ANNO PRIMO & SECUNDO

# GULIELMI IV. REGIS.

******************************************************

## C A P. XXXIX.

## An Act to repeal the Laws relating to Apprentices and other young Persons employed in Cotton Factories and in Cotton Mills, and to make further Provisions in lieu thereof.

[15th *October* 1831.]

WHEREAS an Act was passed in the Fifty-ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to make further Provisions for the Regula-* 59 G.3. c.66.
*tion of Cotton Mills and Factories, and for the better Preservation of the Health of young Persons employed therein:* And whereas another Act was passed in the Sixtieth Year of His said Majesty, intituled *An Act to amend an Act to make further Provision for the Regulation* 60 G.3. c.5.
*of Cotton Mills and Factories, and for the Preservation of the Health of young Persons employed therein:* And whereas another Act was passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to make further Provisions for* 6 G.4. c.63.
*the Regulation of Cotton Mills and Factories, and for the better Preservation of the Health of young Persons employed therein:* And whereas another Act was passed in the Tenth Year of His late Majesty, intituled *An Act to amend the Law relating to the Employ-* 10 G.4. c.51.
*ment of Children in Cotton Mills and Factories:* And whereas another Act was passed in the Tenth Year of His late Majesty, intituled *An* 10 G.4. c.63.
*Act to render valid an Act to amend the Law relating to the Employment of Children in Cotton Mills and Factories:* And whereas it is expedient that the said Acts should be repealed, and that other

Regulations and Provisions should be enacted in lieu thereof: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *November* One thousand eight hundred and thirty-one the said recited Acts shall be and the same are hereby repealed.

Recited Acts repealed.

Persons under 21 Years of Age not allowed to work at Night.

II. And whereas it has of late become a Practice in Cotton Mills and Cotton Factories to employ a great Number of young Persons of both Sexes late at Night, and in many Instances all Night; and certain Regulations have become necessary to preserve the Health and Morals of such Persons; be it therefore further enacted, That from and after the First Day of *November* One thousand eight hundred and thirty-one no Person under Twenty-one Years of Age shall be allowed to work in the Night, (that is to say,) between the Hours of Half past Eight of the Clock in the Evening and Half past Five of the Clock in the Morning, in any of the Cotton Manufactories of the United Kingdom, where Steam or Water Power is used to propel or work the Machinery used in such Mills or Factories.

Persons under 18 Years not to work more than certain Hours.

III. And be it further enacted, That no Person under the Age of Eighteen Years shall be employed in any such Mill or Factory, in any Description of Work whatsoever, in the twisting, spining, carding, or weaving of Cotton, or in any way preparing or manufacturing that Material, or in cleaning any Machinery or Mill Work, more than Twelve Hours on any One Day, nor more than Nine Hours on a *Saturday*.

Time for Meals.

IV. And be it further enacted, That there shall be allowed to every such Person, in the Course of every Day, not less than One and a Half Hour for Meals.

Extension of Hours of working in certain Cases.

V. Provided always, and be it further enacted, That if at any Time in any such Mill, Manufactory, or Buildings as are situated upon Streams of Water, Time shall be lost in consequence of the Want of a due Supply or of an Excess of Water, or by reason of its being impounded in higher Reservoirs, then and in every such Case, and so often as the same shall happen, it shall be lawful for the Occupier of any such Mill, Manufactory, or Building to extend the Time of Labour of Sixty-nine Hours *per* Week herein-before allowed, at the Rate of Three Hours *per* Week, until such lost Time shall have been made good, but no longer; such Time to be worked between the Hours of Five of the Clock in the Morning and Nine of the Clock in the Evening: Provided also, that no Time shall be recoverable after it has been lost Six Calendar Months.

Providing for unavoidable Loss of Time in case of Accident;

VI. And be it further enacted, That when any extraordinary Accident shall happen to the Steam Engine, Water-wheel, Weirs, or Watercourses, Main Shafting or Main Gearing of any such Mills, Manufactories, or Buildings, by which Time shall be lost, then and in every such Case such Time may be worked up at the Rate of One Hour a Day for the Ten following Days, but no longer.



VII. And

and for the Want or Excess of Water in the Day-time.

VII. And whereas, during Periods of great Drought and of Floods, the Power of Water-wheels on some Streams is so far diminished that the Whole of the Machinery cannot be worked at one and the same Time; be it therefore enacted, That such Parts of the Machinery as may not have been worked during the Day, owing to the Want or Excess of Water, may lawfully be worked in the Night by Persons not under the Age of Sixteen Years: Provided always, that in such Case no Part of the Machinery in any such Mill shall be suffered to be worked by Persons under the Age of Twenty-one Years a longer Time in any One Week than is permitted by the former Provisions of this Act.

