

## Minto 1932: The Origins and Significance of a New Brunswick Labour Landmark

David Frank

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### Article abstract

This study considers the significance of the the death of three children and two adults in a local mine shaft in Minto, New Brunswick, on 28 July 1932 and of the act of commemoration 50 years later. It examines the impact of the disaster on individuals, families and the community as well as its influence on the adoption of mine safety laws and the administration of workers' compensation. A relatively obscure episode in the larger history of casualties of the industrial revolution, this event contributed to the recognition of New Brunswick workers and their place in provincial society.

# Minto 1932: The Origins and Significance of a New Brunswick Labour Landmark

DAVID FRANK

*Cette étude s'intéresse à l'importance qu'a revêtue la mort de trois enfants et de deux adultes survenue le 28 juillet 1932 dans un puits de mine à Minto, au Nouveau-Brunswick, et au geste de commémoration dont elle fut l'objet 50 ans plus tard. Elle examine l'impact du désastre sur les individus, les familles et la communauté, ainsi que son influence sur l'adoption de lois concernant la sécurité dans les mines et sur la gestion de l'indemnisation des accidentés du travail. Cet événement, épisode relativement obscur dans l'histoire plus large des pertes de vies humaines lors de la révolution industrielle, contribua à la reconnaissance des travailleurs du Nouveau-Brunswick et de leur place dans la société provinciale.*

*This study considers the significance of the the death of three children and two adults in a local mine shaft in Minto, New Brunswick, on 28 July 1932 and of the act of commemoration 50 years later. It examines the impact of the disaster on individuals, families and the community as well as its influence on the adoption of mine safety laws and the administration of workers' compensation. A relatively obscure episode in the larger history of casualties of the industrial revolution, this event contributed to the recognition of New Brunswick workers and their place in provincial society.*

IT IS A MODEST PLAQUE mounted on a large stone outside the old train station in Minto, New Brunswick. A few feet away, another memorial, placed there by the Historic Sites and Monuments Board of Canada in 1930, draws attention to the early origins of the coal trade in the Grand Lake area. However, we are more interested in the memorial plaque that is dated 1982 and was placed there by the Minto Bi-Centennial Committee. Because it recalls the social and human costs of the coal industry, this is an example of what Archie Green and other “labour-lore” researchers refer to as a “labour landmark”.<sup>1</sup> Here the theme is the death of three children and two men that took place in an abandoned mine shaft on 28 July 1932. Over the course of half a century the event had not been forgotten: in her 1981 book of local history, Marjorie Taylor-Morell described the story as “Minto’s greatest tragedy”.<sup>2</sup> As an act

1 Archie Green, “Labor Landmarks Past and Present”, *Labor’s Heritage*, 6, 4 (Spring 1995), pp. 26-53 and, in the same volume, “What is a Landmark? Inventory of American Labor Landmarks & National Park Service Theme Study of Labor Landmarks”, pp. 54-63. For a Canadian project, see Ed Thomas, *Dead But Not Forgotten: Monuments to Workers* ([Hamilton], 2001) and, more generally, Craig Heron, “The Labour Historian and Public History”, *Labour/Le Travail*, 45 (Spring 2000), pp. 171-97.

2 Marjorie Taylor-Morell, *Of Mines and Men* (Minto, 1981), pp. 106-10.

of commemoration by local citizens, this plaque has helped to reserve a place in the provincial memory for a relatively unknown but significant event in the history of New Brunswick workers.<sup>3</sup>

We live at a variety of distances from the past, some chronological and others more personal, social and historical. Our main responsibilities towards the past are in the first place to remember and, if possible, to understand. In this process the past engages us in a form of moral and social reckoning.<sup>4</sup> In Canada several thousand men have perished in the coal mines over the past century. From Cape Breton Island in the east to Vancouver Island in the west these fatalities are remembered as casualties of the industrial revolution. Most of them died in the course of their daily work, alone or in small groups, although some of the larger disasters, such as those at Hillcrest, Alberta and Springhill, Nova Scotia and most recently at Westray, have received considerable attention.<sup>5</sup> Large or small, each such event has its place in local memory as well as its own historical significance. From a theoretical perspective, workplace disasters may be regarded as an extreme demonstration of the corporeal working-class body as a site of exploitation, and the working-class responses to such events demonstrate the “embodied negotiation” of class relations – in this case in a situation that implicated not only male workers but also the children and women of the mining community.<sup>6</sup> Yet historians almost always place a premium on historical specificity and have long practised a kind of micro-history in which individual and local experiences are placed in meaningful larger contexts. In this case, a small memorial points the historian towards the larger meaning of local events. Behind the succinct statement on the plaque itself, there is an historical narrative that calls for elaboration.<sup>7</sup> That narrative

- 3 This study was undertaken as part of the “Labour Landmarks” theme in the Community-University Research Alliance funded by the Social Sciences and Humanities Research Council of Canada under the title “Re-Connecting with the History of Labour in New Brunswick: Historical Perspectives on Contemporary Issues”. For background, see the project website, [www.lhtnb.ca](http://www.lhtnb.ca) as well as David Frank, “Re-Connecting with History: A Community-University Research Alliance on the History of Labor in New Brunswick”, *Labor: Studies in Working-Class History of the Americas*, 3, 1 (Spring 2006), pp. 49-57. The author is grateful for the assistance of our project officer, Carol Ferguson, and research assistants Josh Dickison, Candace Mooers and Todd Spencer. We are very grateful to Mary Lambropoulos of the Minto Public Library, who collaborated in organizing a Minto Labour History Workshop on 28 July 2005; the participation in the workshop by Marguerite Glenn Barton, Art Van Doorselaere, Minto Mayor Gary Di Paolo, United Mine Workers of America Local 7409 President Eric Barnett and other local residents was much appreciated.
- 4 See Mark Salber Phillips, “History, Memory, and Historical Distance” and Roger I. Simon, “The Pedagogical Insistence of Public Memory”, in Peter Seixas, ed., *Theorizing Historical Consciousness* (Toronto, 2004), pp. 86-102, 183-201.
- 5 For a brief note, see “Coal-Mine Disasters”, in Gerald Hallowell, ed., *The Oxford Companion to Canadian History* (Toronto, 2004), p. 135. For a compelling discussion of unresolved contemporary contradictions, see Eric Tucker, “The Road from Westray: A Predictable Path to Disaster?”, *Acadiensis*, XXVIII, 1 (Autumn 1998), pp. 132-9.
- 6 See, for instance, Kathleen Canning, “The Body as Method? Reflections on the Place of the Body in Gender History”, *Gender and History*, 11, 3 (November 1999), pp. 499-513 and David Harvey, *Spaces of Hope* (Berkeley and Los Angeles, 2000), chapters 6-7. For a useful Canadian discussion, see Lisa Phelps, “Body, Power, Desire: Mapping Canadian Body History”, *Journal of Canadian Studies*, 41, 1 (Winter 2007), pp. 126-50.
- 7 The text on the plaque reads as follows:  
In memory of Vernon Betts, 37, and Thomas Gallant, 48, who lost their lives in a vain attempt to rescue three children – Alan Gaudine, 9, Cyril Stack, 13, and his brother Vernon Stack, 10, when they

draws attention to the contexts of industry, workplace, household, labour activism and state regulation, themes that are important to all working-class communities but have a particular specificity for the people of this community in the decade of the 1930s.

### Shaft No. 10

We begin with Shaft No. 10, the abandoned workplace that was the site of the tragedy.<sup>8</sup> According to the Inspector of Mines, the mine shaft was about half a mile from the train station, about a quarter mile from the offices of the Miramichi Lumber Company and a few hundred feet west of the highway leading from Minto to the New England Settlement.<sup>9</sup> Shaft No. 10 was easily accessible to the local population, including the children who lived nearby, although by the time the plaque was unveiled in the 1980s, a reporter wrote, the area was largely overgrown: the site of the mine was “obscured by brush, but the slag heaps and the occasional dip in the land hint of catacombs beneath the surface”.<sup>10</sup>

The fact that these events took place in an abandoned mine should not create the impression that the provincial coal industry was in a state of decline at the time. In the early-20th century coal production in New Brunswick was expanding substantially. The output of 10,528 tons in 1899 had increased to 218,706 tons by 1929. Production remained relatively stable in 1932, a year when the mines produced 212,695 tons of coal (valued at \$794,168), but rose steeply again for the rest of the decade (reaching 468,421 tons in 1939). Employment in the province’s coal mines reached 1,025 men in 1933 and increased to 1,284 by 1939. The Minto mines supplied railways, mills and factories and, after 1931, a new thermal power plant at Grand Lake. In 1932 strip mining accounted for less than 2 per cent of the output. Virtually all of the production depended on the hard physical labour of several hundred coal miners working narrow seams in relatively shallow mines using traditional room and pillar methods of extraction. As a seam was worked out, it was the accepted practice to abandon one shaft and open a new one in order to continue to extract the coal with greatest efficiency. The operations at Shaft No. 12, for instance, were about 600 feet away from the surface of No. 10, and there were several other workings within close distance.<sup>11</sup>

In 1932 the Miramichi Lumber Company produced about 15 per cent of the

were overcome by fumes at the bottom of an abandoned mine shaft on this site, July 28, 1932.

Erected by the Minto Bi-Centennial Committee, July 1982.

8 Although the plaque refers to “an abandoned mine shaft on this site”, it should be noted that the memorial was originally situated on the grounds of the Minto Centennial Arena on an extension of Main Street that is closer to the actual location of the mine. The relocation to the present site has helped to maintain the prominence of the memorial.

9 The location was described by the Inspector of Mines in 1932 as being “about 700 feet westerly of the highway which leads north westerly from Minto Station at a point about half a mile from the station”. See W.E. McMullen to John McLeish, 29 May 1933, Mineral Resources Branch Records, RS 112, box 5, Provincial Archives of New Brunswick (PANB). In this letter McMullen cites his own report on the accident, although no copy of the original report appears to have survived.

