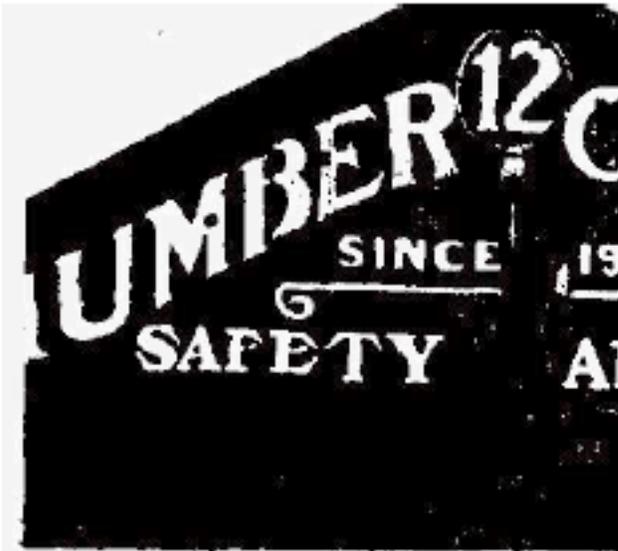


Mine Explosion in New Waterford, 1917





Mrs. Arthur Gadd White: I didn't hear the explosion. But my mother was doing practical nursing at the time and she was sitting up all night with a man who was dying of cancer. He was John Sinclair. During the night he died. And you know, those days they had to help the undertaker. They didn't take them to an undertaking parlour or anything. The undertaker came to the house and they helped dress the body and fix it up for the casket.

Well, my mother said she had to go home, put the boys out to work, said she would be back to help the undertaker. So she put the boys out, my oldest and youngest brothers. William was the oldest, Arthur was the youngest one. Then she went back to help Mr. LaDrew the undertaker at that time. They fixed up Mr. Sinclair. And she was coming back up from that, to help another lady who had a collarbone eaten through with cancer--she met Murray Andrews, a coal company policeman. He said, 'Oh, Mrs. Gadd, I just got word, there's been an explosion in 12 pit.' Well, my mother was from Wales. And she had heard so much about Welsh mines exploding. She right away got afraid. She said, "Oh my God, my boys are in there."

And he said, "Don't worry, Mrs. Gadd, it will be all right. You go home and we'll let you know if there's anything further."

So she came home. And there was a man, he was a deputy in the mine, but this wasn't his shift--but he had a son in there, working this day shift. Mother, said to him, "Jim, there's been an explosion in 12, hurry down and look for our little boys." That was the young ones. His son was only young too, so he got dressed and went down. My mother came in and stayed at home a little while and then she couldn't stay. So we went. She took me by the hand.

We went down to 12 pit. She couldn't get any information. They wouldn't give her any. And everybody was around the pit. All the relatives. They roped the place off to keep the people back. But you could talk to anyone. The draegermen would come up, the officials would come around--and they would talk to them. She asked about her sons, because the oldest boy was a qualified miner. She couldn't understand why at least he didn't come up. But she feared for the young fellow, 14 years old. And we were told there was nothing wrong, it would be all right and he would be brought up. They said that Bill was holding the lamp for the men that were working down there. That was the excuse they gave her.

Then after they started to bring up the bodies, we went over--there were two places, one over at 12, a parish hall over there with all the bodies laying on the floor--and you could go in there and identify them, your own. I remember going around this with my mother, and she'd say, 'No, that's not my boy. That's not my boy.' Then she came to another parish hall that they used. She went in there. These were all emergency cases, because there was no big hospital then. There were no bodies there. She knew them all but they were not her children.

She went back to the pit and stayed there, because of the boys not being brought up. Her clergy came, talked with-her and helped her through it, for the day. She wouldn't leave the pit. She was getting sick herself, falling down. Remember, she'd been up all night that night, looking after this other man that was dying. And all this time I was with her, in those halls--she wouldn't go without me. I was her baby. She was too frightened to leave me. She was down at the

pit. Her clergyman came down to her. He said, "Mrs. Gadd, will you come home?" She said, "I want to know the truth. I only want to know the truth." 'Well,' he said, 'are you willing to submit to God's will?' And she said, "Yes, no matter what. Whatever God's will," she said, 'if I only know.' So he said, "Come home and I will tell you."