No Children to be employed.

VIII. And be it further enacted, That in Cotton Mills or Factories no Child shall be employed in any Description of Work until he or she shall have attained the Age of Nine Years.

Parents and Guardians to be liable to Penalties for false Statements of the Ages of Children.

IX. And be it further enacted, That no Owner or Occupier of any Mill or Factory aforesaid shall become liable to any Penalty or Penalties which he or she may incur by employing or overworking any Child or Children under the Ages herein-before mentioned, where such Owner or Occupier have employed such Child or Children in consequence of his or her having received a Certificate of such Child or Children being of the proper Age required by this Act under the Hand of their Parents, Guardians, natural or legal Protectors; and in any Case where the Person or Persons shall certify himself, herself, or themselves to be of the full Age of Twenty-one Years, with Intent that any of the Provisions of this Act may be evaded, then, in the former Case, the said Parents, Guardians, natural or legal Protectors, giving such false Certificate, and in the latter Case the said Person or Persons giving such false Certificate, shall be liable for each Offence to a Penalty not exceeding Five Pounds, to be recovered in the Manner herein provided for the Recovery of other Penalties under this Act.

Justices of Peace being Masters, &c. not to act.

X. And be it further enacted, That no Justice of the Peace, being also a Proprietor or Occupier of any such Mill, Manufactory, or Building where the spining or manufacturing of Cotton is carried on, or the Father, Son, or Brother of any such Proprietor or Occupier, shall act as a Justice of the Peace under this Act.

Factories, &c. to be white-washed annually.

XI. And be it further enacted, That the whole of the Ceilings and interior Walls of every such Mill, Manufactory, or Building where the Process of manufacturing is carried on, shall be washed with Quicklime and Water once every Year, except such Parts as are painted.

Quashing of Informations.

XII. And be it further enacted, That no Information filed, nor any Summons issued, shall be quashed for Informality or Want of Form.

Time for Informations.

XIII. And be it further enacted, That all Informations for Offences against this Act shall be laid within Twenty-one Days subsequently to

to the Offence being committed; and the Summons shall be served within Six Days of the Date of the Information.

In Cases of District Magistrates being disqualified, other Magistrates may hear Cases.

XIV. And be it further enacted, That in all Cities, Boroughs, or Corporate Towns where the Manufacture of Cotton is carried on, and where the Magistrates for the Time being are disqualified by the foregoing Clause from administering this Act, then and in every such Case, and so often as the same shall happen, it shall be lawful for the Magistrates of the County in which the Offence may be committed (and not otherwise disqualified as aforesaid) to administer, and they are hereby authorized and empowered to hear, examine, and determine any Offences committed against the Provisions of this Act in any such Cities, Boroughs, or Corporate Towns; or it shall be lawful for the Complainant to remove the Cases of Information or Complaint from the said Cities, Boroughs, or Corporate Towns to any other Court of Session or Petty Session, not exceeding Twelve Miles from the Place where the Offence shall have been committed; any Law, Charter, Usage, or Custom to the contrary notwithstanding.

In case of Partnerships, One Name sufficient for Summons, &c.

XV. And be it further enacted, That it shall not be deemed necessary in any Information, Summons, or Warrant issued in pursuance of this Act, to set forth the Name or other Designation of each and every the Partners in any such Mill or Factory, but that it shall be lawful to insert in such Information, Summons, or Warrant the Name of the ostensible Occupier, or Title of the Firm by which the Occupier or Occupiers employing the Workpeople of every such Mill or Factory are usually designated and known.

Service of Summons.

XVI. And be it further enacted, That the Service of such Summons or Warrant on any Occupier, principal Manager, Conductor, or Agent of any such Mill or Factory, shall be good and lawful Service.

Register of Time of working Steam Engines, &c. to be kept.

XVII. And be it further enacted, That the Occupier or Occupiers of every such Mill or Factory shall on each and every Day enter or cause to be entered in a Book to be kept for that Purpose, to be called "The Time Book," a true and correct Account of the Time which the Steam Engine or Water-wheel and Machinery of such Mill or Factory shall have been in operation during such Day; and such Book shall be produced for Inspection before any Justice of the Peace acting for the Division where such Mill is situated, whenever any such Justice shall, by Notice in Writing, require the same.

Justices may convict under certain Cases.