10 *Daily Gleaner* (Fredericton), 13 June 1983.

11 For background, see Allen Seager, “Minto, New Brunswick: A Study in Class Relations Between the Wars”, *Labour/Le Travailleur*, 5 (Spring 1980), pp. 81-132 and Gwen L. Martin, *Gesner’s Dream: The Trials and Tribulations of Early Mining in New Brunswick* (Halifax, 2003), Chapter 10, pp. 187-201.

province's coal output and was one of the three largest coal companies in the province.<sup>12</sup> Despite the local signifier in the name, the Miramichi Lumber Company was a subsidiary of the New York-based International Paper Company, which owned several pulp and paper mills in Maine and New Brunswick and was aggressively expanding its presence in the region. The operations at Minto were managed for them by Alton D. Taylor, a land surveyor, civil engineer and local entrepreneur who has a reputation in local history as a public-spirited citizen and advocate of local development. Taylor was elected as a Conservative MLA for Sunbury County in 1925 and re-elected in 1930, partly on the promise to establish the thermal plant at Grand Lake.<sup>13</sup>

Shaft No. 10 itself had an opening of about 4.5 by 9 feet and a vertical drop of about 45 feet. The mine had not been worked since the 1925-26 season. The mouth of the mine was fenced in with boards and posts to a height of three or four feet, but the fence was in disrepair and did not prevent access. It was also still possible to climb down the middle of the shaft by means of what the province's Inspector of Mines later described as "a ladder like partition constructed of planks with spaces between".<sup>14</sup> When a coroner's jury took testimony from mine manager Taylor after the accident, he stated that it was not considered good practice to cover disused shafts because a wooden platform could prove unstable and also because a cover would stop the circulation of air to other underground workings. In response to questions, however, he also stated that by this time the shaft was no longer providing effective underground ventilation. A company employee had examined the mine the previous fall and found that the earth had caved in on the levels leading to other workings. The fencing at the surface, Taylor added, was constructed of boards and posts but was regularly interfered with by vandals who also carried away the "No Trespass" signs: "We have our men go around to these old holes once or twice a year and repair the fencing around them". As far as he was aware, there were no regulations regarding the fencing of the shafts. When one of the jury members, the local dentist Dr. G.R. Lawson, asked if the mine shaft was "protected so as to prevent the entrance of children", Taylor's reply was straightforward: "No, children could get into it".<sup>15</sup>

This is what three boys did shortly after 11:00 a.m. on 28 July 1932. It was a hot summer morning, and they had been picking blueberries. Did they go down to cool off or was it, as some accounts have it, to look at the daytime moon from the bottom of the dark pit? Curiosity and adventure are among the characteristic conditions of

12 "Report of the Department of Lands and Mines, 1932", *Journals of the House of Assembly of New Brunswick, 1933*, pp. 40-4.

13 Taylor-Morell, *Of Mines and Men*, pp. 71-6. In this account (by his daughter) Taylor approached International Paper with a proposal to take over his options on local leases and employ him as manager of coal operations at Minto. For background on International Paper in New Brunswick, see Bill Parenteau, "The Woods Transformed: The Emergence of the Pulp and Paper Industry in New Brunswick, 1918-1931", *Acadiensis*, XXII, 1 (Autumn 1992), pp. 5-43.

14 McMullen to McLeish, 29 May 1933, Mineral Resources Branch Records, RS 112, box 5, PANB.

15 Taylor's testimony at the inquest appears in the following: "Case on Appeal", pp. 8-17, Records of the Supreme Court of Canada, RG 125, vol. 651, file 6161, Library and Archives Canada (LAC). See also *Evening Times-Globe* (Saint John), 2 August 1932. The inquest was presided over by Coroner Alex Burnett of Oromocto because the Minto coroner W. Burton Wisely was the accountant for the Miramichi Lumber Company.

childhood, and it was not the first time children had entered the mine. An eight-year-old boy stated at the inquest that he had seen the same boys go down to the bottom of the same shaft and come back out the previous Sunday. A fourth boy in the group, seven-year-old Joseph O'Leary, also went down a few rungs on 28 July, but when he saw his three companions fall at the bottom or drop off the ladder one by one, he climbed back up and ran for help, calling out "They've fallen – they've fallen into the shaft" and "Help, help, go to Taylor's mine".<sup>16</sup>

The evidence points to low levels of oxygen and an accumulation of the colourless, odourless carbon dioxide that coal miners often refer to as "black damp". The death certificate completed by Dr. G.I. Nugent for each of the three boys indicated the cause of death as "Asphyxiation by Carbon Dioxide Gas". The deaths were not instantaneous. Under the heading for "duration", Dr. Nugent reported "one half hour" in the case of Alan Gaudine and "one hour"/"one hr" for Cyril Stack and Vernon Stack. On the strength of this opinion, it seems clear that the boys could have survived if they had been rescued without delay.<sup>17</sup>

There is no reliable record of casualties in the Grand Lake coal mines prior to 1933. There were certainly other serious accidents in the local mines in 1932, but none of these involved air quality. Inspector of Mines W.E. McMullen observed that gas was not normally a problem in the Minto mines: "The air in some of these workings has been found to be bad but nothing has been experienced wherein life was in danger. Where bad air is encountered it is usually very apparent by its deadening the open flame of the miner's lamp. We do not experience any explosive gases and consequently all work is done with an acetylene lamp". In the wake of the disaster, Inspector McMullen attempted to identify the gas that had caused five deaths. He conducted a preliminary test by dropping a burning rag soaked in gasoline down the shaft. It stopped burning within ten feet of the surface. In early August 1932 samples were collected from several local pits by Professor Francis J. Toole, a young chemistry instructor at the University of New Brunswick in Fredericton. However, by the time the samples reached Ottawa, the quantities were insufficient for analysis so Toole collected further samples in May 1933. According to the report from Ottawa very little methane or other inflammable gas was found, but results pointed to the potential for unacceptably low oxygen levels in the atmosphere: "The lowest oxygen percentage of the number submitted was less than 13 per cent. It is quite probable that the original air causing the fatalities was much lower in oxygen".<sup>18</sup>

16 *Evangeline* (Moncton), 2 août 1932; *Moncton Daily Times*, 2 August 1932; *Evening Times-Globe*, 29 July 1932. The younger brother of one of the boys, Philip Gaudine, recalls the day's events in Philip Gaudine, *From Minto to Avonmore and More: Memoirs of Rev. Philip B. Gaudine* (n.p., 2002), pp. 15-20.

17 The death certificates are located in Records of Vital Statistics, RS 141, C5, PANB. The certificates for Thomas Betts and Vernon Gallant, completed by Dr. Nugent and Dr. H.M. Gardiner respectively, gave the same cause of death. There was some water at the bottom of the shaft, perhaps as much as a foot, and there was at first some speculation the boys had drowned in the water. After hearing the doctors' evidence, the coroner's inquest attributed all five deaths to the inhalation of poisonous gases in the mine.

18 McMullen to McLeish, 29 May 1933 and McLeish to McMullen, 11 May 1934 (including the quoted Mines Branch report of 9 May 1934), RS 112, box 6, PANB. According to the chemist who performed the analysis, the acceptable minimum standard for human activity was 19 per cent; candles and

Following the accident, the company posted a guard and placed barbed wire around the mouth of the pit; it was reported that they were considering whether to protect the shaft more effectively or fill it in. Much of the testimony at the coroner's inquest focused on the question of abandoned mines, and Inspector McMullen confirmed that there were no explicit regulations on the matter. The jury recommended in favour of adequate protection for all ventilation shafts and also that all disused mine shafts should be filled in.<sup>19</sup> On the strength of this evidence and the fact that the boys had survived long enough to have been successfully rescued after their fall, it is difficult to escape the conclusion that this was a preventable calamity.

### Rescue

When we consider the rescue efforts of 28 July, there is ample evidence of local courage and resourcefulness at work in confronting the emergency. When the young O'Leary came running for help, the first to respond was Bartholomew Stack, the 18-year-old brother of two of the boys. He rushed to the site, went down the shaft – and collapsed at the bottom. Meanwhile, mine manager Taylor had received a phone call from O'Leary's mother. An assistant collected ropes and Taylor picked up additional men on the running boards of his car as they drove to the scene, although at first they mistakenly went to Shaft No. 11. Among the men with Taylor were Harry Tooke, a young miner, and the mine foreman Harry Bauer, who was on his way home for dinner when he received word of the accident.<sup>20</sup>

When they arrived at the scene, the mothers of the three boys were already there. The sun was high overhead, and the boys could be seen at the bottom the shaft. Bauer and Tooke immediately started down the ladder while other men prepared the ropes. Tooke fainted and fell from the ladder on the way down, but Bauer reached the bottom and called out that one of the boys was alive. By this time two more miners, Vernon Betts and Tom Gallant, had arrived from No. 12. Gallant was heard to say "I am going down and help Harry", and the two men started down the ladder together. When he reached the bottom, Gallant was overcome and collapsed. Betts was able to continue and helped Bauer put a rope around Tooke, who was subsequently hoisted to surface. Betts started back up but lost consciousness on the ladder. Ray Shirley attempted to rescue him by climbing down with a rope but could not reach him before he toppled from the ladder. Shirley himself began to fall before several men reached down and pulled him back to the surface. By this time Bauer was also lying unconscious at the bottom. All this had happened in a matter of minutes. In addition to the three children there were now five men incapacitated at the bottom of the shaft.