She went home. And Mr. Johnson, a Salvation Army officer--he was a wonderful person--he told her that one boy had been killed. But the other one was spared. I had brothers overseas, and we had to send word that one brother was killed in the explosion. Then it had to be changed, that two were killed--because the little fellow was right in where the explosion happened. He was a trapper. And he blown through the trap door with the force of the explosion. His face was all burned up. I can see it yet.. I always see it. But the other fellow was only... he was probably going down to look for his brother, and he was overcome by what they call the afterdamp (carbon monoxide gas)--so there wasn't a mark on him. Not a mark. He just fell asleep. And that was our experience. And every door practically around here had a pall on the door (black ribbon). Nearly every house in this end of New Waterford would be touched, because 12 pit was here.

There were mass funerals. All the Protestants were buried in one funeral and all the Catholics were buried in one funeral. The coal company gave a lot for everybody. My brothers were buried in what they called a double grave--but they were separate graves.

There were no mass graves. The company looked after that. And my mother got ten dollars a month for each boy's life--that was the compensation. And this Sinclair I told you about he had a nephew who didn't stay home. You know, they were hard times then, especially if they were large families--and this nephew didn't stay home from work that day after Mr. Sinclair died--and he went to work and was killed in that explosion. His name was John Sinclair too. They were buried the same day.



Henry W MacKay: I don't think there are any other people living who were in it-- not that I know of. That was 1917; I was 14. Was working in the mines, working in No. 12, working driver.

They had horses underground. The horse had shafts on, a bow on the back of them and there was a shackle on that--and you had to hook that on the box with a bolt. From the landing inward the men were loading coal--some places a mile, two miles, three miles in. You'd go in with the empty boxes. They loaded them and you'd bring them back. (And you were only 14?) Well, when I started was only 10 years and 9 months old. That time the First War was on and there weren't enough en. (So there were a lot of young people in the mine then?) Oh, yes, a lot of us started when we were about 10.

(This explosion happened July 25, 1917. Had there been any trouble in the mine before that?) Oh, there was gas. You know, the war was on then and the company was after coal as easy as they could get it.

You know what I mean. They weren't looking after the mine. There was gas. They should have been keeping the air course open. So the air could go down. Well, they weren't looking after that--it used to fall in, block off the air.

(They didn't take care of the air?) Oh no, they were after coal as cheap as they could get it. They had a mine--No. 15 mine--they took all the handy coal out. They didn't drive ahead. Then when all the handy coal was gone, they had to close the mine. The war was on and everybody was after coal and there were hardly any men--they were all gone. And miners couldn't change conditions. They had a union but it wasn't old enough. It was, only new.

(And you went to work knowing the mine wasn't good?) The older ones, knew. I didn't realize. I was only a kid then. We went down one morning and there was 800 feet of gas, from the face out. Well, we had to come home. That was in our section. We had to come home. Well, they turned on the fans and they blew out all that gas. Then we came down next morning. My father was killed in the explosion. That's my father that's on the monument. John D. Mackay. He was blamed for firing the shot that set the explosion off—not through his fault. But the men who found him said it was impossible for him to fire a shot because he had his battery cable on his shoulder. But when you fire a shot you hook the two wires together--and that cable is 150 feet long or 200 feet long, to bring out. Well, after you fired the shot you coiled that cable up again to carry it to the next place. Well, he was found with his cable all wound, he had it on his shoulder. If he had fired that shot - wouldn't have had time to gather up his cable.

(So he didn't fire that shot?) Well that's what we say. But it came out at the trial that he fired the shot, but not through his fault. All he had when they found him was a couple of burns on him. There were other men with him there too--but they only had burns on them. But No. 7 landing--all the fellows they found on 7 landing had their heads off and their arms off and all tangled, all torn to pieces. The explosion must have happened on 7, not 6. But they said my father set off the explosion. Must have happened on 7, not 6. Now my father worked on 6 landing, those fellows that were all

torn up were on 7 landing.

I was on 8 landing, I was down further. When the explosion happened I had the horse standing with his head facing out, I was back. The shafts were made with a bow at the back--and I had a hold of the back of the shafts up over my shoulder, hooking the straps on the back on his hips, hooking the straps there--and when I get them hooked I come to the front and I lift the shafts up and I hook on the chains. Well, when I had the shafts up over my shoulder there was a breeze of wind came out off the level--oh, it was carrying everything. Lumps of coal were going with it and dust, you couldn't see anything. And pieces of wood flying. It knocked me and the horse down. But I never thought it was an explosion.

I could hear like a long distance off, I heard like a shot going off and everything shook, you know? But I never thought an explosion. I was only a kid. I got up out of there. I got the harness back on the horse and got the shafts on him. By this time the wind had all died down. And I hooked on 10 empty boxes and went in where the loaders were. I left the 10 empties there and there were 10 boxes of coal there standing. I hooked on them and went back out again--about a mile, I guess.