XVIII. And be it further enacted, That in case it shall be proved, to the Satisfaction of the Justices before whom any Information under this Act shall be heard, that the Steam Engine or Water Wheel or propelling Machinery of any such Mill or Factory was in operation for the regular Process of Manufacture, on the Day mentioned in such Information, before Five of the Clock in the Morning or after Nine of the Clock in the Evening, then it shall and may be lawful for such Justices to convict the Party complained against, unless it shall be proved by One or more credible Witness or Witnesses, to

the Satisfaction of such Justices, that the Person or Persons alleged to have been overworked had not been employed in any Manner contrary to the Provisions of this Act on the Day mentioned in such Information.

No Appeal.

XIX. And be it further enacted, That no Appeal shall be allowed against any Conviction under this Act, neither shall such Conviction be removable by Certiorari or Bill of Advocation into any Court whatever.

Justices may proceed by Summons.

XX. And be it further enacted, That it shall be lawful for any Justice of the Peace before whom any Complaint or Information shall be laid under this Act to issue his or their Summons, at the Request of any Party complaining, to any Witness or Witnesses to appear and give Evidence before such Justice at the Time and Place for hearing and determining such Complaint, and which Time and Place shall be specified in such Summons; and if any Person or Persons so summoned to appear as a Witness or Witnesses as aforesaid shall not appear before such Justice at the Time and Place specified in such Summons, or offer some reasonable Excuse for the Default, or appearing according to such Summons shall not submit to be examined as a Witness or Witnesses, and give his or her or their Evidence before such Justice touching the Matter of such Complaint, then and in every such Case it shall be lawful for such Justice, and they are hereby authorized, (Proof on Oath, in the Case of any Person not appearing according to such Summons, having been first made before such Justices of the due Service of such Summons on every such Person by delivering the same to him or her, or by leaving the same, Twenty-four Hours before the Time appointed for such Person to appear before such Justices, at the usual Place of Abode of such Person,) by Warrant under the Hands of such Justices, to commit such Person or Persons so making Default in not appearing, or appearing and refusing to give Evidence, to some Prison within the Jurisdiction of such Justices, there to remain without Bail or Mainprize for any Period not exceeding Three Calendar Months nor less than One Month, or until such Person or Persons shall submit himself or herself or themselves to be examined, and give his, her, or their Evidence, before such Justices aforesaid.

Penalty for offending against this Act.

XXI. And be it further enacted, That every Occupier, Manager, or Foreman of every such Mill, Manufactory, or Building, or any Part thereof, who shall act contrary to or offend against any of the Provisions of this Act, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds nor less than Ten Pounds, at the Discretion of the Justices before whom such Offender shall be convicted, One Half whereof shall be given to the Complainant or Prosecutor, together with all Costs of Prosecution and Conviction, and the other Half for the Benefit of the Poor of *England*, *Ireland*, or *Scotland*, in such Parish, Township, or Place where such Offence shall be committed: Provided always, that in certain Cases the Magistrates hearing the said Cases shall be empowered to deduct the Costs before the Division and Award of the Penalty; and provided always, that only One Penalty shall be recoverable

Application thereof.

Provisoes.

for One Day; and provided further, that it shall not be deemed necessary for the Complainant or Prosecutor to name in any Summons or Information the particular Township in which such Offence shall have been committed, but it shall be lawful to set forth in such Summons or Information the Name of the Parish where such Offence may have been committed.

Two Justices may act.

Recovery of Penalties.

XXII. And be it further enacted, That all Informations of Offences for which any Penalty is imposed under this Act shall and may be heard before any Two or more Justices of the Peace, not being disqualified as aforesaid, acting in and for the Place where the Offence shall have been committed or Case heard; and all Penalties and Forfeitures by this Act imposed, and all Costs and Charges attending the Prosecution and Conviction of such Offender or Offenders, shall and may be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Two or more Justices of the Peace acting for the County, Stewartry, Riding, Division, or Place where such Offence shall have been committed, rendering the Overplus (if any) to the Party or Parties offending, and which Warrant such Justices are hereby empowered and required to grant upon Conviction of the Offender by Confession or upon the Oath of One or more credible Witness or Witnesses (which Oath such Justices are hereby empowered to administer); and in case such Distress cannot be found, and such Penalties, Forfeitures, and Costs shall not be forthwith paid, it shall and may be lawful for such Justices, and they are hereby empowered and required, by Warrant under their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction of the County, Stewartry, Riding, Division, or Place where the Offence shall be committed, for any Time not exceeding Three Calendar Months nor less than One Month, unless the said Penalty, Forfeitures, and Costs shall respectively be sooner paid and satisfied.

Public Act.

XXIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without specially pleading the same.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1831.