

ANNO TERTIO & QUARTO

GULIELMI IV. REGIS.

***

and *Ireland*: Provided always, that nothing in this Act shall apply or extend to the working of any Steam or other Engine, Water-wheel, or other Power in or belonging to any Mill or Building or Machinery when used in that Part of the Process or Work commonly called fulling, roughing, or boiling of Woollens, nor to any Apprentices or other Persons employed therein, nor to the Labour of young Persons above the Age of Thirteen Years when employed in packing Goods in any Warehouse or Place attached to any Mill, and not used for any Manufacturing Process: Provided also, that nothing in this Act shall apply or extend to any Mill or Factory used solely for the Manufacture of Lace.

Persons under 18 not to work more than 12 Hours a Day.

II. And be it further enacted, That no Person under the Age of Eighteen Years shall be employed in any such Mill or Factory in such Description of Work as aforesaid more than Twelve Hours in any one Day, nor more than Sixty-nine Hours in any one Week, except as herein-after provided.

Extension of Hours of working in certain Cases.

III. Provided always, and be it further enacted, That if at any Time in any such Mill, Manufactory, or Buildings situated upon any Stream 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 in this Act prescribed 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 Time lost in Cases of Accident.

IV. And be it further enacted, That when any extraordinary Accident shall happen to the Steam Engine, Water-wheel, Weirs, or Watercourses, Main Shafting, Main Gearing, or Gas Apparatus of any such Mill, Manufactory, or Buildings, by which not less than Three Hours Labour at any one Time shall be lost, then and in every such Case such Time may be worked up at the Rate of One Hour a Day, in addition to the aforesaid and herein-after restricted Hours of Labour, for the Twelve following working Days, but not after.

Loss of Time from the Want or Excess of Water in the Daytime provided for.

V. And whereas during Periods of Drought and of Floods the Power of Water-wheels on some Streams is wholly interrupted, or so far diminished that the Machinery or Part or Parts of the Machinery dependant upon such Power cannot be regularly worked at one and the same Time, and in consequence thereof a certain Portion of the Time of such Persons as are employed in the working of such Machinery may be lost in each Day during such Period of Drought or Floods; be it therefore enacted, That it shall be lawful for the Occupier of any Mill, Manufactory, or Building, when Time is so lost, then and in every such Case and so often as the same shall happen, to extend the Hours between which Persons under Eighteen Years of Age are herein-before allowed to work, (*videlicet*, from Five of the Clock in the Morning

Morning till Nine in the Evening,) as herein-before limited, to such Period as may in such Case be necessary to prevent the Loss of Time, and no longer: Provided always, that no Child or young Person within the respective Ages prescribed by this Act shall be actually employed a greater Number of Hours within the Twenty-four Hours of any one Day than this Act declares to be lawful; and provided also, that no Child under Thirteen Years of Age shall be employed after the Hour of Nine of the Clock in the Evening nor before the Hour of Five in the Morning.

Time for Meals.

VI. And be it further enacted, That there shall be allowed in the Course of every Day not less than One and a Half Hours for Meals to every such Person restricted as herein-before provided to the Performance of Twelve Hours Work daily.

Employment of Children under Nine Years prohibited.

VII. And be it enacted, That from and after the First Day of *January* One thousand eight hundred and thirty-four it shall not be lawful for any Person whatsoever to employ in any Factory or Mill as aforesaid, except in Mills for the Manufacture of Silk, any Child who shall not have completed his or her Ninth Year of Age.

The Employment of Children under 11, 12, and 13 Years of Age for more than Eight Hours a Day prohibited.

VIII. And be it further enacted, That from and after the Expiration of Six Months after the passing of this Act it shall not be lawful for any Person whatsoever to employ, keep, or allow to remain in any Factory or Mill as aforesaid for a longer Time than Forty-eight Hours in any one Week, nor for a longer Time than Nine Hours in any one Day, except as herein provided, any Child who shall not have completed his or her Eleventh Year of Age, or after the Expiration of Eighteen Months from the passing of this Act any Child who shall not have completed his or her Twelfth Year of Age, or after the Expiration of Thirty Months from the passing of this Act any Child who shall not have completed his or her Thirteenth Year of Age: Provided nevertheless, that in Mills for the Manufacture of Silk, Children under the Age of Thirteen Years shall be allowed to work Ten Hours in any one Day.

Holidays to be allowed.