At this stage mine manager Taylor ran out a few hundred feet towards the road and called for men to come from the neighbouring operations. He also drove to the drugstore on the road and returned with gauze and spirits of ammonia. Meanwhile

kerosene lamps required at least 16 per cent oxygen, and when levels dropped to 7 or 8 per cent this would cause collapse and unconsciousness and 1 or 2 per cent would cause death. This is a diagnosis consistent with the presence of "black damp" – an atmospheric condition deficient in oxygen and high in nitrogen and carbon dioxide.

<sup>19</sup> *Daily Gleaner*, 2 August 1932; *Evening Times-Globe*, 2 August 1932.

<sup>20</sup> The account given here is a composite one based on the reports in Saint John, Fredericton and Moncton newspapers as well as testimony at the coroner's inquest.

Harry Bauer, Jr., usually known as “Chappie”, had gone down after his father and managed to put a rope around his body; both men were hoisted to the surface and the older man was seen to be in serious condition. Then another miner, Mathias Wuhr, went down the ladder with a rope but lost consciousness and was pulled back up. Dominic Gaudine, the father of one of the boys, also went down the ladder and collapsed at the bottom. When Wuhr was revived, he said he was ready to go down again. Taylor used the supplies he had obtained to improvise a makeshift mask soaked in ammonia. Wuhr was lowered down four times, and each time he tied a rope around one of the victims below before he was hauled up unconscious himself: Dominic Gaudine, Vernon Betts, Bart Stack and, finally, Alan Gaudine. Doctors restrained Wuhr from descending into the shaft again. Meanwhile, Alex Tooke went down twice and was able to put a rope on Gallant. The last to go down was Norman Brittain, who wore a gas mask which had just been delivered from Fredericton, although this piece of equipment proved ineffective and Brittain too was hauled up after collapsing at the bottom. The final body, the last of the children, was retrieved by throwing down a rope with a pipe and a loop on the end.

The rescue efforts continued until 2:30 p.m., about three hours after the children had entered the mine. Eleven men had gone down the shaft in successive attempts to rescue first the children and then each other. Each of them succumbed to the deficient atmosphere, several of them passing out within one or two minutes. As men were brought to the surface, the muddied bodies were placed on the grass in a shaded area a few yards away, some with lungs coughing and eyelids fluttering, others apparently lifeless. A “voluntary first aid corps”, including the two local doctors, took charge: “Men worked frantically over them, moving their arms this way and that in an effort to effect artificial respiration. Others massaged them – to start their blood circulating again”.<sup>21</sup>

In the end, nine of the rescuers survived their descent into the fatal pit, though several of them took weeks to recover from the ordeal. However, the three children, Alan Gaudine and Vernon and Cyril Stack, had been lost, and two of the rescuers, Vernon Betts and Tom Gallant, had also perished. It was obvious to the hundreds of people gathered at the surface that the death toll could have been much higher that day, and one reporter commented that the survivors realized that they had narrowly escaped a similar fate.<sup>22</sup> It is clear that there was very little rescue equipment on hand to meet the situation. Taylor and his assistants brought ropes, some of which had to be untangled before they could be used. Taylor had the presence of mind to go for spirits of ammonia, which he used to revive the determined Wuhr, and he also sent word for additional men and any available equipment. Dozens of volunteers stepped forward to haul on the lines that lowered rescuers and raised bodies from the shaft. One group of men dragged a heavy mechanical blower to the shaft in the hope of clearing gas from the mine. When word of the disaster reached the Department of Lands and Mines, staff members in Fredericton assembled a supply of masks and a pulmotor apparatus and started out for Minto, which must have taken close to an hour. When the coroner’s jury reported, it was obvious to them that, in a situation such as

<sup>21</sup> *Evening Times Globe*, 29 July 1932.

<sup>22</sup> *Evening Times Globe*, 29 July 1932.



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this, rescue efforts were not doomed to failure. At any mine, abandoned or working, rescue work would have been facilitated by the availability of rescue and resuscitation equipment at some point closer than the provincial capital. Among its other recommendations, the coroner's jury concluded that "safety appliances for use in all mining emergencies be necessary equipment for the district".<sup>23</sup>

There was some subsequent public recognition for the courage of the rescuers. Three men were singled out for distinction under the terms of the Carnegie Hero Fund Commission, which makes awards for actions of selfless heroism in saving the lives of others. Norman Brittain, Alexander Tooke and Mathias Wuhr each received the Carnegie Medal for Bravery, bronze medals in the case of Brittain and Tooke and a silver medal in the case of Wuhr. These were accompanied by cash awards of \$500 in the first two cases and \$1000 for Wuhr, "to be paid as needed for a worthy purpose to be approved"; in Wuhr's case the 34-year-old miner was able to pay for construction of a family home, which is still situated on Main Street in Minto.<sup>24</sup>

### **Community**

This was a disaster that took five lives in one abandoned workplace, but the implications were much broader. This tragedy also struck at the body of a larger working-class community where industrial and occupational solidarities intersected with household and family lives. The pattern was already evident in the fact that several of the rescuers were coming to the aid of close family members: Bart Stack had gone down for his younger brothers; "Chappie" Bauer for his father; Dominic Gaudine for his son; and Alex Tooke went down the mine twice, even after his younger brother Harry had been brought to the surface. Newspaper reports on the funerals remind us of the diversity of Minto as a community – the two brothers were laid to rest in a Catholic cemetery, the third boy in a United Church cemetery while one of the men was buried in Pentecostal and the other in Baptist ground. At the time of the funerals, one reporter noted that this catastrophe affected the whole community and its sense of identity: "This mining village has not yet recovered from the first shock of the tragedy and it will never be erased from the miners' memories".<sup>25</sup>

These events involved people of diverse background and class position in a community where ethnic differences were more significant than in most parts of the

23 *Evening Times Globe*, 2 August 1932.

24 Files no. 33289, 33290 and 33291 were kindly supplied from the records of the Carnegie Hero Fund Commission, Pittsburgh, PA, by Walter Rutkowski, executive director and secretary. These awards were the result of close investigations undertaken on behalf of the commission during the course of the year after the events. Commission records indicate that nine individuals were originally nominated for recognition, but that the three individuals were singled out because they acted in full knowledge of the level of risk involved. The first nominations were received on 3 August 1932, but there is no indication of their original source. The case files for the unsuccessful nominations were later destroyed and the decisions in the three awards appear to have been approved on 13 October 1933. The Carnegie Hero Fund Commission itself was established by the American industrialist and philanthropist Andrew Carnegie following a 1904 Pennsylvania mine disaster. Its purpose was to honour the courage and selflessness of individuals who risked their lives to save others. Among the awards given in the United States and Canada, more than 150 medals have been awarded for mine rescue efforts and 35 New Brunswickers have received recognition. See [www.carnegiehero.org](http://www.carnegiehero.org).

25 *Evening Times Globe*, 1 August 1932.

province. Yet the rescue involved a spontaneous demonstration of occupational solidarity in which differences were suspended in the face of emergency. With the exception of Brittain, a Saint John civil engineering graduate of the University of New Brunswick who was doing land survey work in the area, it appears that all the rescuers who went down the pit were regular employees of the Miramichi Lumber Company. Vernon Betts and Tom Gallant were both working coal miners at the nearby No. 12 shaft, where Harry Bauer, Sr. was their foreman and Alex Tooke, the older brother of Harry Tooke, was a hoisting engineer; they were taking their lunch at the surface when they heard the calls for help and they were among the first to respond. Mathias Wuhr, who was working at the coal face in No. 11 was somewhat further away; one of his helpers, who had gone to the surface for picks, informed him of the situation and Wuhr, himself a father of two boys, proved to be exceptionally determined in the cause, working hand in hand with mine manager Taylor. There is something especially striking about this improvised alliance. Wuhr was an immigrant who had come to Minto as a child from Germany by way of Cape Breton in 1914 whereas Taylor, whose roots went back to the Loyalists, was not only the mine manager but the sitting MLA and a pillar of the local establishment. Moreover, Wuhr had been prominent only a few years earlier as a leader of the One Big Union in the Minto area.<sup>26</sup>

A short description of the families of the three boys, Alan Gaudine, 9, Vernon Stack, 10 and Cyril Stack, 12, also gives us a direct impression of the working-class households that comprised this community. All three were listed as “students”, and Gaudine was considered “a bright kid” because he had recently won a school prize. At the funerals they were accorded the respect of their peers, as the pallbearers were boys who belonged to the Minto cadet corps, of which the Stack brothers were also members. All three boys had been born in Minto, the sons of coal mining families, but it is also notable that in both cases the parents had come to Minto from other places. This reminds us that Minto was an evolving community where a new local identity was emerging based on a shared experience of life and work. Alan Gaudine’s father, Dominic, was born in Italy – and their surname appears to have been anglicized or “acadianized” over time from the earlier Gaudini. His mother, Josephine, was from Nelson on the Miramichi. The family also included two older sisters, Esther and Felicia, and a younger brother Philip.<sup>27</sup> Similarly, Vernon and Cyril’s father, John Stackable – again the name was being adjusted, in this case shortened, over the course of the family history – had come from Saint John, where his own father had been a fireman and the boys’ mother, Florence – known as Flossie – was a Williams from Wales. There is additional pathos in this family portrait, as John Stackable had been

26 The significance of Wuhr is noted by Seager, “Minto Class Relations”, pp. 109-13. In 1926 Wuhr was secretary of the local One Big Union and helped lead a strike against wage reductions imposed by the Minto Coal Company. At the time of the disaster, the *OBU Bulletin* (Winnipeg), 4 August 1932, observed: “Comrade Wuhr is an outstanding character and has on several occasions proven his manhood and worth. He has devoted much time to the work of organizing his fellow workers along class lines”. Some of the family history is given in an interview with his brother Louis (*Daily Gleaner*, 17 August 1996). I have also benefited from a conversation with his son, Wilfrid Wuhr, on 28 July 2005.