When I got back out the overman was there. He said, "Listen, boy, there's an explosion. How about going back in after those loaders?" There were four. So I took one box in and I got the loaders, told them there was an explosion. They got in the box with me and we started back. Got out the landing. Well, they were all excited. They jumped out of the box and took off. I took the shafts off of the horse. Started to walk I didn't go too far when I got in the dark. I was in the dark from No 7 up to No. 2 - -the stables were on 2.

(You walked all that in the dark?) Of course I had a hold-of the horse's tail--he'd hold you up. So, got up to the stables at 2. The rakes were there then, with the draegermen on. The draegermen had canaries in cages and had their masks on--and they wouldn't go down where I came up through, through the smoke.

It was okay from 8 up to No. 4 landing--each one of those landings was 800 feet apart--when I got to 4 the smoke was coming out of 4, going up. So I had to walk from No. 4 to 2 in that smoke. Oh, my throat was that dry it cracking. I

got on the rakes at 2. Well, I was out in no time. When I got up, there were thousands of people around. Big ropes around--they had everything all fenced off. And I was as shy as the devil then. I saw that crowd of people--and there was a small building there and I went over in back of that building and I laid down there and blacked out. It was in the summertime. Aw, hot morning. I was shy and all those people--my clothes were all wet and everything. I don't know if I fell asleep or I was gassed--but I wasn't too good for about three months after. Anyhow, somebody found me and took me home. I don't know who took me home.

I thought there'd be nobody killed, being as I made it. But when they took my father home at 2 o'clock in the morning, my mother woke me up. Told me that my father was dead.

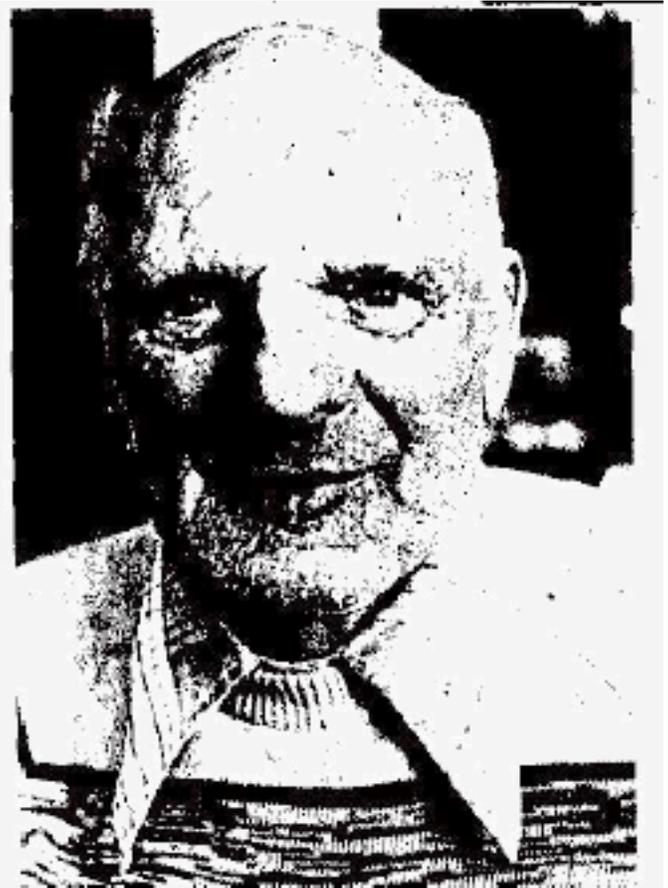
I went to the funeral. All horse and wagons. Some were buried in New Victoria, some were buried down at the old graveyard, way down at the shore. Half of it is all gone now, over the bank, washed away. My father is gone, long ago.

(After the explosion, did people blame your father?) No, no, no. The men that were in the mines at that time, they knew, but the younger generation now, they don't. Even here in Waterford, I don't know how well it's remembered. See, there were some men, they were always company men. Everything that went on, anything around the U.M.W. meeting--the manager had it in the morning. Now, there was one overman, he was on No. 6 landing--and there were 6 drivers on that landing. And there were only enough empties on that - landing for 5 men. Well, the first driver in the morning was the first driver out in the evening Well, of 6 drivers there were four of them gone in. There were only enough empties for one driver and there were two drivers there--and they were arguing over who should have the boxes. The overman's son was in one of them, the overman came in, "What's the argument about?" One fellow said, "It's my turn to go with the boxes." But the overman said to his boy, "You go." Well, his son was in there and killed in the explosion--the other fellow got away. But that overman swore on the stand--I wasn't there but I heard the Men talking about it afterward-- he swore he told my father the day before the explosion that there

was gas there. My father was off sick for 3 months. That was his first day back. So how could he tell him the day before that there was gas, when he was not there?

