



CHAPTER 27.

An Act for securing the Safety and Good Health of Workmen engaged in or about the Metalliferous Mines in the Province of British Columbia by the appointment of an Inspector of Metalliferous Mines.

[8th May, 1897.]

WHEREAS it is expedient to secure the safety and good health of the men engaged in or about the mines (otherwise than coal mines) in this Province : Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows :—

1. This Act shall be cited as the “Inspection of Metalliferous Mines Act, 1897.” Short title.

2. The Lieutenant-Governor in Council may appoint an Inspector of Metalliferous Mines, or mines of whatever description other than a mine to which the “Coal Mines Regulation Act” and amending Acts applies, who shall be a man of at least seven (7) years’ practical experience in mining, whose duties shall be as hereinafter specified, and who shall receive such salary and allowances as shall be determined by the Lieutenant-Governor in Council; and before entering upon the discharge of his duties he shall take and subscribe to an oath that he will discharge such duties faithfully. Appointment of Inspector.

3. The Inspector of Mines shall not act as manager or agent or lessee for any mining or other corporation during the term of his office, but shall give his whole time and attention to the duties of the office to which he has been appointed; he shall not make a report on any mine or mining property for any person or persons interested in Inspector not to act or report for persons or corporations.

Penalty. such mine or mining property, with intent to promote or aid in the sale or other conveyance thereof; and this officer violating this provision shall, upon summary conviction thereof, forfeit and pay a fine of not less than one hundred dollars nor more than one thousand dollars.

Minister may order inspection.

4. The Minister of Mines shall, on receipt of reliable information relating to the health and safety of the workmen employed in any metalliferous mine in the Province of British Columbia, or whenever he deems such inspection necessary, instruct the Inspector to examine and report to him the condition of such mine. The mine-owner, agent, manager, or lessee shall have the right to appeal to the Minister of Mines on any difference that may arise between such parties and the Inspector. On receipt of notice of any serious accident in any mine, the Minister of Mines shall instruct the Inspector to inquire into the cause of such accident.

Duties of Inspector in reporting.

5. The Minister of Mines shall instruct the Inspector to examine and report to him the condition of the hoisting machinery, engines, boilers, whims, cages, cars, buckets, ropes, and cables in use in all the metalliferous mines in operation in the Province of British Columbia, the appliances used for the extinguishing of fires, the manner and method of working and timbering the shafts, drifts, inclines, stopes, winzes, tunnels, and upraises through which persons pass while engaged in their daily labours, all exits from the mine, and how the mine is ventilated, together with the sanitary conditions of the same, and also how and where all explosives and inflammable oils and supplies are stored, also the system of signals used in the mines. The Inspector shall not give notice to any owner, agent, or lessee of the time when such inspection shall be made.

Owners, &c., of mines to admit Inspector.

6. Every owner, agent, manager, or lessee of any metalliferous mine in this Province shall admit the Inspector to such mine on the exhibition of his certificate of appointment, for the purpose of making the examination and inspection provided for in this Act, whenever the mine is in active operation, but said Inspector shall not unnecessarily obstruct the working of said mine.

Penalty for refusal to admit.

If the owner, agent, manager, or lessee refuse to admit the Inspector to such mine, or to render him necessary assistance for inspection, such owner, agent, manager, or lessee shall be guilty of an offence against this Act, and shall be liable upon summary conviction to a fine of not less than ten nor more than five hundred dollars for each and every such refusal or neglect.

Inspector to keep secret information obtained in inspection.

7. If the Inspector shall reveal any information in regard to ore bodies, chutes, or bodies of ore, or location, course, or character of underground workings, or give any information or opinion respecting

any mine, obtained or formed by him in making such inspection, upon summary conviction thereof the said Inspector shall be removed from office and fined in a sum not less than one hundred dollars nor more than one thousand dollars.

