

Laws of Her Majesty's Province of Upper Canada, passed in the year 1838. York: Robert Stanton, 1838.

1 Victoria – Chapter 18

An Act to protect the Public against accidental injury from Machinery used in Mills, and for other purposes. Passed 6th March, 1838.

Whereas many fatal accidents have occurred, and it is necessary for the protection of the lives of the inhabitants of, and travellers in this Province, that proper and safe guards be erected in all Steam-boats, Steam-cars and Carriages, Mills, Machinery and other buildings, where Machinery is at present or may hereafter be used, so that persons conveyed in or upon said Steam-boats, Steam-cars or Carriages, or entering said Mills or other buildings where Machinery is used, should not come in contact with the Machinery when in operation: Be it therefore enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the first day of August next, the owners of all Steam-boats, Steam-cars and Steam-carriages, Mills and other buildings, where Machinery is or may hereafter be used, shall from and after the passing of this Act, erect or cause to be erected, good and substantial guards round the Machinery of such Steam-boats, Steam-cars and Steam-carriages, Mills and other buildings, so as to prevent passengers and other persons on board of, or entering the same respectively, from coming in contact with the Machinery used therein or attached thereto.

II. And be it further enacted by the authority aforesaid, That from and after the said first day of August next, it shall be the duty of the Collector of Customs of any of the Ports within this Province, to enter into or upon all and every Steam-boats, Steam-cars and Steam-carriages, arriving at his port or station, and carefully to examine the guards of the Machinery of every Steam-boat or Steam-carriage entering such port or station; and if the guards be not properly and substantially erected, so as to secure the safety of persons when such Machinery is in operation, the said Collector or his Deputy is to notify the same to the Master, or person in charge of such Steam-boat, Steam-car or Steam-carriage, and direct him to make the necessary and substantial guards.

III. And be it further enacted by the authority aforesaid, That it shall and may be the duty of every Justice of the Peace within this Province, within the District in which he shall reside and usually act as a Justice of the Peace, to enter into or upon all buildings wherein Machinery is now or shall hereafter be erected, and inspect and examine the Machinery thereof or attached thereto; and if upon such examination, the guards used in and about such Machinery shall be found insufficient, such Justice shall notify the same to the owner or occupier of such building, and direct the necessary guards to be erected.

IV. And be it further enacted by the authority aforesaid, That in case the Master, or person in charge of any Steam-boat, Steam-car or Steam-carriage, or the owner or occupier of any building wherein Machinery is now or shall hereafter be erected, shall neglect or refuse to comply with the directions of such Collector of Customs, or Justice of the Peace, respecting them, he, she or they, so refusing or neglecting, and being thereof convicted before one or more Justice of the Peace, shall forfeit and pay for every such offence any sum not exceeding one pound; and in default of payment of such sum, with the reasonable costs of conviction, such Master, or person in charge, owner or occupier respectively, shall be sent to the Common Gaol of the District, within which such offence shall have been committed, for any period not exceeding thirty days.

V. And be it further enacted by the authority aforesaid, That upon the inspection of any Steam-boat, Steam-car or Carriage, and of any building wherein or whereto Machinery shall be used or attached as aforesaid, it shall appear to the Collector of Customs, or Justice of the Peace respectively, inspecting the same, that the guards to be erected in compliance with this Act are sufficiently safe and substantial, such Collector, or Justice respectively, shall deliver to the person in charge of such Steam-boat, Steam-carriage or Car, and to the proprietor or occupier of such building as aforesaid, a certificate to that effect; and such certificate shall for six, calendar months from the date thereof, be a good and sufficient protection to the Masters and owners, and occupiers of such Steam-boat, Steam-carriage or Car, and building respectively, as aforesaid, against any penalty to be incurred under the provisions of this Act: Provided, that such safe-guards shall at all times be kept in good and sufficient repair.