(But the company was blamed for the explosion?) oh, yeah. It was their fault. They never had brattices (heavy cloth partitions to control ventilation), they never had nothing. The war was on and they wanted coal wherever they could get it. The air course should be clear like the floor here. But the roof of it would fall and it'd be high in places. Well, the air had to come down and go up over these falls and come back down and go up over the next one. They weren't looking after it. But after the explosion they had to clear out that air course.

(Did you go back in the mines?) No, mother wouldn't allow me to go back. I got a job on the surface after that. And I worked there 52 years. I'm 75 now. I was born January the 23rd, 1903.



Con Hogan. Before the explosion, they

weren't worried that something might happen. They were too sure of themselves, see? They thought anything was going to happen, they'd know before the term, before it'd come. They were too sure of them- selves. They'd go into a place in the pit and maybe that place wasn't secured-- they'd just go right in, didn't matter if the men got killed or not. It wasn't the company--it was the fellows was running it, the officials. As long as they got the pound of coal that's all they gave a damn about.

(But these were people's lives.)
Yes, I know. Still, it's a fact.

(The day of the explosion.) We went down and started working the same as we always did. All of a sudden everything got right quiet and right hot. I was on 7 west. The explosion was on 6 west and 7 west. We heard the bang, just like a big bump. And she let go with a bang. Well, she fired everything as far as she could fire. I was fired right through the trap door, the trap door on the level. I was trapping that door. I didn't know any more till they got me to the surface. I was still in a daze. My legs were broken. My head was broken. I've got a plate in there. I had both eyelids out right off, my whole face just hanging right down. So they put me in the hospital. I was drove through a big wooden door about two boards thick--drove right through that.

(Mr. Hogan was a year in the hospital. According to him, his name was actually on the memorial monument in New Waterford at one time as one of the dead; later, it was refinished and his name was removed.)

From the Newspapers of the Day:

Sydney Daily Post July 26, 1917:

YESTERDAY'S

EXPLOSION IN NO. 12 MINE

MOST DISASTROUS

IN CAPE BRETON MINING ANNALS

The worst explosion in the history of the Cape Breton coal fields occurred at 7.30 yesterday morning in No. 12 colliery of the New Waterford district. An official estimate places the number of dead at 62. These include 30 native miners, 22 Newfoundlanders and 10 foreigners. About 270 men were in the mine at the time, and colliery officials express surprise that the loss of life was not greater.

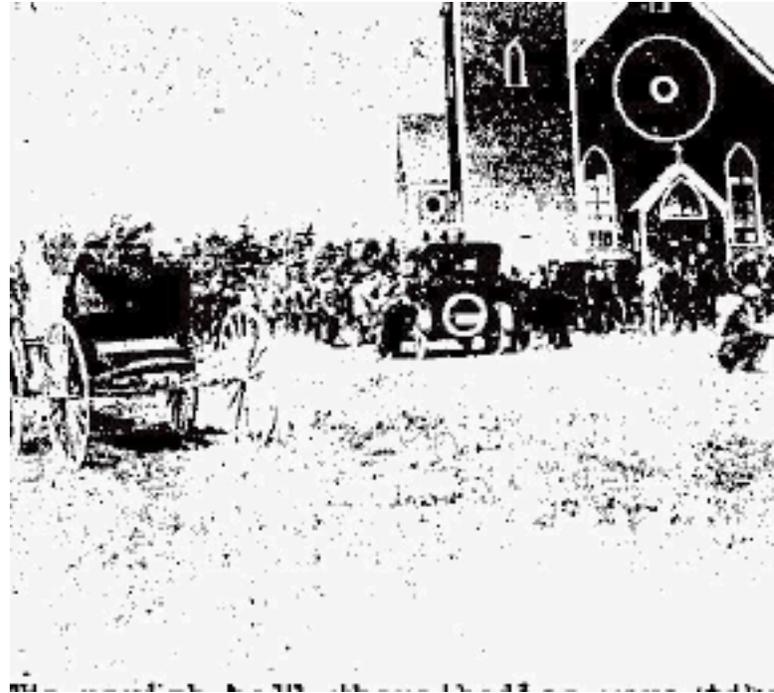
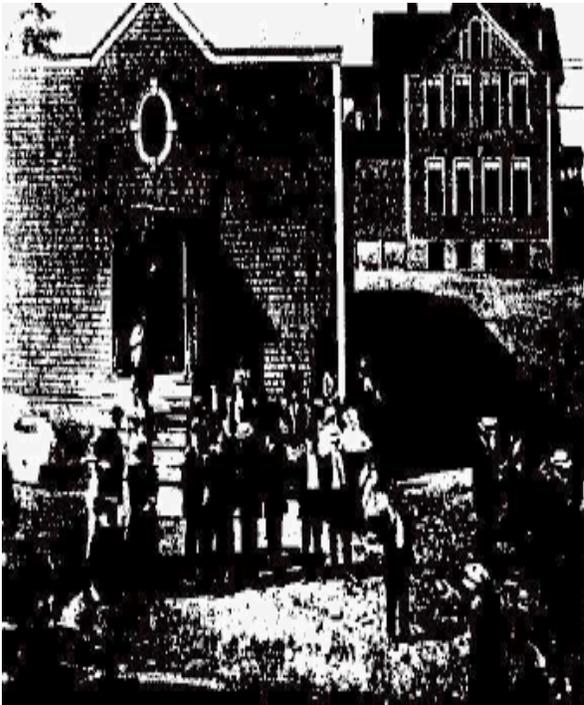
The explosion occurred between No. 6 and No. 7 landings, about 2,100 feet down the slope, but as to how it happened officials profess to be unable to say. That it was not due to negligence seems to be generally accepted.

