarkable. They account for his consistent and extraordinary success as a seal-killer and they strongly recommend his testimony to me. On the 31st of March he had taken the correct bearings of the Newfoundland while she was visible from the Stephano and he deposed that he took the Newfoundland crew to the flag which I have above referred to as at the point F. I have no doubt whatever that when he told Tuff how the seals and the Newfoundland then 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 Abraham Kean’s part.

Exhibit C. W. G. I put in by Captain Green, navigating officer of the Newfoundland, was drawn before the Commission on a blank sheet of paper at my request. It is based on the supposition that the Stephano’s course was South two miles. It goes to show that the point F bore N. W. % W. from the Newfoundland and was three and a half miles distant from her. Admitting that the Newfoundland crew walked S. W. from the point F to the distance of % a mile they were, at the end of that distance three and three quarter miles from the Newfoundland which bore from them E. by S. % S. If they followed a S. E. by E. course from that point it would lead them a considerable distance South of the Newfoundland’s position. When they started to return to the Newfoundland I take it that they were about two miles S. W. by W. of the flag which they passed that morning on the way to the Stephano. My conclusion is that they wandered from the course set them by Tuff, turning considerably to the left until they stumbled in the storm across that flag, which lay three miles N. W. by N. from the Newfoundland. If after coming to the end of that walk three-quarters of a mile S. W. they really turned and walked S. E. by E. to the morning flag, the Stephano could not have moved at all from the place where the Newfoundland’s crew boarded her. Nothing can induce me to believe this. The time taken in walking to their morning track is consistent with a South, and not with a South West course, while the Stephano was carrying them.

As soon as she had dropped the Newfoundland men, the Stephano proceeded in a N. W. direction, several miles picking up her own crew, which had been panning seals along the line of her course. Having picked up the furthest of these men she returned in the direction of the point where the Newfoundland crew had boarded her. She also picked up some of the Florizel’s crew who had been sealing in the same direction. Meantime the Florizel had picked up some of the Stephano’s crew. This mutual help had previously been arranged on between the two captains. About 8.30 the Stephano and Florizel met and exchanged crews. At this time Captain Joseph
Kean of the Florizel hailed his father asking what about the Newfoundland men, in reply to which the latter put up his hand and said 'all right.' The Stephano then proceeded to pick up her pans and continued until she reached the point F. It is clearly shown that she ran close to the flag which indicated that point. On her way S. E. she kept her horn blowing for the purpose of attracting the attention of the crew of the Newfoundland. Captain Kean says that he considered it possible that Tuff and his men, when they found a snowstorm in their faces as they walked towards the Newfoundland, might have concluded to return to the place where they left the Stephano. But he says that he was not expecting them as he felt sure they had reached their own ship. It was impossible for the Stephano to have proceeded further towards the Newfoundland, as her course was there blocked by the heavy ice. In these circumstances 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 these men for whom he was in no way responsible. It must be remembered that the Newfoundland's crew left the Stephano voluntarily at the call of their leader; that there still remained five hours of daylight; that the distance between the ships was less than four miles; that the seals were close at hand; that the weather gave no particular cause for alarm until an hour after the crew took to the ice. In these circumstances Capt. Kean had sufficient reason to conclude that they had reached their ship. About 7 p.m. the Florizel sent wireless to the Stephano reporting progress and asking whether the Newfoundland's men were on board the Stephano. Abraham Kean replied that he had carried them before noon to within three miles of their ship, and that he had no doubt that they were on board her.

The derrick signal was no more than notice to Westbury Kean that the Stephano was in the seals; it left him to send men to the seals, or bring them in the Newfoundland if he could; it imposed no duty or responsibility on Abraham Kean. There would be an end to all kindly help if the giver were to be saddled with onus neither accepted nor incurred.

Captain Abraham Kean's clear record of twenty-eight years as a sealing master rebuts conclusion that he here failed in any duty. He is no more to be blamed than is the captain of the Southern Cross because weather indications were deceptive. It is easy to prophesy after the event.

I have extended my comments on the Stephano's movements, because evidence was particularly directed to them, not because I think that evidence was intrinsically relevant to the enquiry.