8. The Inspector shall exercise a sound discretion in the advancement of the objects of this Act, and in the enforcement of the regulations made hereunder; and if he shall find any matter, thing, or practice in or connected with any metalliferous mines to be dangerous or defective, so as to, in his opinion, threaten or tend to the bodily injury of any person, the Inspector shall give notice in writing thereof to the owner, stating in such notice the particulars in which he considers such mine, part thereof, or practice to be dangerous or defective, he shall order the same to be remedied.

Inspector's duties as to dangerous things in mines.

9. In case the owner, agent, manager, or lessee, after written notice being duly given, does not conform to or disregards any lawful order of the Inspector made hereunder, or disobeys any regulation made hereunder, any Court of competent jurisdiction may, on application or information of the Minister of Mines by civil action, enjoin or restrain, with costs, the owner, agent, manager, or lessee from working the same until it is made to conform to the provisions of this Act; and such remedy shall be cumulative, and shall not affect any other proceedings against such owner, agent, manager, or lessee authorised by law for the matter complained of in such action.

Enforcing Inspector's orders.

10. Any owner, agent, manager, or lessee having charge or operating any metalliferous mine, whenever loss of life or serious accident shall occur in connection with the working of such mine, shall give notice immediately, and report all facts thereof to the Minister of Mines or the Inspector, and the said Inspector shall investigate and ascertain the causes and make a report, which shall be filed in the office of the Minister of Mines for future reference.

Owners and others to give notice of serious accident.

11. The Lieutenant-Governor in Council shall have the power at any time to remove from office the Inspector for incompetency, neglect of duty, or abuse of the privileges of his office.

Removal of Inspector.

Employment of Females, Children and Boys.

12. No boy under the age of twelve years of age, no woman or girl of any age, and no Chinese or Japanese person shall be employed in, or allowed to be for the purpose of employment in, any mine to which this Act applies below ground.

Prohibits employment of women, girls, Chinese and Japanese underground.

13. No boy under the age of sixteen years shall be employed underground for more than fifty-four hours in any one week, or more than ten hours in any one day.

Boys under 16.

Person in charge of hoisting machinery, &c.

14. The person in charge of the machinery for raising or lowering men must be a male of at least eighteen years of age; but in no case shall the person in charge be of the Chinese or Japanese race.

Register of boys and women employed.

(1.) The owner, agent, or manager of any mine to which this Act applies, shall keep in the office at the mine a register, and shall cause to be entered in such register the name, age, residence and date of first employment of all boys of the age of twelve and under the age of sixteen, and of all such young persons under the age of sixteen years, who are employed in the mines below ground, and of all women and young persons and children employed above ground in connection with the mine, and shall produce such register to any Inspector under this Act at the mine at all reasonable times when required by him, and allow him to inspect and copy the same.

Wages.

Prohibition of payment of wages at public houses

15. No wages shall be paid to any person employed in or about any mine to which this Act applies at or within any public house, beer shop, or place for the sale of any spirits, beer, wine, cider, or other spirituous or fermented liquor, or other houses of entertainment, or any office, garden or place belonging or contiguous thereto or occupied therewith.

Returns, Notices and Abandonments.

Returns by owners, agents or managers of mines.

16. On or before the fifteenth day of January in every year the owner, agent, manager or lessee of every mine to which this Act applies shall send to the Bureau of Mines, in the City of Victoria, on behalf of the Minister of Mines, a correct return specifying with respect to the year ending on the preceding thirty-first day of December the quantity of metal or ore wrought in such mine, and the number of persons ordinarily employed in or about such mine above and below ground, and any other information as may be required.

Form of return.

17. The return shall be in such form as may be from time to time prescribed by the Minister of Mines, and the Inspector or the Provincial Mineralogist shall from time to time on application furnish forms for the purpose of such return.

Publication of results and returns.

18. The Minister of Mines may publish the aggregate results of such returns, but the individual returns shall not be published without the consent of the person making the same, or the owner of the mine to which they relate, and no person except the Inspector, or Provincial Mineralogist, or the Minister of Mines shall be entitled without such consent to see the same. All such information shall be used for statistical purposes only.

Notice to be given of accidents in mines.