IX. And be it further enacted, That all Children and young Persons whose Hours of Work are regulated and limited by this Act shall be entitled to the following Holydays; *videlicet*, on *Christmas Day* and *Good Friday* the entire Day, and not fewer than Eight Half Days besides in every Year, such Half Days to be at such Period or Periods, together or separately, as may be most desirable and convenient, and as shall be determined on by the Master of such Children and young Persons: Provided nevertheless, that in *Scotland* any other Days may be substituted for *Christmas Day* and for *Good Friday*, both or either, as such Master may determine.

Children employed in any one Mill less than 9 Hours not to be employed in any

X. And be it further enacted, That if any Child within the Age herein-before restricted to Nine Hours of Day Labour shall have been employed in any one Day for less than Nine Hours in One Factory or Mill, it shall be lawful for any Person to employ such Child in any other Factory or Mill on the same Day for the Residue of such

other Mill more than the Residue of 9 Hours.

such Nine Hours; provided that such Employment in such other Mill or Factory shall not increase the Labour of such Child to more than Nine Hours in any one Day, or to more than Forty-eight Hours in any one Week.

Children not to be employed without a Certificate from a Surgeon as to Strength and Appearance.

XI. And be it further enacted, That from and after the Expiration of Six Months after the passing of this Act it shall not be lawful for any Person to employ, keep, or allow to remain in any Factory or Mill any Child who shall not have completed his or her Eleventh Year of Age without such Certificate as is hereinafter mentioned, certifying such Child to be of the ordinary Strength and Appearance of a Child of the Age of Nine Years, nor from and after the Expiration of Eighteen Months after the passing of this Act any Child who shall not have completed his or her Twelfth Year of Age, without a Certificate of the same Form, nor from and after the Expiration of Thirty Months after the passing of this Act any Child who shall not have completed his or her Thirteenth Year of Age, without a Certificate of the same Form, which Certificate shall be taken to be sufficient Evidence of the Ages respectively certified therein.

Certificates to be made by a Surgeon or Physician.

XII. And be it further enacted, That for the Purpose of obtaining the Certificate herein-before required in the Case of Children under the Age of Eleven, Twelve, or Thirteen Years respectively, the Child shall personally appear before some Surgeon or Physician of the Place or Neighbourhood of its Residence, and shall submit itself to his Examination; and unless the Surgeon or Physician before whom the Child has so appeared shall certify his having had a personal Examination or Inspection of such Child, and also that such Child is of the ordinary Strength and Appearance of Children of or exceeding the Age of Nine Years, and unless also such Certificate shall within Three Months of its Date be countersigned by some Inspector or Justice, or in that Part of the United Kingdom called *Scotland* by some Inspector or Justice or Burgh Magistrate, such Child shall not be employed in any Factory or Mill.

Form of Certificate of Surgeon or Physician.

XIII. And be it further enacted, That the Certificates herein-before required in the Case of Children under the Age of Eleven, Twelve, or Thirteen Years respectively shall be in the Form following:

'I [*Name and Place of Residence*] Surgeon [*or* Physician] do hereby certify, That *A. B.* the Son [*or* Daughter] of [*Name and Residence of Parents, or if no Parents, then the Residence of the Child*] has appeared before me, and submitted to my Examination; and that the said [*Name*] is of the ordinary Strength and Appearance [*according to the Fact*] of a Child of at least Nine Years of Age [*or if apparently above Nine, say* exceeding.]'

Children between 11 and 18 not to be employed in Factories

XIV. And be it further enacted, That from and after the Commencement of the several Periods herein-before appointed for restricting the Employment of Children under the Ages of Eleven, Twelve, and Thirteen Years respectively, it shall not be lawful to employ, keep, or allow to remain in any Factory or Mill any Person between

the said Ages respectively and the Age of Eighteen for more than Nine Hours in any Day, nor between the Hours of Nine o'Clock in the Evening and Five o'Clock in the Morning, without first requiring and receiving from such Person a Certificate in proof that such Person is above the Age of Eleven, Twelve, and Thirteen respectively, which Certificate, if a new Certificate shall be required, shall be in such Form as may be ordered by any Inspector.

more than Nine Hours a Day, or at Night, without a Certificate of Age.