George Tuff fully discharged his duty as leader of the men placed in his charge. He consulted the master of the Stephano in whom he had ample reason to confide. He was satisfied that they could reach the Newfoundland; otherwise he would not have led them away from her to the seals.
On the return journey he chose a good master of watch to lead, while himself remained at the rear to see that no man dropped out of the ranks. As men began to falter he stayed with them, disregarding his own safety. Throughout the ordeal he played the man. In his effort to reach the Bellaventure for help he fell into the water, yet his strength sufficed to live another night and reach his ship on Thursday to send relief to those on the ice. Arthur Mouland's conduct as master of watch equalled Tuff's.

When on Thursday morning Marconigrams made the disaster known, the Stephano, Florizel, Bellaventure and other ships in the vicinity made heroic efforts to reach the scene, but even their powerful engines made very slow progress through the ice-pack. This Commission records its appreciation of the work done when the helping crews reached the survivors; of the reverent care with which the dead were brought to port; of the way in which officials, medical men, naval men, and the general public in St. John's vied with each other in sympathetic labours; of the generous contributions which have since poured in from Newfoundland and abroad for the relief of the dependents.

Having now dealt with the heads (a) and (b) supra, I may dismiss (c) by saying that the disasters were the Act of God, and in the circumstances inevitable. Beyond what is here spread, I see no need to report as to the 'manner in which the Newfoundland seal fisheries are prosecuted.' It remains to discuss remedial measures.

Your Commissioners, whose profession is law, must in dealing with these maritime subjects, rely largely on the opinions expressed by the better-informed witnesses; those opinions differ widely. The Legislature will be in this dilemma, on the one hand care not to saddle owners with avoidable expenditure in an industry which should be fostered not hampered; on the other, care that the crews, who are almost invariably poor men, be not allowed to recoup too much of that expenditure.

The steel ships are above criticism; the dietry established by the 1914 Act renders any comment on their supply superfluous. There is little likelihood of any of the big ships securing a full load, and they all have Plimsoll marks. Their life-saving apparatus seems to be sufficient. Sail-power is inapplicable to them. Being all in Lloyd's register, further provisions as to due inspection, certificated masters, general outfit, and medical attendance is unnecessary. Their sealers are not only exposed to less risk, but are better accommodated and have less ice-travelling than the crews of the wood en steamers. This report, therefore, has particular reference to the latter class of ship, except where recommendations obviously apply to all crews alike.
I recommend that some kind of official supervision be had to prevent men physically unfit from being shipped as sealers, and to see that each man has provided himself with adequate clothing; with this should be combined medical examination of each member of the crew before he signs the articles to ensure that no infectious disease, advanced tuberculosis and such like be taken to the fishery. The Legislature should provide that no ship, with greater number of crew than, say 150, shall prosecute this fishery without a competent medical adviser on board.

It should be insisted that the food supply shall be better distributed, among the crew, that is to say, distributed to all in equal proportions, better cooked, and supplied at more regular hours on board; and provision made as to an ample outfit of cooking rooms and utensils.

It should be enacted that no man be allowed to leave the ship for the purpose of killing and panning seals without having with him a sufficiency of sustaining food; and that a schedule of the kinds of food to be kept on board for that purpose be posted in the crew's quarter. Some liberty of choice of dietary within that schedule should be left to each sealer.

I do not attribute any of the loss of life among the Newfoundland's' crew to insufficiency of food carried by the men or to the regiment of diet on board; that ship had a liberal outfit of food. (A Government inspector should be appointed to ensure the taking to sea an over-supply of food and water so that, if the ship were disabled and driven to sea, no shortage could occur; this should not be left to the care of the most generous outfitters). Nor can it be ascertained that any of that crew died as result of insufficient clothing; nor that the more robust fared better than those of frailler physique; individual characteristics not discernable on superficial examination (if discernable at all) are those which count when a crew are called on to face the deadly and continuous cold which about midnight of the 31st of March followed the previous mildness of the atmosphere. For such an ordeal a man is handicapped if he is under twenty or over forty years of age.

A system should be enacted prescribing that certain members of each ice travelling party, e.g., the masters of watch or their nominees, carrying a sufficient number of reliable compasses, a light outfit of concentrated foods, say in tabloid form, of non-alcoholic stimulants, cooking utensils, adequate signalling apparatus, electric torches, means of providing a fire, etc.