The horror of the disaster seems to have aroused the entire countryside, and all day, in teams, in autos and on foot, crowds of the morbidly inquisitive or vitally interested made their way to the scene. Arriving there, little was to be seen. The panic of the early morning was over. The yard had been cleared early, the police were patrolling and under the strict orders issued by the officials of the company it was impossible to get through the lines.

Outside, however, the crowd had grouped themselves, discussing the disaster in low tones, and watching with worried, strained faces the wagons, ambulances and teams as they passed to and fro from the pit head. Sometimes one of the drivers would be stopped and an anxious query put to him. Instantly a crowd gathered to hear the reply, usually no different from the other replies, for the result of the disaster was known about two o'clock in the afternoon. The rescue party worked unceasingly and no greater deeds of heroism have or will ever be written than some that were enacted at New Waterford yesterday.

Two young men just beginning life, gave it up with all its bright prospects, to save

the lives of their fellow workmen. One, Phillip Nicholson, a lad of seventeen, entered the gas-poisoned mine and succeeded in saving three men. John McKenzie, the same age, saved two. Both lads died as the result of gas poisoning, but no finer sacrifice has even been made, not even on the fields of France, than made by these boys. Another rescuer, William Cook, went into the mine nine times, each time bringing up some of the dead or injured men, and assisting in the cleaning out of the blocked passage way. Indefatigably he worked until about noon when he became exhausted and was overcome by the gas. He was taken to the hospital, and in his delirium he raved about the men whom he could not save.



As the rescuers worked their way in they came upon bodies which were totally dismembered by the force of the explosion. In another place nearly a dozen were lying, quite still, evidently from fire damp, then came groups of twos and threes and here and there a lonely one. The gruesome scenes at the bottom of shaft where the bodies were brought cannot be described.

They were not brought to the surface until after midnight, when they were placed in caskets and those whose hones were in the vicinity were sent to their waiting relatives. Many of them were strangers here and will be cared for by the company.

July 27, 1917 Joseph Liechmann, by a miracle, was alive even after thirty-six hours in the mine. The story of his escape as related by the rescuers is that the boy always worked with his father. The two were working at No. 7 landing and when the explosion came the father was killed. The force of the concussion, however, blew out a stop near where the boy was sitting, and some instinct, which many men may lack, warned him to remain where he was. Had he attempted to climb out he would probably have been killed or overcome with the gas. He is now in the Glace Bay hospital, and doing well.

The warehouse has been turned into a morgue and here the work of identification and embalming is done. The scene last night was a gruesome one. Everywhere were huddled quiet figures lying while whitefaced and weeping women walked about looking for relatives. Perhaps it was fellow workmen or companions who with faces drawn with the horror of the scenes through which they had just gone were endeavoring to help the work of identification.

E. McKay Forbes, assisted by Neil H. McArthur, D. H. McLean, Dan Nicholson and George Munn, was in charge of the work at the morgue. Each body as it was identified was ticketed, and the clothing put in bags with a number to correspond. After the bodies had been embalmed and put in the coffins they were removed to St. Anthony's School.

Very few people were about the mine last night as the bodies of most of those who belonged in the district had been recovered and sent to their homes. The workers only, and a few curious ones, remained. Through the town a few houses with blinds drawn and the crepe on the door, spoke vividly of the disaster and this morning, twenty-one funerals will take place from the Catholic church. At Scotchtown, at three this afternoon, five more will be buried from the little Protestant church there. At six o'clock yesterday afternoon a special train left Waterford for Sydney, with eighteen coffins containing the bodies of the men from Newfoundland, which were sent home on the (steamer) Kyle last night.

