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sion 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 means 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. 12 mine on July 24th 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 Cape Breton Scenes
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