XV. Provided nevertheless, and be it enacted, That the Penalties and Punishments herein-after provided against any Person not requiring or not receiving such Certificate shall not be levied, if upon the Complaint or Proceeding for the Enforcement of such Penalties it shall appear to the Satisfaction of the Inspector or Justice, or in that Part of the United Kingdom called *Scotland* to the Satisfaction of the Inspector or Justice or Burgh Magistrate by or before whom such Proceeding shall be had, that the Person so employed more than Nine Hours in the Day, or between the Hours of Nine o'Clock in the Evening and Half past Five o'Clock in the Morning, without such Certificate, was at the Time of the alleged Offence above the Age of Eleven, Twelve, or Thirteen respectively.

Penalties against Persons not having Certificates not to be levied if it shall appear that the Person employed was above the Age required.

XVI. And be it further enacted, That in case any Inspector or Justice or Burgh Magistrate shall refuse to countersign any such Certificate, he shall state in Writing his Reasons for such Refusal, and the Parents of such Child may thereupon take the Certificate to the Justices of the Peace at Petty Sessions for the Place or District of the Child's Residence, who are hereby empowered and required to decide upon the Validity of such Refusal; and every such Act of any such Petty Sessions shall be free of all Charge, Cost, or Expence whatsoever.

Provision in case Magistrates refuse to countersign Certificate.

XVII. And whereas by an Act, intituled *An Act for the Preservation of the Health and Morals of Apprentices and others employed in Cotton and other Mills and Cotton and other Factories*, passed in the Forty-second Year of the Reign of His late Majesty *George* the Third, it was amongst other things provided, that the Justices of the Peace for every County or Place in which such Mill was situated should appoint yearly Two Persons not interested in or in any way connected with such Mills or Factories in such County to be Visitors of such Mills or Factories, which Visitors so appointed were empowered and required by the aforesaid Act to enter such Factories at any Time they might think fit, and examine and report in Writing whether the same were conducted according to the Laws of the Realm, and also to direct the Adoption of such sanitory Regulations as they might, on Advice, think proper: And whereas it appears that the Provisions of the said Act with relation to the Appointment of Inspectors were not duly carried into execution, and that the Laws for the Regulation of the Labour of Children in Factories have been evaded, partly in consequence of the Want of the Appointment of proper Visitors or Officers whose special Duty it was to enforce their Execution; be it therefore enacted, That upon the passing of this Act it shall be lawful for His Majesty by Warrant under His Sign Manual to appoint during His Majesty's Pleasure Four Persons to be

42 G. 3. c. 73.

Inspectors to be appointed

be Inspectors of Factories and Places where the Labour of Children and young Persons under Eighteen Years of Age is employed, and in the Case of the Death or Dismissal of any of them to appoint another in the Place of such deceased Inspector, which said several Inspectors shall carry into effect the Powers, Authorities, and Provisions of the present Act; and such Inspectors or any of them are hereby empowered to enter any Factory or Mill, and any School attached or belonging thereto, at all Times and Seasons, by Day or by Night, when such Mills or Factories are at work, and having so entered to examine therein the Children and any other Person or Persons employed therein, and to make Inquiry respecting their Condition, Employment, and Education; and such Inspectors or any of them are hereby empowered to take or call to their Aid in such Examination and Inquiry such Persons as they may choose, and to summon and require any Person upon the Spot or elsewhere to give Evidence upon such Examinations and Inquiry, and to administer to such Person an Oath.

Powers and Duties of Inspectors for the Enforcement of this Act.

XVIII. And be it further enacted, That the said Inspectors or any of them shall have Power and are hereby required to make all such Rules, Regulations, and Orders as may be necessary for the due Execution of this Act, which Rules, Regulations, and Orders shall be binding on all Persons subject to the Provisions of this Act; and such Inspectors are also hereby authorized and required to enforce the Attendance at School of Children employed in Factories according to the Provisions of this Act, and to order Tickets or such other Means as they may think fit for Vouchers of Attendance at such Schools; and such Inspectors are also hereby required to regulate the Custody of such Tickets or Vouchers, and such Inspectors may require a Register of them to be kept in every School and Factory; and such Inspectors are also hereby authorized and required to order a Register of the Children employed in any Factory, and of their Sex and Hours of Attendance, and of their Absence on account of Sickness, to be kept in such Factory; and all Registers, Books, Entries, Accounts, and Papers kept in pursuance of this Act shall at all Times be open to such Inspectors, and such Inspectors may take or cause to be taken for their own Use such Copy as they may think proper; and such Inspectors shall also make such Regulations as may be proper to continue in force any Certificates, Tickets, or Vouchers required by this Act, and such Certificates, Tickets, or Vouchers so continued in force shall have the same Operation and Effect as new Certificates, Tickets, or Vouchers; and such Inspector shall order and is hereby authorized to order the Occupier of any Factory or Mill to register or cause to be registered any Information with relation to the Performance of any Labour in such Mill or Factory, if such Inspector deem such Information necessary to facilitate the due Enforcement of any of the Provisions of this Act or of any of the Regulations which he may make under the Authority of this Act; and such Inspector is hereby authorized to order such Occupier of any Mill or Factory to transmit, in such Manner as may be directed in such Order, any Information with relation to the Persons employed or the Labour performed in such Mill or Factory that such Inspector may deem requisite to facilitate the Performance