27 His younger brother Philip, who was seven years old at the time, was strongly affected by the death of his brother – “my champion and guardian” – and, he recalled, “I became terribly aware of the sorrow, sadness and deprivation that prevailed in other homes throughout the town of Minto at that very same time”. See Gaudine, *From Minto to Avonmore and More*, p. 19.

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killed in a coal mine accident at Minto in 1925. The widowed mother was left with three boys and two daughters – Josephine and Irma. Five years later, in 1930, she married Edward Gormley, also a coal miner; at the time of the second disaster they were awaiting the birth of their first child, their daughter Marie, who was born on 10 August 1932.<sup>28</sup>

Similar evidence of the complexity of the working-class community is available in a closer look at the families of the two adults, Thomas Gallant and Vernon Betts, who perished in the rescue efforts. Thomas Gallant, 43 years old at the time of his death, was originally from Prince Edward Island; he was at least partly of Acadian origin, for he was identified on his death certificate as being of “French” origin. Gallant had been in New Brunswick for no more than three years at the time of his death, possibly as little as a year and a half. Prior to that he had worked at Bucksport, Maine, as a rigger in construction, and several of his children had been born there. He had not planned to settle in Minto, but it appears that after his wife and children had visited relatives in Moncton, United States immigration authorities refused to allow all the children to return to Maine as the longstanding borderlands labour market was increasingly restricted in the 1930s as a result of the Depression. Gallant then sought work in New Brunswick and was hired by the Miramichi Lumber Company. He was described by other workers as a “good guy – always full of the devil, Tom – always full of fun”. His funeral was conducted at the Pentecostal Church at Newcastle Bridge and he was buried at the cemetery there. Vernon Betts, often referred to as “Bern”, had grown up only a few miles from Minto at Hardwood Ridge, where his mother and father still kept a farm. He had worked in the mines for 11 years and was also known as a “good guy”. His funeral was held at the Newcastle Bridge Baptist Church and was described as “one of the largest conducted here for years”. It was organized by the Chipman branch of the Loyal Orange Lodge of which Betts was a member. He was buried at the Red Bank cemetery at Chipman.<sup>29</sup>

Within this larger social body, the heaviest burdens fell on the two widows, Greta Gallant and Grace Betts. Greta Gallant now carried responsibility for seven orphaned girls: Rita, Irene, Beulah, Laura, Mabel, Vera and Agnes as well as twin boys Joseph and Edward. Grace Betts had five children: the oldest boy, Ralph, was ten; Curtis was six; Marguerite was not yet two years old; and the twins, Doreen and Don, were eight months old. One of the Betts daughters has given us a personal account of the situation facing her mother: “We were very young kids, every one of us. How we coped? I don’t remember a whole lot till I was of course older, and we all worked, we all had to do something, and our mother had remarried after dad was killed and there were two more children after that and we all had to do something. Mom was not a well woman, she was 28 when dad died and she by the time she was in her mid-thirties she had lost most of her eyesight so we did not have [it] easy. I don’t ever remember really going hungry. I remember eating a lot of bread and molasses, but never really going hungry. But it was in the early 30s, it was not an easy time”. The family received assistance from an extended family network, including their father’s younger sisters

28 This information was generated from birth, marriage and death records in RS 141, PANB as well as the contemporary newspaper reports.

29 *Evening Times Globe*, 29 July 1932.

and his parents, Duncan and Maggie Betts. She recalled frequent visits with her grandmother, who supplied them with butter from their farm. Her several aunts also helped keep the children supplied with clothes. An uncle boarded with them when he worked in the mines during the winters, and she noted that her oldest brother went into the mines at a young age. In her own case she went out to work after school at 12 years of age and left school in grade 9 after her mother died in 1945. She also recalled that the Gallant family faced strenuous conditions: "Aunt Jane told us she remembered that Mrs. Gallant used to go out at night with pails and pick up the coal that had fallen off the boxcars along the track. And there was no great help in those days".<sup>30</sup>

### Amendment

Out of this history of disaster and tragedy, there was also a kind of progress. The Minto events made an impression on the province's political leadership and had an overdue effect on public policy in the province. When the Minister of Lands and Mines (and future premier) L.P.D. Tilley received word of the disaster, he was attending the meetings of the Imperial Economic Conference in Ottawa. He telegraphed the Inspector of Mines on 31 July: "HAVE NOT READ IN PAPERS PARTICULARS SAD MINTO DISASTER STOP MAKE CAREFUL INVESTIGATIONS AND SUBMIT REPORT".<sup>31</sup> A report was duly completed and, although no copy seems to have survived, it is clear from the correspondence that Inspector McMullen was acutely aware that the province had no laws or regulations that might have prevented this accident or ensured a more effective response to the emergency. Indeed, New Brunswick had no laws of any kind to regulate conditions in the coal mines or to protect the safety of those who worked in the industry.

In 1927 the province's mining legislation had been revised and updated with a view, said Minister of Lands and Mines C.D. Richards at the time, to having a statute "in line with modern Mining Acts". The new Act Respecting Mines and Minerals included 125 sections and provided for the appointment of an inspector of mines responsible for its administration. There were extensive clauses regarding licences, claims, leases, surveys, rights of way, surrenders, forfeitures and royalties, but virtually nothing referring to employment or safety conditions in the mines. Section 49 did require companies to report regularly on the number of persons ordinarily employed in mine operations. And Section 119 required coal operators to file a plan of underground workings with the Department of Lands and Mines every year or, under Section 120, within three months of the cessation of operations if work was suspended. Otherwise the Mining Act was silent on matters directly affecting the conditions of those who worked in the mines.<sup>32</sup>

30 Interview with Marguerite Glenn Barton [née Betts], 10 August 2005, Minto, NB, Labour History in New Brunswick (LHTNB) Oral History Collection [to be deposited at PANB]. See also Marguerite Glenn, "Minto Mine Tragedy of 1932", *Minto StoryFest 2001* (Minto, 2001), vol. 2, side 1 [tape] and vol. 2, pp. 9-12 [booklet]; my thanks to Mary Lambropoulos for providing copies.

31 Tilley to McMullen, 31 July 1932, RS 112, box 6, PANB. New Brunswick's mining legislation has been traced back at least 150 years to an 1855 Act Relating to Mines and Minerals. This legislation, like its successors the General Mining Act (1891) and the Act Respecting Mines and Minerals (1927), was mainly concerned with the promotion of mining and the regulation of property rights. See Martin, *Gesner's Dream*, pp. 59-60, 85, 169-70, 183-4.

32 *New Brunswick Acts, 1927*, Chapter IV, pp. 81-160.

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This was in marked contrast to the accumulation of mining legislation in the neighbouring province of Nova Scotia where the Coal Mines Regulation Act was the outcome of almost half a century of legislative activity, much of it the result of agitation on the part of the coal miners and their unions. In New Brunswick, however, the coal miners had had no unions to represent them, or at least none that had succeeded in gaining recognition and acceptance in the industry. There was considerable agitation in the 1920s, when the miners first sought recognition of the United Mine Workers of America and then turned to the One Big Union. The miners' grievances were documented by a Dominion royal commission in 1920 and a provincial inquiry in 1926; however, this activity produced neither union recognition nor legislative reform.<sup>33</sup> Meanwhile, at the urging of local delegates, the New Brunswick Federation of Labour had been passing resolutions calling for modern mine safety legislation – again with no discernible effect on public policy.<sup>34</sup> The coal miners appeared to have little political clout of their own, for in the legislature they were represented by their employers, coal operators Alton D. Taylor and W. Benton Evans, members respectively for Sunbury County and Queens County.

The deficiencies of the Mines Act were increasingly obvious in the weeks after the disaster. In the provincial newspapers, the existence of unsafe conditions was driven home by reports about other accidents in the Minto mines. One of these events had taken the life of Louis Sebastian on 4 July; the report of a coroner's jury, which investigated his death on 6 July, was published in the Fredericton newspaper on 17 August. In this accident in the Welton and Henderson coal mine, the bottom fell out of the hoisting cage. The jury found that the operation relied on a second-hand cage, that the brake on the hoisting engine was in an unworkable condition, that the engine room had no windows to allow visibility and that there were "absolutely no provisions made at surface of shaft to prevent employees from falling down shaft". The jury (which included Edward Gormley, the stepfather of the Stack brothers) exonerated the hoisting engineer but found the company at fault: "It was apparent to us that erection of both engine-house and shaft-house has been so curtailed as to jeopardize the safety of the employees".<sup>35</sup>

A second coroner's jury attracted even more attention when it reported in early December. They were investigating the death that month of two men, Madore Veneau and Ferdinand Toussaint, as a result of an accident at a new slope opened by the Minto Coal Company; a third man, Fernand Jacquart, had escaped death but was in serious

33 Seager, "Class Relations", pp. 106-14.

34 In January 1921 the New Brunswick Federation of Labour adopted a resolution from delegates from Local 4522, United Mine Workers of America, calling for a law "providing for the proper inspection and regulation of mines". See *New Brunswick Federation of Labour Proceedings, 1921*, p. 5. At its 1933 annual convention, the federation noted that they had been calling in their "Legislative Programme" since 1922 for "passage of a modern mining act, which would give those working in the mines in the province some degree of protection"; they called again for action "in view of the many serious accidents occurring in the mines of this Province in the past few years, and the fact that at least one coroner's jury has also pointed out the need for stricter mining regulations and inspection". See *New Brunswick Federation of Labour Proceedings, 1933*, p. 13.