It must be left to the master's discretion to decide how far each party leaving the ship shall travel on the ice, and as to when and where he will drop punts and dories for use as shelter, or of travelling in loose ice.

Masters of watch should be men of at least three consecutive years' experience at the seal fishery; the master alone should appoint them; and it should
be the master's duty or that of his senior officer to give specific instructions to each master of watch leaving the ship as the course the watch should follow, the ship's intended course, the distance beyond which no member of the party shall go, and the number of men (and their names) over whom such master of watch shall for that occasion have control.

Prudence suggests that no member of the crew should be permitted to travel more than two miles from the ship unless he be one of a watch assigned as above suggested to a master of watch and that the ship should be kept as near as may be to such individual members.

On his return to the ship each master of watch should immediately report to the ship-master or to his substitute his arrival on board and that of the members of his watch.

The question of panning seals has had the Commissioners' careful consideration. On this subject many different opinions in matters of detail were expressed by as many men of experience who gave evidence. But they leave us in no doubt that the existing law as to property in panned seals has worked for the advantage of the voyage and to the lessening of labors and risks of the sealers. The system of panning and flagging should on no account be disallowed but, in the presence of so many varying opinions, I presume to recommend to the careful consideration of the Legislature an enactment that the day and hour when each flag is first set upon the pan of seals be then and there marked on the flag-pole; that 'a pan of seals' shall mean not less than ten pelts together so flagged; and there be no property in any less number of seals than ten so placed and flagged; and that property by the ship setting up a flag should cease after lapse of twenty-four hours from the time of flagging. This should tend to lessen the distances travelled to pan the seals and the labor in hauling them to the ship; less seals would then be stolen; it would also tend to diminish the present wasteful loss of pelts through the breaking up of pans. Questions as to ownership of seals not so panned and flagged must be left to be settled on common-law principles. The sequel will show whether such a law would be followed by an increase of frauds and perjuries.

The following suggestions relate in particular to ships not on Lloyd's register and to the ships which the Act of 1914 refers to as "wooden ships."

These ships should be provided with sufficient sail-power to enable them without the help of their engines to work to windward in open water and under ordinary weather conditions, or to be hove-to in case of need; and they should be supplied with sufficient rockets, blue lights, and other means of signalling.

Each ship should have a load-line as easily observable as the Plimsoll marks are; this load-line should relate only to a seal-cargo; figures should also be painted or cut at bow and stern, indicating the vessel's draught fore and aft. Such load-line should not be placed by any but
a person holding a certificate by the British Admiralty, British Board of Trade, British Lloyds, or equivalent authority, that he is competent to set such sealing-load-line. Better no load-line than one unscientifically located. Plimsoll marks are applicable to general cargo as a rule; a cargo of seals differs widely from “a general cargo” in the matter of specific gravity, buoyancy, distribution, stability, etc.

Due regard to the safety of her crew cannot be had unless each “wooden ship” had been examined by such an expert as I have described, and reported on as to (a) whether she should, with a full load of seals below deck, carry any cargo or material weight above deck; (b) if she may carry any, what weight and where the same should be placed; for it is obvious that some ships are the better for some over-deck trimming-weight when full of seals below, and that others should on no account carry overdeck cargo. In making such sealing load-line, greater care is due when the ship was not built for use in this seal-fishery. A ship’s inherent stability depends on a thousand minute contributing factors, compatible only by those professionally educated in that line. It follows that vessels intended to carry particular cargoes are marked by the expert with an eye to what they are to carry, and to several other details such as the voyages they are destined to make, etc.

It does not appear that amendment is necessary in the present law as to number of sealing crews rated on tonnage, but in the smaller ships, notably those not used for carrying passengers in the interval between sealing voyages, the authorities have probably acceded too freely to the demands of sealers and owners alike that as little space as possible be devoted to living-quarters of the crew. The result is inevitable that principles of hygiene are scouted by a polygot crew who for the time submit willingly to be herded within a very small compass. If this voyage were longer, the risks to health where sanitation is so crude would have long since bred pestilence. I would suggest that in this direction the authorities be less complaisant henceforth. Only the medical men who have practised at “the ice” are capable of specifying what rules are practicable on this point. The 1914 Statute has already provided that there shall be a sick-bay on board all steamers. The cubic air-contents of this chamber should be provided in relation to the number of its inmates.