19. Where in or about any mine to which this Act applies, whether above or below ground, either—

(1.) Loss of life or any personal injury to any person employed in or about the mine occurs by reason of any explosion of gas, powder or any steam boiler; or

(2.) Loss of life or any serious personal injury to any person employed in or about the mine occurs by reason of any accident whatever, the owner, agent, manager or lessee of the mine shall, within twenty-four hours next after the explosion or accident, send notice in writing of the explosion or accident, and of the loss of life or personal injury occasioned thereby, to the Inspector, and shall specify in such notice the character of the explosion or accident, and the number and names of persons killed and injured respectively.

When any personal injury, of which notice is required to be sent under this section, results in the death of the person injured, notice in writing of the death shall be sent to the Inspector within twenty-four hours after such death comes to the knowledge of the owner or agent.

Notice of subsequent death.

20. Where any working is commenced for the opening of a new mine, or the working of a mine is abandoned, the owner, agent, manager or lessee of such mine shall, within two months after such commencement or abandonment, give notice thereof to the Inspector; provided that this section shall only apply to any working or mine in which more than twelve persons are ordinarily employed below ground.

Notice in case of new opening or abandonment.

21. Where any mine to which this Act applies is abandoned, or the working thereof discontinued, at whatever time such abandonment or discontinuance occurred, the owner thereof, and every other person interested in the minerals of such mine, shall cause the top of the shaft, if there be such, to be and to be kept securely fenced for the prevention of accidents.

Fencing of abandoned mine.

22. Where any mine to which this Act applies, in which more than twelve persons have ordinarily been employed below ground, is abandoned, the owner of such mine at the time of the abandonment shall, within three months after such abandonment, send to the Minister of Mines an accurate plan, on a scale of not less than thirty feet to the inch, or on such other scale as the plan last used in the mine is constructed on, showing the boundaries of the workings of such mine up to the time of the abandonment, with the view of its being preserved under the care of the Minister of Mines; but no person except the Inspector or the Provincial Mineralogist shall be entitled, without the consent of the owner of the mine, to see such plan when so sent until after the lapse of ten years from the time of abandonment: Provided that this section shall not apply to any mine opened up by means of tunnels or adit-levels, below which extend no workings in which water may accumulate.

Plans of abandoned mines to be sent to Minister.

Plans of Mines.

Plans of mines to be kept at the office of the mine.

23. The owner, agent, manager, or lessee of every mine to which this Act applies shall keep in the office of the mine, or in the principal office of the mines belonging to the same owner in the district in which the mine is situated, an accurate plan of the workings of such mine, showing the workings up to at least six months previously, other than workings which were last discontinued at a date more than twelve months before the commencement of this Act.

Production to Inspector.

(1.) The owner, agent, manager, or lessee of the mine shall produce to an Inspector under this Act, at one of the aforesaid offices, such plan, and shall, if requested by the Inspector, mark on such plan the progress of the workings of the mine up to the time of such production, and shall allow the Inspector to examine the same.

If owner, &c., makes default, guilty of offence against this Act.

(2.) If the owner, agent, manager, or lessee of any mine fails to keep such plan as is prescribed by this section, or wilfully refuses to produce or allow to be examined such plan, or wilfully withholds any portion of any plan, or conceals any part of the workings of his mine, or produces an imperfect or inaccurate plan, unless he shows that he was ignorant of such concealment, imperfection, or inaccuracy, he shall be guilty of an offence against this Act; and, further, the Inspector may, by notice in writing (whether a penalty for such offence has or has not been inflicted), require the owner, agent, manager, or lessee to cause an accurate plan, such as is prescribed by this section, to be made within reasonable time, at the expense of the owner or lessee of the mine, on a scale of not less than a scale of thirty feet to one inch, or on such other scale as the plan used in the mine is constructed on.

Requisition by Inspector.

(3.) If the owner, agent, manager, or lessee fail, within twenty days, or such further time as may be shown to be necessary, after the requisition of the Inspector, to make or cause to be made such plan, he shall be guilty of an offence against this Act:

Proviso.