July 28, 1917: The funeral services were completed yesterday afternoon, when a Greek orthodox ceremony and a combined Protestant service, for Salvationists. Presbyterian and Methodists were held in the Presbyterian church at Scotchtown. The orthodox service was sung In Russian by a male choir.

At the Catholic church in the morning a small inkling could be seen of the cosmopolitan population of the mining town when the relatives of the deceased men entered the church. First the Italian women, with black mantilla lace; then the Russian, with their burning candles, the Belgians

with snowy kerchiefs and colored shawls; English, Scottish and Irish, and even the Jewish element was represented in the congregation, all, honoring the dead. A pathetic incident was the burial of the foreigners who had no relatives here at all. All were buried in one grave and around it the people gathered, not curiously, but as if to take away the lonely feeling.

July 31, 1917: INQUEST AT DOMINION NO. 12 BEGUN YESTERDAY

The inquest into the death of the victims of the Waterford disaster opened in the theatre yesterday afternoon at 3 p.m. Coroner Dr. Hartigan presiding.

Both Drs. McC Calder and Morrison testified that death was due to gas. Out of the 67 victims who came under medical examination all died from the effects of gas, according to the evidence given by medical doctors. Frank Burke, a deputy, was called and sworn. He stated that his section extended from Nos. 2 to 6 west side of the colliery. He visited the mine on the morning of the explosion and found gas in several cross cuts and reported the conditions in his regular report book. He considered the mine in its usually safe condition. There was gas, but no more than was usual in coal mines. He considered that the facilities for providing the mine with air were good, but the arrangements for the direction of the air were bad. Proper air service was the only effective way to rid the mine of gas. He felt that more brattices should be used with a view to shutting off the gas.

John Flynn, examiner, testified that he had been an employee of the mine for the past ten years or more. Made his report prior to the explosion and found gas in some of the rooms and cross outs. Felt that the gas conditions could be easily remedied by proper air regulation. He stated that passages were sufficient but the direction was inadequate.

The first witness to be called was Gus Brown, chainman He testified that he had not been in the mine on the day of the explosion. He was taking a week off. The air in the mine had been bad for a couple of weeks previous to

this. He was taking a week off on account of the bad air. On Wednesday the 18th he had had to leave the mine for the surface on account of bad air. He had reported the air as being bad to James Campbell, overman. It was very bad on Thursday. The air came in the low level and went out at the high. He had met gas travelling against air in No. 8 west.

When the mining inspector visited the mine four or six weeks ago there had been gas in places. Witness had met 30 or 40 feet of gas at different times. He had not called the mining inspectors attention to these factsWitness had worked in other parts of the mine and had found gas. In his opinion it was a 'gassy" mine. For the past year and a half he had always found gas.

The witness was closely examined as to the use of brattices and whether they had been refused when he applied for same. He said that upon some occasions he found it hard to get a direct answer from those in authority as to whether brattices should be used or not.

Duncan O'Handley was the next witness sworn. He said that he had had 40 years experience in mines. He had been eight years in No. 12. Had been ventilation boss for 6 years. In his opinion the mine was well ventilated. He had charge of ventilation of the whole mine. Sometimes they ran short of brattices for some days, but there had been no skimping of supply. Witness was closely examined in regard to an occasion upon which a miner named Wareham had reported gas in dangerous quantities and had induced some men to leave their work on account of it. Witness admitted that the men were experienced miners but said that he had not found the gas as reported and had sent the men back to work. He did not believe that Wareham knew anything about gas. Witness could not say whether any changes in the system of ventilation would have made the mine less dangerous.

It was a mine with lots of gas. He was not required to make a report of his daily work. He had never tested air in mine except with lamp The witness was also examined at great length as to the use of

brattices in removing danger of gas. He did not think it was possible that air courses were blocked. So far as he knew there was no place where a man had to crawl through air course, as one member of the jury claimed. There was lots of air going into the mine and the air in the mine was always good while he was on the job. It was only a matter of a few hours for air to get bad.

The third witness was Dan Cameron, pipe fitter. He was going into No. 8 level when explosion occurred. Had found gas for a week previous He had not reported this gas to underground manager. Had often heard men say that brattice should be used in places where it was not used.... In his opinion some rooms were too long--too far from the air.

John Cameron, machine runner in No.-7-east, said that the ventilation in the mine was bad in his opinion. Had had to go home on account of bad air on occasions. His lamp gave very poor light sometimes. Had found gas in all parts of the mines. Had left the compressed air on a little all night to clear gas. Had been instructed to do this. Had asked for brattice upon occasions and had been refused upon one occasion. O'Handley had refused brattice saying it was no good to use it. He had finally got it and used it.