Those sealing masters who are not master mariners are apt to protest against having to take with them a certificated master or mate; but, for the safety of their large crew, it should be imperative that no sealer carrying more than 20 men should take this voyage without at least one certificated master or mate. A moment’s consideration will suggest a dozen reasons for such a rule. A man may acquire full knowledge of this fishery without becoming a seaman. Sealing masters in the Gulf, if not those operating on the East side, should be required to have sufficient knowledge of the harbors along their route. The lives of the crews of ships homeward
bound from the westward ought not be in any greater danger because no officer on board is intimate with those sections of the coast which he should skirt without sailing too far off shore.

Every sealing vessel should carry boats, (either ships' lifeboats or dories), or ample capacity to carry the crew with a supply of food and water adequate for at least two or three days. In case of disaster to sealing ships, lifebelts will rarely be found of much use, but one should be on board for each man, and they should be distributed in the most get-at-able places.

Life-boats, their outfit of sails, oars, etc., and the means of getting them into the water, and all dories and boats on board should be inspected and passed by some independent authority within a month before the ship goes to sea. Without certificate of such inspector, a ship should not be allowed to sail.

Your Commissioners were aware that a competent inspector of boilers passed annually on the boilers of the sealing steamers. They were not aware that the machinery was not in like manner inspected. Referring for the present to ships not on Lloyds' register, (for the latter appear to undergo sufficient periodical inspection by the Surveyor for Lloyds' Register, and to have their boilers inspected by our Inspector of Boilers), we were surprised to learn that until the early part of 1914 the hulls, machinery, rigging, pumps, etc., of sealing ships not on Lloyds' Register had never been regularly surveyed by a Government Inspector.

It is imperatively necessary that all sealing steamers in all their departments undergo at least once a year such inspection as the Government shall see well to require. "The wooden ships" not within Lloyds' Register nor safeguarded by its provisions should annually be submitted to close inspection throughout by competent Government surveyors. In such inspection no less care should be applied to machinery than to boilers. The hull should be inspected while the ship is in dry dock. Immediately before her supply of coal for the fishery is put on board, the limbers should be opened up and care taken to see that the limber-passage are free throughout before setting the limber-covers in place to keep access of coal, coal dust, and other obstructions out of the limbers. Care should also be taken while coaling that limbers, rose-boxes, etc., be not choked, and that free access be ensured for water to the pump wells. This imperfect description will suffice to indicate generally the nature of the inspection desired. A Government inspector should examine the coal or seal-pounds and require that they be equal to the strain of heavy weather when full.

Connection by wireless should be maintained between the Toronto Observatory and sealing ships within range of an office or offices established in
this Colony for the purpose of keeping such ships advised, say three times daily, of the Toronto weather forecasts.

Barometers and deck-thermometers should be tested by competent persons within a month before the voyage begins, and entry should be made in the ship's log at least each watch while at sea of the records of such instruments.

On their return passage from the fishery, it is particularly desirable that sealing ships be supplied at frequent intervals with the latest Toronto forecasts: observance of this rule is even more necessary than elsewhere in reference to ships bound home from the Gulf. The Government will be best able to decide at what places in the Colony such wireless agencies should be established and kept open while sealing vessels are at sea.

Respectfully submitted,

GEO. M. JOHNSON, Commissioner.

St. John's, Nfld., February 27th, 1915.
Your Commissioner must ensure that a competent officer in the Coastguard Office at the south-western point of the Clyde reports the present condition of the ship's machinery and arrangements for the present voyage so that the vessel will be ready to start in the most advantageous condition for the voyage. The Master should be instructed to have his cabin and other spaces where the passengers are not allowed to be kept as clean as possible, and to make all necessary preparations for the voyage.

It is imperative to ensure that all passenger spaces in the passenger accommodation shall be kept clean and in good condition. The Master should be instructed to ensure that all passenger spaces are free from any unpleasant odours or smells. The Master should also be instructed to ensure that all passenger spaces are well ventilated and that there are sufficient fresh air supplies in the passenger spaces. The Master should also be instructed to ensure that all passenger spaces are well-lighted and that there are sufficient light sources in the passenger spaces.

Commissioner by whom should be examined before the ship leaves port.