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as a fact by J. S. Woodsworth (a Labour M.P. 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. MacLaohlan 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Coal and its officials has yet to be proved, but:) Halifax Herald, November 1, 1918: JUDGE MELLISH ASKS THAT CASE BE WITHDRAWN The examination of witnesses in the case against the Dominion Coal Company was completed yesterday with Judge Mellish, and after the last witness left the stand, he asked that the case be withdrawn from the jury as he did not think there was sufficient evidence to warrant their considering it.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 case 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 it. 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 and they without leaving the box returned a verdict of not guilty. (The monument to the dead miners was erected said to be the shotfire, John D. MacKay. The in New Waterford. The man at the top are engraved on the monument:) Gaeton 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, Z(> Archibald Csimeron, 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, Z' George Fraser, 19 Arthur Gadd, 15 William Gadd, 31 James Gillis, 18 Eugene Killoway, 46 Arthur Killoway, 41 Paul Kleizer, 23 Thomas Milley, 55 Thomas Murphy, 21 Nelson Milley, 1? Joseph Martin, 28 George W. Matthews, Richard Miller, 19 Thomas McDonald, 18 Frank McLean, 19 Paul McIntyre, 21 Vincent McPherson, 17 John H. McKenzie, 21 Andrew McLeilan, 43 John D. McKay, 45 Lauchlin McNeil, 33 Rod McEachren, 20 29 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, S5> Weisel Schimo, 23 Mask Skarum, 23 St. Clair, 17 John J. Steele, 16 Herman Tiechman, 45 John R. Whalen, 36 Wyercbich Wadystan, 30 Joseph Walsh, 18 Lost his life in rescue work For their help in preparing this article, our thanks to Whilena Brewer MacAskill, Who first told us details of the New Waterford Explosion and shared her copies of R. H. MacLean's on-the-spot photographs; to the Sxaff of the Winers' Museum, Glace Associate Archivist Phyllis R. felakeley. Public Archives of N.S. suid Shirley" "" "?? ?? " " ?? ?? ' ??" lacDonald. DEVCOALt and Mr. A. D. Muggah. B.felliott. Legislative Librarian; Theresa Prothonotary (retired).