August 4, 1917: (Mine manager--Dominion Coal Company official--Angus MacDonald, at coroner's inquest, said that he) had not been instructed to keep down expenses of mine. He thought the mining laws were perfect as to examination of deputies. Brattice had never been refused any man to his knowledge. Witness did not think that better lights would have been of much help in saving men's lives--"self-lighters" as these lights were called. The mine was not a gassy one, no more gas than in other mines.

Pat Walsh, overman at 2-6 west, was the next witness. Was in party which found the shot-firer Moxay's body. Battery was 15 ft. from body in No. 3 room on high side. End of cable 8 inches from battery. Lamp about two feet away. Examined shot and thought it had been fired.

(R. V. McNeil, underground manager, said that) according to mining law cross cuts should be 75 feet apart. A blind cross cut would accumulate gas. It was hard to get the men to make cross cuts. They got 7 cents extra a ton but coal was hard to shovel. The company had never questioned the cost of making cross cuts. Gus Brown had said that he wanted a vacation at Mira That was the reason he took a week off. The air courses were all right.

There had been so much evidence given of a conflicting nature that the coroner, jury and counsel present were very anxious to have Mr. McIntosh's (Deputy Inspector of mines) evidence. As the official examiner of the mine they were anxious to have his evidence in regard to the ventilation and the amount of gas in the mine. Some witnesses had sworn that the air in the mine was good, and others had claimed that they could hardly breathe and, that they had to leave for the surface on account of bad air. There had also been a great deal of conflicting evidence as to whether gas in dangerous quantities was ever present in the mine.

VERDICT OF THE CORONER'S JURY

After two hours' deliberation the coroner's jury, inquiring into the death of the men at No. 12 colliery, New Waterford, brought in the following verdict: "We, the jury empanelled to enquire into the death of the men killed in the explosion in Dominion No. 12 on July 25, 1917, agree that the 65 men, more or less, came to their death at Dominion No. 12 through an explosion caused by ignition by some seams of which we are not sure and have come to the conclusion that the gross irregularity of mining as followed in this mine has been largely responsible for the retention of this gas, thereby causing an explosion resulting in the death of these men, and find the officials guilty of gross neglect.

'Further, we submit that the action of Deputy Inspector McIntosh in not giving evidence, is a wrong position for him to take, and would call the attention of the minister of mines to his action. 'We further recommend the following; "That the inspector and deputy inspector of mines be recognized as

eligible witnesses at a coroner's inquest and further recommend a thorough investigation into this explosion which took place on July 25, 1917."

August 11, 1917: (Meanwhile, a commission of the provincial Department of Mines had begun an investigation. They visited the mines and heard further, conflicting evidence. This time Michael MacIntosh, deputy inspector of mines for Waterford district, gave evidence. He said that) he made his last official visit to No. 12 mine on July 24th, the day preceding the accident. He went down to No. 1 balance on No. 1 eight west and was sick and unable to complete his examination. While in the mine did not observe any dangerous quantity of gas or find any defective ventilation. He could not say, however, that the mine on that occasion was safe' and in a workable condition owing to his not finishing examination through illness.

(While the report that came out of this commission made recommendations for the future, it was a rather bland brief document that laid no blame in the New Waterford Explosion. This omission left the blame with the shotfire, who was dead and could offer no defence. The report did not speak to company responsibility regarding gas and proper ventilation in the mines. The union representing the miners was not satisfied with the commission's report and put in a minority report. The indictment and trials of the Dominion Coal Company and three of its officials grew out of this minority report.)

Sydney Daily Post October 30, 1918; The indictment was very long and very technically worded. The company is charged with negligence of duty and disregard of mining laws in their mining operations thereby causing the death of 65 of their employees. The charge is "causing grievous bodily harm," and, as Mr. E. MacKay Forbes in opening explained, the reason for this is that a corporation cannot be charged with murder or other such crime as there is no way of exacting a penalty. As a corporation they can be punished, and for this reason they were charged under the clause of the criminal code relating to "grievous bodily harm." Mr. M. Forbes emphasized the seriousness of the crime and the wide interest

to the community. The case is the first of the kind to be tried in the courts in the province. The action was not taken to avenge the death of the men, he said, but to safeguard as far as possible, the future.

(According to Paul MacEwan's book, *Miners and Steelworkers* the case was tried before Mr. Justice Mellish, a new Supreme Court Judge, "appointed to the bench only shortly before the criminal trial of Dominion Coal; before that he had been a member of the law firm acting as the company's chief solicitors, and had personally prepared the defence for the company and its three officials. In conversation Mr. MacEwan said that while he has no documentary evidence, that this was a repeated charge at the time, and was offered as a fact by J. S. Woodsworth (a Labour MP and later national C.C.F. leader), in a speech in the House of Commons in 1924.