35 *Gleaner*, 17 August 1932. The Sebastian case did attract attention earlier as well, as a letter from the deputy attorney general had suggested that McMullen "look into this matter". See R.P. Hartley to McMullen, 14 July 1932, RS 112, box 6, PANB.

condition at the time of the inquest. In a crowded session at the Minto Community Hall, the jury heard 17 witnesses. During the proceedings there was a spontaneous outburst by Joseph Toussaint, brother of one of the victims, who interrupted the testimony of a company official to state quietly: "My brother has been nothing less than murdered". For his part, Inspector McMullen, who was in attendance at the inquest, was again forced to admit the inadequacy of provincial law; he testified that mining regulations in the province did not govern the safety of the miners and that no one was employed to inspect conditions: "This has been left to the operators". The jury found that the two miners had been killed by runaway cars as a result of poor coupling on the 12-car train of boxes. They recommended thorough inspections to determine if drawbars and shackles were in proper condition. They did not stop there, however, and directed a strong injunction to the provincial government: "We also recommend that action be taken by the Provincial Government to formulate a Mining Law designed to safeguard the employees and mining companies, in regard to safety of working conditions in the mines".<sup>36</sup>

These reports, coming in the wake of the widely reported events of 28 July, marked a turning point in the agitation for mine safety legislation. An editorial in the *Gleaner* pointed out that under existing legislation "the duties of inspection of mining appliances and conditions seemed to have devolved upon no official". This was seen as particularly short-sighted in light of the fact that employers in the coal industry were required to pay compensation assessments based on the safety record of their industry: "Reduction in the number of accidents in the mines of the Grand Lake region is imperative, and official action should be taken toward that end. It would be for the benefit not only of the employees but also for that of the employers".<sup>37</sup> Little more than a week later McMullen was again reminding his minister that the province lacked adequate mine safety legislation: "I would reaffirm the opinion expressed in former reports that the time has arrived when there should be some Provincial regulations making for greater safety in the operation of our mines. I have had the safety laws of Nova Scotia, Quebec and Ontario before me for some time for the purpose of drafting something suited to our mining conditions and this will as soon as possible be presented for your consideration".<sup>38</sup>

McMullen submitted draft legislation to the minister on 29 December, almost five months to the day from the date of the disaster in July. He explained to Tilley the need to balance the interests of workers and operators and underlined his two main considerations: "(1). A set of rules which apply to several major accidents occurring during the past year, those rules so drawn that they may be readily amplified as

36 *Gleaner*, 6 December 1932; *Moncton Daily Times*, 6 December 1932.

37 *Gleaner*, 6 December 1932.

38 McMullen to Tilley, 14 December 1932, Records of the Deputy Minister of Natural Resources, RS 106, c17e, PANB. Interestingly, during these weeks there was also some international pressure on the province to review its labour standards and adopt an eight-hour day in the coal mines. In October 1932 the premier received a copy of a draft convention prepared by the International Labour Organization, the international agency established under the Treaty of Versailles. The document had been forwarded from Ottawa to each of the provinces on the grounds that the issue of labour standards fell under provincial jurisdiction. See Hugh H. McLean to Premier, 31 October 1932 and 23 November 1932, Executive Council: Cabinet Meeting Records, RS 9, PANB.

occasion requires” and “(2). While covering our needs so far as can be seen, I tried to avoid anything which might be unnecessarily oppressive to the operators”. The first six sections were copied from the Quebec mining legislation, a somewhat curious model because Quebec lacked altogether Nova Scotia’s experience in the regulation of coal mines. It also seem clear that McMullen regarded the legislation as a cautious first measure in a policy of incremental reform, noting that the bill should contain authority for additional regulations to be made by order-in-council as needed before being incorporated into the Mining Act by statute as well.<sup>39</sup>

In the following months the bill was revised and expanded. McMullen met with the six main coal operators in the Minto area and also with, as he put it, “a few representative miners in Mr. A.D. Taylor’s employ”. Additional meetings were held with coal operators and miners’ representatives at Tilley’s office in Fredericton on 8 and 9 March respectively, a week before the bill was introduced in the legislature.<sup>40</sup> Such consultations led to several adjustments. The draft had called for daily inspection of timbering in each mine; however, the bill found it unnecessary to specify the regularity of inspections but did require monthly reports on the condition of hoisting and haulage apparatus. If operators were exempted from daily inspections, other provisions were strengthened. For instance, borrowing from the Quebec legislation, the draft had stated 15 years of age as the requirement for underground work; by the time the bill was introduced, however, this provision had been raised to 16 years of age (the Nova Scotia standard). Similarly, the draft had stated that the work week should not exceed 48 hours; the bill specified no more than 8 hours in any 24 hour period, which was the Nova Scotia standard and also that of the United Mine Workers of America.<sup>41</sup>

McMullen had drafted Section 133 with the events of 28 July very much on his mind: “The openings to all abandoned mines, pits or slopes shall in all cases be filled in, securely closed or protected so that the same shall not be a source of danger”. Despite the enhanced level of concern about safety, however, there were no specific provisions for maintaining first aid equipment or training miners for rescue operations. Moreover, although the Inspector of Mines and his staff had a general duty to oversee the law and intervene as needed, the principal responsibilities were delegated to the coal operators. Similarly, the province was prepared to delegate to the employers most of the responsibility for ensuring the qualifications of workers.

39 McMullen to Tilley, 29 December 1932, RS 112, box 6, PANB.

40 McMullen to Prince, 15 February 1933, and memorandum, 8 March 1933, RS 112, box 6, PANB. McMullen also received advice that he considered unrealistic. In response to a proposal for a sick fund for miners, a pension fund for miners over 50 years of age, compensation for all mine accidents, employment of a mine inspector and setting up ambulance classes near the mines, he wrote: “The first three things referred to would all involve very large expenditures and my personal judgment would be that they are utterly impracticable at the present time”. See McMullen to John Williams, 16 February 1933, RS 112, box 6, PANB.

41 *New Brunswick Acts, 1933*, Chapter XXIII, pp. 55-62. The act also included sections referring to such matters as the safe handling of explosives, the signals to be used in hoisting operations, the capacity and condition of cages, the supply of adequate ventilation in the workings, the provision of escapement shafts in larger mines, the construction of ladders and the posting of mine rules and regulations. Ventilation was to ensure that the air in the mines was “free from noxious impurities” and must “contain sufficient oxygen to obviate danger to the health”.

Although hoist and haulage operators were required to hold licences under the existing Factories Act, the province took no responsibility for the certification of miners at the working face. Instead, miners in charge of working faces were required to be at least 18 years of age and hold a certificate from another Canadian (or British) jurisdiction. Failing that, the coal operators themselves were empowered to sign certificates confirming that a miner had at least six months of competent experience working at the face as a helper.

The bill to amend the Mines Act was introduced at the spring session of the legislature on 15 March.<sup>42</sup> In the debate a week later, Tilley stated that the bill was “an effort to make work in the mines safer for the men”. The two coal-operator MLAs spoke in support of the bill. Taylor noted the importance of the eight-hour day, “as it had been proven that over-fatigue was the most frequent cause of accidents”. He added as well that “if a man was to live to a reasonable old age, he should not work more than forty hours per week under ground” and noted that among the 200 men who worked in his mines there were only two men over 50 years of age. Evans also supported the bill while noting that an amendment could allow some mining operations necessary additional time to adjust to a shorter working day. There were some caustic comments from Opposition Leader J.E. Michaud, who reminded the government of their earlier indifference to safety legislation: “The House had heard for several years about the perfect Mining Act which this government had enacted some years ago, but under that perfect Act many accidents had occurred, and if this would add any perfection to the already perfect Act he was sure the House would concur”.<sup>43</sup>

The amendments came into force in April 1933, a direct result of the events of the previous year and, as the provincial state’s first intervention in the regulation of workplace conditions in the coal mines, it involved adjustments for the operators. McMullen’s files show evidence of his concern about compliance with the requirements of the new law. When he arranged for John Redfern, a representative of the Safety Branch of the Workmen’s Compensation Board, to visit Minto and hold meetings with the coal miners concerning the new laws, one coal operator wrote that he was surprised Redfern would want to meet with employees: “I am wondering if this is a typographical [*sic*] error or if you do not mean ‘employers’, or have you in mind discussing these matters with the miners themselves”.<sup>44</sup> There was also some delicate

42 Two weeks earlier yet another man had been killed in one of the Grand Lake coal mines when Harold Curley was pinned between a moving coal box and the mine roof at Chipman. Moreover, on the same day Tilley introduced the bill, a non-fatal accident was reported in the back pages under the headline “Miners Terribly Injured at Rothwell Mine To-day”. See *Gleaner*, 1 and 15 March 1933. Curiously, one author states that there were no mine fatalities in 1933; see Taylor-Morell, *Of Mines and Men*, p. 110.

43 *Synoptic Report of the Proceedings of the Legislative Assembly of New Brunswick, 1933*, 23 March 1933, pp. 173-4. The bill was adopted with minor amendments and received final reading on 28 March and royal assent on 6 April. On the amendment to allow longwall machine operations until the end of the calendar year to adjust their shifts, the *Synoptic Report* implies that Evans supported the amendment although the *Gleaner*, 24 March 1933, states that he opposed it.