of his Duties or any Inquiry made under the Authority of this Act.

One of the Secretaries of State may appoint Persons to superintend, under the Inspector, the Execution of this Act.

XIX. And be it further enacted, That it shall be lawful for One of His Majesty's Principal Secretaries of State, if he shall see fit, upon the Application of any Inspector, to appoint any One or more Persons to superintend, under the Direction of any Inspector, the Execution of the Provisions of this Act, and of all Rules, Regulations, and Orders made under the Authority thereof; and such Person shall be paid by such Salary as may be determined by One of His Majesty's Principal Secretaries of State; and such Person so appointed shall have Authority to enter any School-room, Counting-house, or any Part of any Factory or Mill, excepting such Part or Parts as may be used for manufacturing Processes; and if any Constable or Peace Officer shall be required by any Inspector to perform any continuous Service, it shall be lawful for such Inspector to allow a special Recompence to such Constable or Peace Officer for such Service: Provided nevertheless, that any such Orders may be altered or disallowed by One of His Majesty's Principal Secretaries of State, on Complaint made to him by Memorial from any Party interested.

Children in Factories to attend a School.

XX. And be it further enacted, That from and after the Expiration of Six Months from the passing of this Act every Child hereinbefore restricted to the Performance of Forty-eight Hours of Labour in any one Week shall, so long as such Child shall be within the said restricted Age, attend some School to be chosen by the Parents or Guardians of such Child, or such School as may be appointed by any Inspector in case the Parents or Guardians of such Child shall omit to appoint any School, or in case such Child shall be without Parents or Guardians; and it shall and may be lawful, in such last-mentioned Case, for any Inspector to order the Employer of any such Child to make a Deduction from the weekly Wages of such Child as the same shall become due, not exceeding the Rate of One Penny in every Shilling, to pay for the Schooling of such Child; and such Employer is hereby required to pay the Sum so deducted according to the Order and Direction of such Inspector.

Schoolmaster's Voucher required.

XXI. And be it further enacted, That after the Expiration of Six Months from the passing of this Act it shall not be lawful to employ or continue to employ in any Factory or Mill any Child restricted by this Act to the Performance of Forty-eight Hours of Labour in any One Week, unless such Child shall, on *Monday* in every Week next after the Commencement of such Employment, and during every succeeding *Monday* or other Day appointed for that Purpose by an Inspector, give to the Factory Master or Proprietor, or to his Agent, a Schoolmaster's Ticket or Voucher, certifying that such Child has for Two Hours at least for Six out of Seven Days of the Week next preceding attended his School, excepting in Cases of Sickness, to be certified in such Manner as such Inspector may appoint, and in case of any Holiday, and in case of Absence from any other Cause allowed by such Inspector, or by any Justice of the Peace in the Absence

Absence of the Inspector; and the said last-mentioned Ticket shall be in such Form as may be settled by any Inspector.

Means of providing additional Schools.

XXII. And be it further enacted, That wherever it shall appear to any Inspector that a new or additional School is necessary or desirable to enable the Children employed in any Factory to obtain the Education required by this Act, such Inspector is hereby authorized to establish or procure the Establishment of such School.

Inspector may disallow Order for Salary, if Schoolmaster or Schoolmistress incompetent.

XXIII. And be it further enacted, That if upon any Examination or Inquiry any Inspector shall be of opinion that any Schoolmaster or Schoolmistress is incompetent or in any way unfit for the Performance of the Duties of that Office, it shall and may be lawful for such Inspector to disallow and withhold the Order for any Payment or any Salary to such Schoolmaster or Schoolmistress as herein-before provided.

Mill Owner liable to Penalty for Child remaining on the Premises more than Nine Hours.