Provided that this section shall apply only to a mine to which this Act applies, and in which more than twelve persons are ordinarily employed below ground.

Inspector's Report.

Annual report by Inspector.

24. The Inspector shall make an annual report of his proceedings during the preceding year to the Minister of Mines, which report shall be laid before the Legislative Assembly.

Special reports.

(1.) The Minister of Mines may at any time direct an Inspector to make a special report with respect to any accident in a mine to which this Act applies, which accident has caused loss of life or serious personal injury to any person, and in such case shall cause such report to be made public at such time and in such manner as he thinks expedient.

General Rules.

25. The following general rules shall, so far as may be reasonably practicable, be observed in every mine to which this Act applies. General rules.

Ventilation.

(1.) An adequate amount of ventilation shall be constantly produced in every mine to such an extent that the shafts, winzes, sumps, levels, stopes, and working places of such mine, and the travelling roads to and from such working places, shall be in a fit state for working and passing therein. Ventilation.

Explosives.

(2.) Gunpowder, dynamite, or other explosive or inflammable substance shall not be stored anywhere underground in the mine, but shall be stored in a magazine provided only for this purpose. Said magazine shall be placed far enough from any shaft, tunnel, engine or mining buildings as to insure their remaining intact in case of the explosion of the stock of explosive in said magazine. Explosives, storing, &c.

(3.) All explosives in excess of the amount required for a shift's or day's work, shall be kept in the magazine.

(4.) Each mine to which this Act applies, shall have a suitable device for thawing such explosives as require it, and such device shall be heated only by the use of hot water or steam.

(5.) Oils, candles, and other inflammable substances, fuse and detonating caps shall not be stored with the explosives.

(6.) An iron or steel tamping rod shall not be used for ramming or tamping the wadding or first part of the tamping on the explosives.

Fire Protection.

(7.) Every plant using steam where boiler, engine, blacksmith shop and shaft are in the same building, shall have a hose and hose-connection to injector or feed pump, and keep same ready for instant use, and the line of hose shall be sufficient to reach the farthest point of said plant. Fire protection hose, etc.

Code of Signals.

(8.) Each mine using a code of signals shall use the following code: Code signals.

1 Bell. To hoist (when the bucket, skip or cage is not in motion);

1 Bell. To stop (when the bucket, skip or cage is in motion);

1 1 Bell. To lower;

1 1 1—1 Bell. With care—to hoist (man on);

1 1 1—1 1 Bell. With care—to lower (man on).

Other signals to meet other demands, may be arranged, but the code of signals in full shall be plainly printed and placed in the engine-room,

at the top of the shaft, and at each station or landing or level, together with a notice and penalty for wrong or improper signals.

(9.) The bell-rope or other device for signalling shall be so constructed that signals can be sounded clearly and easily at the surface from any station, landing or level.

Hoisting and Landing Men.

Hoisting, &c., of men.

(10.) The hoisting or lowering of employees at any mine shall be permitted or positively prohibited.

Every working vertical shaft in which persons are lowered or raised shall, if exceeding three hundred feet in depth, be provided with a cage and guides. Such cage to be provided with a sufficient iron or steel covering or hood and catches.

Daily Inspection of Mine.

Daily inspection.

(11.) A competent person or persons who shall be appointed for the purpose shall, once at least every twenty-four hours, examine the state of the external parts of the machinery, and the state of the head gear, working places, levels, inclines, ropes and other works of the mine which are in actual use, and once at least in every week shall examine the state of the shafts or inclines by which persons ascend or descend, and the guides, timbers and ladder-ways therein, shall make a true report of the result of such examination, and such report shall be recorded in a book to be kept at the mine for the purpose, and shall be signed by the person who made the same.

Shafts.

Shafts.

(12.) Every shaft, incline or stope in which mechanical appliances for hoisting are used, and which is a means of travel for employees, shall be of at least two compartments, and shall be well timbered.

(13.) The top of every shaft shall be covered or so protected as to prevent persons or foreign objects falling into said shaft.