44 Percival Streeter to McMullen, 26 April 1933 and McMullen to Streeter, 25 and 27 April 1933, RS 112, box 6, PANB.



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correspondence surrounding the certificates that operators were asked to complete. One operator stated that several of his miners did not meet the formal requirements, although they were considered capable men who had, or claimed to have had, experience elsewhere. McMullen's advice was cautious:

With regard to the miners' certificates, I am afraid we cannot vary the requirements of the law now that it is passed but if you have reasonable information to the effect that your men have actually had an experience of six months or more at the face as required by the law, I think you would be under the circumstances justified in filling in the certificates for them. . . . I should be very sorry to insist on anything that would be a hardship to your men and I have always endeavored to administer the law in a reasonable way but it will be a very serious matter if any accident should occur whether it was the fault of the men or not and the fact was brought out that the men or the operators of mines were agreeing to something which was not in accordance with our statutes.<sup>45</sup>

On other matters, McMullen was less than cooperative. When he discovered in June 1933 that, contrary to the new law, one Minto operator still had unprotected open mine shafts, he noted that he was drawing the matter to the attention of the RCMP.<sup>46</sup>

The issue of the eight-hour day led to more overt conflict in the coal mines. Implementation of the provision for machine operations had been delayed until 1 January 1934 to allow time for adjustments, but when A.D. King, manager of the Minto Coal Company, had not yet implemented a new schedule, the miners directed strong protests to the inspector:

I am to inform you stating the unanimous vote and decision of the total persons employed on night and day shift in the North Minto Mines not only requesting you but firmly demanding the enforcement of the eight hours day at the above mentioned mine and if required prosecution of employer for any intimidation to compel the miners by threats or suggestion or promise to any miner, machine crew, haulage crew, haulage workers or person employed in or about the mine to work more than eight hours . . .

There is a note of indignation and entitlement in this communication, an indication that the new legislation was helping to legitimize workplace protest in a way that only a few years earlier had been dismissed as unacceptable. For the first time in provincial history, it seems, the coal miners' working conditions were protected under a regime of industrial legality. For several days in January 1934, these coal miners were on strike in support of their contention that they were entitled to the protection of provincial law. Tilley, who had become premier in June 1933, felt compelled to intervene personally in the dispute, making a hasty trip to Minto for a public meeting

45 Evans to McMullen, 18 May 1933 and McMullen to Evans, 20 May 1933, RS 112, box 6, PANB.

46 "Memorandum for File", 22 June 1933, RS 112, box 6, PANB.

at the local theatre that arranged a temporary settlement of the dispute.<sup>47</sup>

For all its inadequacies, the 1933 legislation was a form of recognition for the coal miners. They had been entirely excluded from provincial mining law in 1927, but this would no longer be the case. The tragedy of 28 July had made a difference and can be regarded as a turning point in the coal miners' struggle for some recognition of their place in provincial society. The coal miners and their families had acquired a human face, and the successive labour resolutions and coroner's juries had also given them a voice. Conditions of work and safety in the mines could no longer be left entirely to the discretion of employers and would now be regarded as a proper subject for legislative action and administrative intervention. The struggle for union recognition was still incomplete, but when Local 7409, United Mine Workers of America, was chartered in 1937, the new president was none other than one of the working-class heroes from five years earlier, Mathias Wuhr.<sup>48</sup>

### Compensation

Meanwhile, the Minto tragedy had also become a notable test of the provisions of the provincial Workmen's Compensation Act (1918). There had been formal recognition for three of the surviving rescuers, but what of the needy condition of the families of those who perished – especially the widows Grace Betts and Greta Gallant and their children?<sup>49</sup> In the case of workers who lost their lives on the job, provincial law promised dependents a modest support from an Accident Fund funded by assessments on employers and administered by a board that included labour representation. This legislation had been one of the major early achievements of the New Brunswick Federation of Labour following its formation in 1913. The struggle to secure benefits for Grace Betts, Greta Gallant and a total of 14 dependent children underlines the fact that compensation cases have an often under-explored gendered significance for the surviving family members.<sup>50</sup>

Initially it was expected that the dependents would qualify for support without difficulty. As early as 29 July 1932, the day after the tragedy, the *Evening Times Globe* had stated that “an effort will be made to have the families of Gallant and Betts

47 Thomas White, Joseph Greenhalgh, Joseph Breton to M. Mullens [W.E.McMullen], 4 January 1934, Records of the Minister of Natural Resources and Energy, RS 105, box 5, PANB. See also Seager, “Class Relations”, pp. 114-15, where the aftermath of the dispute is discussed. This included the formation of a Northfield Central Provincial Miners' Union, which unsuccessfully sought the premier's support for union recognition; as Seager notes, “Tilley was not about to become a Canadian Roosevelt”.

48 The union charter, issued 26 February 1937, is on a wall in the Minto Museum. Although the 1937-38 strike did not secure its stated goals at the time, a complex local scenario led to recognition of the UMW under wartime circumstances after the Canadian Congress of Labour merger in 1940.

49 The Carnegie Hero Fund Commission records disclose that Vernon Betts and Thomas Gallant were nominated for recognition in August 1932 but without success, apparently on the grounds that they did not satisfy the criteria for recognition of risk; these files were destroyed in 1939. See e-mail communication from Walter Rutkowski to author, 16 May 2006.

50 Under the Workmen's Compensation Act, as it existed in 1932, widows were entitled to support of \$30 per month and there was an additional \$7.50 for each dependent child. In the event of remarriage widows lost their entitlement and received a payment equal to one's year's support. See Workmen's Compensation Act, 1932, *New Brunswick Acts, 1932*, Chapter XXXVI. On the origins of the Workmen's Compensation Act in New Brunswick, see William Y. Smith, “Axis of Administration:

provided for out of the Workmen's Compensation Fund".<sup>51</sup> In September the board held sessions in Minto. Chairman John Sinclair and Commissioner Alexandre Doucet were present as well as the board physician. The third commissioner, the newly appointed labour representative, E.R. Steeves, was not present.<sup>52</sup> At this time the board took evidence from at least ten witnesses, visited the site of the disaster and examined the Miramichi Lumber Company records, which confirmed that Betts and Gallant were listed on the payroll for 28 July.<sup>53</sup>

On 26 September the board announced that it was disallowing the widows' claim on the grounds that "death was not the result of accident arising out of and during course of employment". This conclusion, as stated by Sinclair, was based on the view that the events of 28 July could not be classified as "mine rescue" work. Although "mine rescue" was included within the scope of the Act, Sinclair claimed that the events did not meet the definition. In the first place, the location of the accident was not "a mine in actual operation" but an abandoned shaft; secondly, the accident resulted from an attempt to rescue children, not miners, and there was accordingly no "accident or happening that placed the lives of the miners in the mine in jeopardy". The first men to enter the shaft had done so to rescue the children "and did so of their own volition prompted simply by their humane desire to try and save these lives". In Sinclair's view, the fact that Betts and Gallant had "gone to the rescue of fellow workmen who had gone to the rescue of the children" was not relevant.<sup>54</sup>

It was not a unanimous decision. Somewhat inexplicably the newly named labour representative Steeves supported the chairman; no reasons were given for his decision. However, the widows did receive support from the third member, Alexandre Doucet, an Acadian and a former Conservative MP with a Progressive background.<sup>55</sup> Contrary to Sinclair, Doucet took the view that No. 10 Shaft should not be considered a disused pit because it was "but temporarily abandoned until market conditions will allow the withdrawal of the coal pillars". He went on to note that once the alarm was

Saint John Reformers and Bureaucratic Centralization in New Brunswick, 1911-1925", MA thesis, University of New Brunswick, 1984, pp. 47-71 and Robert H. Babcock, "Blood on the Factory Floor: The Workers' Compensation Movement in Canada and the United States", in Raymond B. Blake and Jeff Keshen, eds., *Social Welfare Policy in Canada: Historical Readings* (Toronto, 1995), pp. 107-21. The issues at stake in earlier legislation are addressed by Eric Tucker, *Administering Danger in the Workplace: The Law and Politics of Occupational Health and Safety Regulation in Ontario, 1850-1914* (Toronto, 1990).

51 *Evening Times Globe*, 29 July 1932.

52 Steeves was a member of the International Association of Machinists, Local 245, which represented workers at the railway shops in Moncton. He was elected president of the Federation of Labour in 1929 and the following years, but did not stand for office in 1933 after his appointment to the Workmen's Compensation Board. The first president of the federation, James Sugrue, had served on the board and on the royal commission that led to enactment of the legislation in 1918. See David Frank, "James Sugrue", *Dictionary of Canadian Biography, Volume XV: 1921-30* (Toronto, 2005), pp. 983-5. The appointment of Steeves was welcomed by the Moncton Trades and Labour Council as recognition of the principle of labour representation on the board. See A.W. Jamieson to C.D. Richard[s], 25 July 1932, RS 9, box 77 (31 August 1932), PANB.

53 "Case on Appeal", pp. 19-43, RG 125, vol. 651, file 6161, LAC.

54 "Case on Appeal", pp. 44-5, RG 125, vol. 651, file 6161, LAC.

55 Doucet was a former Conservative MP who had represented Kent County from the time of a by-election in 1923 until his defeat in 1926. He had served as secretary-treasurer of the Société l'Assomption and was appointed provincial manager of the Capital Life Insurance Company in

raised, mine manager Taylor had “issued a call to all miners then eating their noonday lunch at the surface at No. 12 Shaft, to go to the rescue of the children”. Moreover, when Betts and Gallant entered the mine, they were going to the aid of their foreman, Harry Bauer, who was at the bottom of the pit with the children. On this basis, Doucet stated, “I must come to the conclusion that those unfortunate men, having answered a call of the mine manager for rescue work, then these claims should be allowed as properly under the definition of ‘Mine Rescue Work’”.<sup>56</sup>

This was the beginning of a legal struggle that continued for more than a year. In early November the widows’ case was heard before three justices of the Supreme Court of New Brunswick, sitting as a court of appeal and, almost a year later, in October 1933, it was heard by a panel of five justices of the Supreme Court of Canada. The case attracted sufficient attention to become a small cause célèbre in legal circles. The widows, who could certainly not have afforded such prestigious counsel, were represented by an established Saint John legal firm, Weldon and McLean, and the province’s attorney-general, W.H. Harrison, KC, a senior member of the bar, appeared as counsel at both stages.<sup>57</sup> It was later noted that the widows’ appeal was supported by the Miramichi Lumber Company, which an editorial described in terms that convey the paternalistic ethos underlying Taylor’s personal response to the disaster: “It was a generous action, prompted solely by a commendable spirit of interest in the welfare of its workmen and their families, and it will have a good effect upon the relations between the company and its employees”.<sup>58</sup>

In presenting the appeal to the Supreme Court of New Brunswick, Harrison argued that the case turned on a point of law and that “the majority of the Board misdirected themselves in law by finding that the accident did not arise out of and in the course of the employment”. Rescue work undoubtedly fell within the category of mine work, Harrison stated, and although Betts and Gallant had volunteered, this did not weaken the case for compensation. In short, it was work “done under the order or direction of the mine manager” and work “done in the interests of their employer during an emergency”. Counsel for the Workmen’s Compensation Board, Nigel B. Tennant

Moncton in 1929. A Nova Scotia-born Acadian who took up farming in Kent County, Doucet was also known for his participation in the Farmers and Dairymen’s Association of New Brunswick, of which he was president in 1930-31. Prior to his election to Parliament, he had run as a Progressive candidate in the 1921 election. See Timothy D. Lewis, “Agrarian Idealism and Progressive Agriculture in Maritime Canada: Agricultural Leadership in New Brunswick, 1895-1929”, PhD diss., University of New Brunswick, 2003, pp. 37-8, 352.