It came up because in that year Mellish turned out to be the judge who sentenced labour leader J. B. MacLachlan to two years for seditious libel. Whether Mellish was biased or not in the trial of Dominion Coal and its officials has yet to be proved, but)

Halifax Herald, November 1, 1918, JUDGE MELLISH ASKS THAT CASE BE WITHDRAWN

The examination of witnesses in the case against the Dominion Coal Company was completed yesterday with Judge Mellish, and after the last witness left the stand, he asked that the case be withdrawn from the jury as he did not think there was sufficient evidence to warrant their considering it.

Mr. Carroll strongly objected to this and His Worship agreed that when the court opened this morning the points of the cases which Mr. Carroll wished the jury to consider would be taken up and discussed and if he could convince himself of an error in judgement he would reconsider. If this case does not go to the jury, the charges against the manager of the mine' will not be presented at all, as there would be no standing for them.

(The case did not go to the jury According to the Minute Book in the County Court

House, Sydney, on November 1st the judge instructed the jury to bring in a verdict of not guilty in the case of Dominion Coal Company.) ...And after hearing- the-prosecuting attorney, the jury returned a verdict of not guilty without leaving the box.

(on the same day, MacLeod MacIntosh, under indictment for manslaughter for having 'unlawfully permitted, without lawful excuse the colliery to be operated in an improper. Illegal, and negligent manner, on account of which large quantities of explosive gas accumulated causing a violent explosion From the Minute Book:) The prosecuting officer stated that he had no evidence to submit except that given in the case against Dominion Coal Company which had been dismissed. His Lordship directed to bring in a verdict without leaving the box, Jury returned a verdict of not guilty.

(In the case of Angus R. MacDonald (manager) indicted for manslaughter for operating the colliery without a proper system of brattice to prevent "accumulation of explosive gas in the rooms, crosscuts, landings, levels and working faces.. • thereby causing the death of Nelson Milley and others" Minute Book:) His Lordship instructed the jury that there was nothing ---to submit in the case and a verdict of not guilty--returned without leaving box.

(And in the case of Alexander MacEachern, the company's New Waterford district superintendent, the indictment stated that he had "unlawfully omitted, without legal excuse to... superintend said colliery." Minute Book;) Prosecuting officer had no evidence to submit. His Lordship directed the jury, to they without leaving the box returned a verdict of not guilty.

(The monument to the dead miners was erected in New Waterford. The man at the top is said to be the shottfire John D. MacKay. The names and ages of those 65 men and boys are engraved on the monument.

Gaetoh Angelo, 24
Joseph L. Butts, 37.
George W. Butts, 18
George Butt, 26
Richard Butts, 37
Frank Bauciech, 52
Isaac Boone, 38
Peter Colman, 43
Lawrence Cameron, 18
Thomas Crominey, 46
Matthew Cherry, 44
John Curry. 45
Michael Curry, 26
Archibald Cameron, 38
Charles Curry, 50
Henry Comhair, 19
Boa Constantine, 22
George Delaney, 26
Thomas Durham, 42
George Demokes, 24
Charles Ferguson, 22
Timothy Fahey, 40
Joseph Fedorvitch, 27
George Fraser, 19
Arthur Gadd, 15
William Gadd, 29
James Gillis, 18
Eugene Killoway, 46
Arthur Killoway, 41
Paul Kleizer, 23
Thomas Milley, 55
Thomas Murphy, 21
Nelson Milley, 17
- Joseph Martin, 28
George W. Matthews,
38 Richard Miller, 19
Thomas McDonald, 18
Frank McLean, 19
Paul McIntyre, 21
Vincent Mcpherson, 17
*John H. McKenzie, 21
Andrew McLellan, 43
John D. McKay, 45
Lauchlin McNeil, 33
Rod McEachren, 20
John McLeod, 21
*Philip Nicholson, 18
John Newman, 17

Michael O'Leary, 37
Geo. E. Parsons, 28
William J. Peach, 27
William T. Parsons, 28
Reuben Penny, 27
*Carl Pietchieck, 17
Silas Reynolds 50
James H. Rose, 37
William Snow, 6
Weisel Schimo, 23
Mask Skarum, 23
St. Clair, 17
John J. Steele, 16
Herman Tiechman, 45
John H. Whalen, 36
Wyerbich Wadystan, 30
Joseph Walsh, 18
*Lost his life in rescue work

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