Stations.

Stations.

(14.) Each station or landing shall have a passage way around one side of the shaft where the level or drift extends both ways from the said shaft.

Ladder Ways.

Ladder-ways.

(15.) A ladder permanently used for the ascent or descent of persons in the mine shall be sufficiently strong for the purpose demanded, and shall be firmly fastened and kept in good repair. In a vertical shaft the ladder shall not be fixed in a vertical or overhanging position, and shall be inclined at the most convenient angle which the space in which the ladder is fixed allows, and every such ladder shall have substantial platforms at intervals of not more than twenty feet.

(16.) The said platform shall be closely covered, with the exception of an opening large enough to permit the passage of a man, and shall be so arranged that by no means could a person fall from one ladder through the opening to the next ladder.

(17.) The ladder way in a shaft, incline or stope shall be separated by a strong partition from the compartment or division of the shaft, incline or stope in which the material of the mine is hoisted.

Winzes and Mill-holes.

(18.) Each winze or mill-hole extending from one level or drift to another level or drift shall be protected at the top by a cover or a guard rail. Winzes and mill-holes.

Exits.

(19.) As soon as it is practicable each mine to which this Act applies shall have two or more exits from the said mine, and levels or drifts driven each way from a shaft, or incline, or stope shall be connected by upraises or winzes equipped with ladders to provide exits, or means of escape in case of accident. Exits.

Timbering.

(20.) Each shaft, incline, stope, tunnel, level or drift, and any working place in the mine to which this Act applies, shall be, when necessary, kept securely timbered or protected to prevent injury to any person from falling material. Timbering.

Gauges to Steam Boilers.

(21.) Every steam boiler shall be provided with a proper steam gauge and water gauge, to show respectively the pressure of steam and height of water in the boiler, and with a proper safety valve. Gauges to steam boilers.

Observance of Directions.

(22.) Every person shall observe such directions with respect to working as may be given to him with a view to comply with the sections of this Act. Observance of directions.

(23.) Every person who contravenes or does not comply with any of the general rules of this section shall be guilty of an offence against this Act; and in the event of any contravention of or non-compliance with any of the said general rules in the case of any mine to which this Act applies, by any person whomsoever, the owner, agent and manager shall each be guilty of an offence against this Act unless he proves that he had taken all reasonable means, by publishing, and to the best of his power enforcing, the said rules as regulations for the working of the mine, to prevent such contravention or non-compliance. What constitutes an offence against Act.

26. The Lieutenant-Governor in Council may from time to time make such rules for the safety of mines in addition to these herein Rules may be made by Lieut.-Governor.

laid down and not inconsistent therewith as may be deemed advisable for the protection of the miners, and in and by such rules or regulations may impose fines or penalties for the infraction thereof not exceeding those imposed in and by this Act; and the said rules and regulations shall have the force of law after they have been advertised for four weeks in the British Columbia Gazette.

Penalties.

Penalties, owners,
&c.

27. Every owner, agent, manager or lessee of a mine to which this Act applies, who is guilty of any act or omission in contravention of the provisions or requirements of this Act, shall be deemed guilty of an offence against this Act.

Employees.

28. Every person employed in or about a mine other than an owner, agent, manager or lessee, who is guilty of any act or omission which in the case of an owner, agent, manager or lessee would be an offence against this Act, shall be deemed guilty of an offence against this Act.

Amounts of penalties.

29. Every person who is guilty of any offence against this Act shall be liable to a penalty not exceeding, if he is an owner, agent, manager or lessee, one hundred dollars, and if he is any other person, ten dollars, for each offence; and if the Inspector has given written notice of any such offence, then in case of an owner, agent, manager or lessee, to a further penalty not exceeding one hundred dollars and not less than ten dollars for every day after such notice that such offence continues to be committed, and in cases of other persons, to a further penalty not exceeding five dollars for every day after such notice that such offence continues to be committed.

Imprisonment where pecuniary penalty will not meet case.