56 “Case on Appeal”, pp. 46-7, RG 125, vol. 651, file 6161, LAC. It appears from Doucet’s statement that two rescuers, Mathias Wuhr and Albert Petley, had also presented compensation claims, likely on the basis of lost time due to injury.

57 W.H. Harrison was admitted to the bar in 1903 and read law with J.D. Hazen. By the early 1930s he was a partner in the Saint John firm of Sanford and Harrison and he served as a Saint John MLA in 1925-35, entering the cabinet in 1931 and serving as Tilley’s attorney general in 1933-35. Following the defeat of the Tilley government, Harrison was appointed to the province’s Supreme Court; in later years he was also dean at the New Brunswick Law School in Saint John, where a former student recalled his “scholarly presence”. See Franklin O. Leger, *One Hundred Years in the Practice of Law, 1888-1988: Being a Brief History of a Saint John, N.B. Law Firm* (Saint John, 1988), pp. 48-67, 129 *et passim*. Leger lists some 50 reported cases in which Harrison appeared as counsel between 1905 and 1935.

58 *Evening Times Globe*, 28 December 1933.

argued in response that “Betts and Gallant were not acting in pursuance of any duty to the company, or within the scope of their employment when they met their deaths. They perhaps had implied permission as citizens, but they were not acting within the scope of their employment as miners”.<sup>59</sup>

The court handed down judgment on 14 February 1933, and again there was divided opinion. Chief Justice Sir J. Douglas Hazen was a former premier whose political career went back to the 1890s; a Conservative, he was responsible for some of New Brunswick’s early-20th-century progressive legislation before he went to the Dominion cabinet; he had been appointed chief justice in 1917. Hazen took a sympathetic view of the widows’ claims:

Surely it is only reasonable that men working in a mine when disaster such as this occurred should attempt if possible to save the lives of those who were involved in the accident, whether they were fellow-workmen or not. . . . Had they not been there employed by the company their lives would not have been forfeited and had they not been called out by Taylor it is possible that they would never have reached the scene of the disaster at all. How can it be said that what they did was not done in the course of their employment?

To find against the appeal, Hazen concluded, would be to cause an injustice as it would leave the widows and families of working men without compensation: “It is admitted on all sides that they acted courageously and from the best of motives, and as the evidence shows, I think, in the interests of their employer and their fellow workmen”.<sup>60</sup>

Hazen’s arguments did not convince his fellow justices, however, and the appeal was denied on a 2-1 decision by the bench. J.B.M. Baxter was also a former premier and a Conservative with a particular interest in supporting regional grievances against Ottawa and promoting economic development; in the 1920s his government had encouraged the expansion of International Paper in New Brunswick and enacted the updated (but inadequate) Mining Act of 1927. W.C.H. Grimmer also had a substantial political background and had recently chaired a royal commission that had resulted in extensive revisions to the Workmen’s Compensation Act. Both justices expressed their regrets that they could not reach a more sympathetic conclusion. Baxter’s judgement was twice the length of Hazen’s and concluded that the deaths of Betts and Gallant “did not arise out of and in the course of their employment”. Grimmer stated his agreement that the deaths were due to “a meritorious and praise-worthy, but voluntary peril”, but that “with much regret, I have finally reached the conclusion that in this case the workmen exposed themselves to a risk not necessarily incidental to their employment, and which was not contemplated either by themselves or their employer”.<sup>61</sup>

Within ten days of this decision, Weldon and McLean had secured leave to appeal to the Supreme Court of Canada. Provincial compensation laws were relatively new

<sup>59</sup> *Maritime Provinces Reports (MPR)*, vol. VI (1933), pp. 120-6.

<sup>60</sup> *MPR* (1933), pp. 126-36, quoted at pp. 129-30, 136.

<sup>61</sup> *MPR* (1933), pp. 136-56, quoted at pp. 136-8, 156. The failure of the appeal was reported only briefly in the press. See *Evening Times Globe*, 14 February 1933.

at this time, and the court was apparently interested in examining a case that raised questions concerning the rights of workers and their dependents in workplace emergencies. A panel of five of the seven Supreme Court judges heard the case in Ottawa on 17 and 18 October 1933. This included both the new Chief Justice Lyman Duff, a member of the court since 1906 as well as the most junior member, Oswald Smith Crocket, the only New Brunswick member on the court. As it turned out, the court reached a unanimous decision in this case and Crocket was assigned to write the judgement.<sup>62</sup>

As at the lower levels, the case depended in the first place on the definition of “mine rescue work”. This was not a controversial matter for the Supreme Court, as the 1932 Workmen’s Compensation Act stated that “‘Mining’ includes mine rescue work”. “Mining” itself was broadly defined – “workmen in or about the industries” and “any employment incidental thereto or immediately connected therewith”. As “mine rescue work” was not defined at all, Crocket concluded that “they must be given their popular and ordinary meaning in relation to the industry of mining”. Whether the words were construed broadly or technically, he wrote, “we cannot see how they can properly be taken to exclude rescue in a mine shaft, in which actual operations have ceased or been suspended, if circumstances arise to create a peril there, or to apply only to the rescue of miners”. On these grounds the board’s attempt to define the actions of Betts and Gallant as something other than “mine rescue work” was found to be misguided.<sup>63</sup>

The case also turned on the interpretation of Section 7 of the New Brunswick law, which stated: “When personal injury or death is caused to a workman by accident arising out of and in the course of his employment in any industry within the scope of this Part, compensation shall be paid to such workman or his dependents”. The only exclusions listed were in cases where injuries were caused intentionally by the worker or were due to intoxication, wilful misconduct or “a fortuitous event unconnected with the industry in which the workman was employed”. Crocket underlined the fact that workers were to be compensated for injuries arising out of their “employment in the industry” and not solely from “the particular workmen’s particular work”. There was ample precedent in British law for a broad construction of the phrase “arising out of and in the course of the employment” to include not only a worker’s “particular work” but “anything the workman does which is reasonably incidental to such work”.<sup>64</sup>

In fact, Crocket continued, there was a larger principle at stake in such situations, as a worker “may be impliedly authorized in an emergency to do something which does not fall within the scope of his ordinary duties”. This Crocket took to be “a settled rule of law” supported by much precedent. Nor was the principle limited to the protection

62 Sitting with them were justices Thibadeau Rinfret, Frank Hughes and Robert Smith. Crocket was born on the Miramichi, the offspring of a family active in politics and publishing; after working as a lawyer and journalist in Fredericton, he served for nine years as the Conservative MP for York County. He was appointed to the Supreme Court of New Brunswick in 1913 and to the higher court in 1932.

63 *Canada Law Reports, Supreme Court of Canada (SCR)* (1934), pp. 112-3, RG 125, vol. 651, file 6161, LAC includes the text of the decision as well as “Case on Appeal”, “Factum for Appellants” and “Respondents’ Factum”. Justice Smith retired from the court on 7 December prior to the announcement of the decision, but he did hear the case and the decision includes his signature.

64 *SCR* (1934), pp. 113-8.

of property, as Baxter had suggested in his judgement: “With every respect, I think that the principle is not so limited, and that it applies to any emergency in which the interests of the employer are in any manner involved”. In the case of Betts and Gallant, then, it was a matter of whether their participation in the rescue effort was “something which they were either expressly or impliedly authorized to do”. Crocket pointed out that the Workmen’s Compensation Board had placed little emphasis on the company’s responsibility for conditions in the shaft or on the manager’s recruitment of rescuers and participation in the efforts himself; had they not ignored such evidence, Crocket concluded, “the Board might well have found that the deaths of the applicants’ husbands were caused by accident arising out of and in the course of their employment within the contemplation of Act”. From this point of view, it was not necessary to explore the additional argument concerning “the occurrence of an emergency extending the scope of a workman’s employment”. In his final statement, Crocket left no doubt that he expected the board to reverse its findings: “I have concluded that all we can do is to send the case back to the Board for reconsideration”.<sup>65</sup>

Almost a year and a half after the original events, this was more than enough to count as a victory back in New Brunswick. There seemed no doubt that the Supreme Court had found the Workmen’s Compensation Board at fault and, by implication, that the New Brunswick court was too narrow-minded in its decision on the appeal. The news was greeted in the *Evening Times Globe* with a headline reading “APPEAL UPHELD IN MINTO CASE Widows and Families of Mine Tragedy Heroes To Be Compensated”. An editorial entitled “Human Side of the Law” congratulated the Supreme Court:

While a strict interpretation of the act in the case of these two men may deny their dependents well-deserved assistance, the Supreme Court of Canada has given the act a wider interpretation and, in effect, has ruled that broadly speaking the men who died were carrying out duties incident to their work, although they were not actually employed in mining coal. It is comforting to know that our laws admit of such generous interpretation, and that when occasion demands it, our courts are disposed to give full consideration to the spirit as well as the letter of the law.<sup>66</sup>

In due course the Betts and Gallant families began to receive compensation. It was a modest amount, recalls the Betts daughter Marguerite. Referring to her mother, she notes: “All I remember is her saying that, eventually, she got five dollars a month for each child, and by the time we were, well, teenagers, it went up to seven fifty! Got a big raise [laughs] and we each got seven fifty until we were eighteen and that was the end of that”.<sup>67</sup>

65 *SCR* (1934), pp. 118-21. Specialists in legal history may have more say about the significance of this case in the history of employment and compensation law in Canada. At this stage a cursory search has revealed that the case was cited as recently as 1993 in the British Columbia Court of Appeal: [www.worksafebc.com/publications/wc\\_reporter/volume\\_13/assets/pdf\\_court\\_decisions.pdf](http://www.worksafebc.com/publications/wc_reporter/volume_13/assets/pdf_court_decisions.pdf) (accessed 5 September 2004).

66 *Evening Times Globe*, 23 and 28 December 1933.

67 Interview with Marguerite Glenn Barton, 10 August 2005, LHTNB Oral History Collection.

## Recognition

The people of Minto did not forget the importance of the events of 28 July 1932. The visible evidence of their remembrance is there in the form of the memorial to Vernon Betts and Thomas Gallant, which represents an instance of local initiative in the preservation of public memory. It originated with the Minto Bi-Centennial Committee, whose chair Lionel Girouard recruited support within the community as well as from the mayor and village council. When plans came before the council there was ready support, and the events of 1932 were noted in cursory fashion as if they did not require any elaboration: “the 1932 disaster whereby men and children were killed by poisonous gas in a mine shaft” and “in memory of the Miner’s [*sic*] who lost their lives in a mine shaft while trying to save the children”.<sup>68</sup> Support was also forthcoming from Local Union 7409 and District 26 of the United Mine Workers of America as well as Branch 12 of the Royal Canadian Legion, NB Coal and numerous families and individuals.

When the plaque was unveiled on 11 June 1983, the guests included several individuals whose families were directly involved in the tragedy: Greta Gallant, 88, was in attendance with her children as was Marguerite Glenn, one of the daughters of Vernon Betts; so too were Mathilda Wuhr, Josephine Stack, Harry Bauer, Alex Tooke and the Gaudine family. Doris Farraher (née Stack) “expressed appreciation on behalf of the families involved to those who thought of establishing the memorial and brought it to a successful conclusion”.<sup>69</sup> Mayor Andrea Barnett remembered little of that day 51 years earlier, but she attributed many of the changes in the community directly to the coming of the miners’ union and its part in “improving the working conditions, safety regulations, winning higher wages” and “upgrading the village’s standards of living over the years”. “The union was the greatest thing that ever came to this village”, she said. “They have helped our town immensely”.<sup>70</sup>

The unveiling of the plaque in 1983 was followed a year later by a second memorial, this one undertaken by Local 7409, United Mine Workers of America.<sup>71</sup> This black granite stone is situated in a small park opposite the old union hall on Queen Street and only a short distance from the war memorial in front of the Legion Hall that also faces the park. The front of the stone lists some 76 men who have died in the Grand Lake coalfields since 1908, beginning with George Rogers (1908) and concluding with John (Jack) O’Rourke (1984). It includes Vernon Betts and Thomas Gallant among the number; sadly, the list also includes the name of Bart Stack, the young man who came to the rescue of his younger brothers in 1932 but lost his own

68 Village of Minto Minutes, 6 July 1982 and 7 June 1983, Village Office, Minto. The original plan was to place a stone and plaque at the actual site of the original disaster, but there was difficulty in obtaining right-of-way access to the location. It was then agreed to place the memorial temporarily at the entrance to the Centennial Arena. See Minutes, 29 September 1982.

69 *Grand Lake Mirror* (July 1983), p. 19. In conversation on 28 July 2005, one of the boys’ contemporaries, the late Art Van Doorselaere, recalled the sadness as well as his own part in supporting the memorial.

70 *Daily Gleaner*, 13 June 1983.

71 This project also received support from the community. See Village of Minto Minutes, 3 and 11 April as well as 2 May 1984. At the meeting on 2 May 1984 it was agreed that the union would transfer title to the land, which had been donated by NB Coal, and that the village would take responsibility for maintenance of the property.



life on the job three decades later in 1960.<sup>72</sup> This union memorial serves to deepen the structure of memory in the community by offering a necessary tribute to all the casualties in the local coal industry. “We remember our war dead”, stated Chipman Mayor Murray Doherty at the dedication ceremony on 11 June 1984. “We should also remember those who died in the workplace”.<sup>73</sup>

In retrospect, the events of 28 July 1932 contributed to New Brunswick’s emergence from the Great Depression with a greater recognition of the place of workers in provincial society. The deaths of the three children and two men were notably tragic because they were avoidable, and for this reason alone there was a need to remember. These events captured the attention of provincial society at a time of transition. The often anonymous drama of resource exploitation and economic development in a small industrial community suddenly revealed an “embodied” working class in the form of children, women and men who played, worked and struggled in the course of daily events that were both ordinary and exceptional. The spontaneous self-sacrificing rescue efforts and the shared grief of the community seemed almost to shock the surrounding society into recognition of the working-class presence in their midst. The enactment of mine safety legislation in 1933, long called for by the coal miners and scandalously overdue in the industry, was a repudiation of the myth that workers chose to accept unsafe conditions as the price of employment. Moreover, the widows’ struggle for vindication of their compensation claims in 1934 confirmed the significance of state intervention in support of the embattled working-class household.

There was a form of “embodied negotiation” in these events that was, to return to conceptual terms, undercutting the “power/knowledge” imbalances in mining society. The change was even more apparent when the battle for union recognition resumed in the Minto coalfield in 1937-38. In the course of this new campaign a local union publication protested “stone age conditions” and called for proper enforcement of mine safety laws. The coal miners also argued that in seeking recognition of the United Mine Workers they were only asserting their democratic rights and demanded the support of the provincial government in this cause: “A government that fights the trade union movement is fighting democracy itself”. The results were not immediate for, as Allen Seager has noted, “class relations did not evolve in a linear fashion” in the Minto area and the mining community was still divided between “the relative vitality of institutionalized loyalism” and “a tendency in the direction of rebellion”.<sup>74</sup> Yet a change was taking place, and the experiences of the 1930s were altering the balance of power within the larger body politic as well. One of the outcomes of the

72 The older brother, who had survived the ordeal in Shaft No. 10, spent his working life in the coal industry and was killed by a rockfall in Shaft No. 28 of the Miramichi Lumber Company on 11 July 1960. See Taylor-Morell, *Of Mines and Men*, p. 153.

73 *Gleaner*, 11 and 12 June 1984; *Grand Lake Mirror* (June 1984), pp. 1, 29. The selection of 11 June as the dedication day in both cases was not accidental; as local union president Thomas LeBlanc noted, it was the official Miners’ Memorial Day throughout District 26.

74 “The Truth about Minto” (n.p., [1937]), pp. 1, 4; Seager, “Class Relations”, pp. 125-6, especially pp. 116-27 for his account of the 1937-38 events. For another contemporary conflict that accelerated change in New Brunswick, see Patrick Burden, “The New Brunswick Farmer-Labour Union, 1937-1941”, MA thesis, University of New Brunswick, 1983.

conflict in 1937-38 was the province's Labour and Industrial Relations Act (1938), which offered New Brunswick workers a preliminary promise of union rights in an expanded social and economic democracy – a promise that was extended further at the end of the Second World War in the Labour Relations Act (1945), which represented New Brunswick's version of the post-war compromise between labour and capital.<sup>75</sup> This was part of a larger change taking place within Canadian society, as an older labour relations regime based on division and subordination was giving way to one based on a recognition of common interests and collective rights. Still, as the history of the following half-century and more has shown, the persistent contradiction between economic development and workplace rights was not dissolved by the codification of labour relations and regulatory laws.<sup>76</sup> Standing in front of the memorial plaque of the 1980s and looking back at the New Brunswick of the 1930s, we are able to discern extremes of dependency and vulnerability, sacrifice and solidarity in the historical record disclosed by these events. And in that portrait of the past we see too the continual challenge to create safety and security in the workplace and to build communities that recognize the undiminished value of that goal.

75 For an early discussion of the transition, see J.C. Hansen, "Industrial Relations and Social Security: Labour Legislation in New Brunswick: 1786-1945", *Public Affairs* (Halifax) (September 1946), pp. 255-60. See also Raymond Léger, "L'évolution des syndicats au Nouveau-Brunswick de 1910 à 1950", *Égalité: revue acadienne d'analyse politique*, 31 (printemps 1992), pp. 19-40.

76 The transition to industrial legality has attracted increased attention in studies such as Judy Fudge and Eric Tucker, *Labour Before the Law: The Regulation of Workers' Collective Action in Canada, 1900-1948* (Toronto, 2001) and Peter McNinnis, *Harnessing Labour Confrontation: Shaping the Postwar Settlement in Canada, 1943-1950* (Toronto, 2002). For recent assessments of outcomes, see Cy Gonick, Paul Phillips and Jesse Vorst, eds., *Labour Gains, Labour Pains: 50 Years of PC 1003* (Winnipeg/Halifax, 1995) and Derek Fudge, *Collective Bargaining in Canada: Human Right or Canadian Illusion?* (Ottawa, 2005). On the specific issue of workplace safety, see Doug Smith, *Consulted to Death: How Canada's Workplace Health and Safety System Fails Workers* (Winnipeg, 2000).