30. Where a person who is an owner, agent, manager or lessee of or a person employed in or about a mine is guilty of any offence against this Act which in the opinion of the Court that tries the case is one which was reasonably calculated to endanger the safety of the persons employed in or about the mine, or to cause serious personal injury to any of such persons, or to cause a dangerous accident, and was committed wilfully by the personal act, personal default, or personal negligence of the person accused, such person shall be liable, if the Court is of opinion that a pecuniary penalty will not meet the circumstances of the case, to imprisonment, with or without hard labour, for a period not exceeding three months.

Appeal.

31. If any person feel aggrieved by any conviction made by a Court of Summary Jurisdiction on determining any information under this Act the person so aggrieved may appeal therefrom.

Penalty may be recovered summarily.

32. All offences under this Act, and all penalties under this Act, and all money and costs by this Act directed to be recovered as penal-

ties, may be prosecuted and recovered in a summary manner before a Justice of the Peace.

33. The following provisions shall have effect:—

- (1.) Any complaint or information made or laid in pursuance of this Act shall be made or laid within six months from the time when the matter of such complaint or information respectively arose : Limit of time for complaint.
- (2.) The description of any offence under this Act in the words of this Act shall be sufficient in law :
- (3.) Any exception, exemption, proviso, excuse, or qualification, whether it does or not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant : Defendant may prove exemption, &c.
- (4.) The owner, agent, manager, or lessee may, if he think fit, be sworn and examined as an ordinary witness in the case where he is charged in respect of any contravention or non-compliance by another person : Owner may give evidence when he is charged.
- (5.) The Court shall, if required by either party, cause minutes of the evidence to be taken and preserved :
- (6.) Any two Justices of the Peace holding a Court of Summary Jurisdiction shall not impose a penalty under this Act exceeding two hundred and fifty dollars, but any such Court may impose that or any less penalty for any one offence, notwithstanding the offence involves a penalty of higher amount. Amount of penalty Justice of the Peace may impose.

34. No prosecution shall be instituted against the owner, agent, manager or lessee of a mine to which this Act applies for any offence under this Act which can be prosecuted before a Court of Summary Jurisdiction except by an Inspector, or with the consent in writing of the Minister of Mines; and in the case of any offence of which the owner, agent, manager, or lessee of a mine is not alleged to be personally the perpetrator, if he proves that he had taken all reasonable means to prevent the commission thereof, an Inspector shall not institute any prosecution against such owner, agent, manager, or lessee, if satisfied that he had taken such reasonable means as aforesaid. Prosecution against owners, &c.

35. Nothing in this Act shall prevent any person from being indicted or liable under any other Act or otherwise to any other or higher penalty or punishment than is provided for any offence by this Act, so that no person be punished twice for the same offence. And if the Court before whom a person is charged with an offence under this Act think that proceedings ought to be taken against such person Indictment under other Acts.

for such offence under any other Act, or otherwise, the Court may adjourn the case to enable such proceedings to be taken.

Prohibits certain relations from acting as a Court.

36. A person who is the owner, agent, manager, or lessee of any mine to which this Act applies, or the father, son, or brother of such owner, agent or manager, shall not act as a Court or member of a Court of Summary Jurisdiction in respect of any offence under this Act.

To whom penalties to be paid.

37. Where a penalty is imposed under this Act for neglecting to send a notice of any explosion or accident or for any offence against this Act which has occasioned loss of life or personal injury, the Minister of Mines may (if he think fit) direct such penalty to be paid to or distributed among the persons injured and the relatives of any persons whose death may have been occasioned by such explosion, accident, or offence, or among some of them:

Provided that—

- (1.) Such persons did not in his opinion, occasion, or contribute to occasion, the explosion or accident, and did not commit and were not parties to committing the offence:
- (2.) The fact of such payment or distribution shall not in any way affect or be receivable as evidence in any legal proceeding relative to or consequential on such explosion, accident, or offence.

Save as aforesaid, all penalties imposed in pursuance of this Act shall be paid into the Provincial Treasury.

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