XXIV. And be it further enacted, That if any Child within the several Ages herein-before restricted to the Performance of Nine Hours of Day Labour shall be kept or allowed to remain in any Room or Place whatsoever where any Machinery is used, or shall be kept or allowed to remain on any Premises within the outer Walls of any Factory or Mill, for any longer Time than Nine Hours during any one Day, or for any longer Time than the Residue of such Nine Hours in the Case of any Child which has been previously employed for any shorter Time during the same Day in any other Factory or Mill, the Occupier of such Factory or Mill shall, without any Evidence of the Employment of such Child, be liable to the same Penalty and Punishment as for employing such Child for such longer Period: Provided nevertheless, that no Place, Yard, or Play-ground open to the public View shall be considered Part of the Premises on which Children shall not be allowed to remain beyond the Hours herein-before stated: And be it further provided, that the Children may be allowed to remain in any School-room attached to such Factory or Mill, or in any other Waiting-room or Parts of the Premises where no Machinery is used, and which shall at all Times be open to the Inspection of any Mill Warden or Peace Officer duly appointed under the Provisions of this Act.

Proviso as to Play-grounds and Schools.

Notices by Inspectors.

XXV. And be it further enacted, That Notice of any general Order or Regulation applying to more than One Mill or Factory, made by any Inspector, if published for Two successive Weeks in One or more Newspapers published in the Town, Place, or County where any such Mill or Factory is situate, shall in all Cases, at the End of Seven Days after the Second Publication thereof, have the same Effect in attaching a Responsibility upon any Offender against such Order or Regulation as a Notice personally served upon such Offender: Provided nevertheless, that such Notice shall not be to the Exclusion of any other special Notice which any Inspector may deem expedient or proper.

XXVI. And

Interior Walls of every Mill, &c. to be limewashed.

XXVI. And be it further enacted, That the interior Walls, except such Parts as are painted, of every Mill or Factory or Building where the Process of manufacturing is carried on, shall be limewashed, and the Ceilings of all Rooms which have Rooms or Lofts above them, and all Ceilings which are plastered, shall be whitewashed once every Year, unless Permission to the contrary, in Writing, be granted by any Inspector.

An Abstract of this Act, and such Rules and Regulations as any Inspector may determine, shall be hung up in Mills.

XXVII. And be it further enacted, That a Copy or Copies of such Abstract of this Act, and also such Copy or Copies of any Regulation or Regulations made in pursuance of this Act, as any Inspector shall direct, shall be hung up and affixed in a conspicuous Part or in the several Departments of every Mill or Factory; and such Copy or Copies of such Abstract and of such Rules or Regulations, so hung up and affixed, shall be signed by the Master or Manager or Overseer of such Mill or Factory; and such Copy or Copies shall be renewed by such Master, Manager, or Overseer so often as any Inspector may direct.

Punishment for Forgery of Certificates.

XXVIII. And be it further enacted, That if any Person shall give, sign, countersign, endorse, or in any Manner give currency to any false Certificate, knowing the same to be untrue, or if any Person shall forge any Certificate, or shall forge any Signature or Endorsement on any Certificate, or shall knowingly and wilfully give false Testimony upon any Point material to any Certificate of any Inspector or Schoolmaster, such Person shall be deemed guilty of a Misdemeanor, and shall, on Conviction thereof before any Inspector or Justice, be liable to be imprisoned for any Period not exceeding Two Months in the House of Correction in the County, Town, or Place where such Offence was committed.

Parents liable to Penalty of 20*s.* for the Employment of Children beyond the legal Hours, &c.

XXIX. And be it further enacted, That in case of the Employment of any Child contrary to the Provisions of this Act, or for a longer Time than is herein-before limited and allowed, or without a due Compliance with the Provisions of this Act touching the Education of Children, or the Certificates of Surgeons or Magistrates, the Parent or Parents of such Child, or any Person having any Benefit from the Wages of such Child, shall be liable to a Penalty of Twenty Shillings, unless it shall appear to the Satisfaction of the Justice or Inspector that such unlawful Employment has been without the wilful Default of such Parent or Person so benefited as aforesaid.

Agents and Servants of Factory Owners to be personally liable.

XXX. And be it further enacted, That if any Offence shall be committed against this Act, for which the Master of any Factory or Mill is legally responsible, and it shall appear to the Satisfaction of any Justice or Inspector that the same has been committed without the personal Consent, Concurrence, or Knowledge of such Master, by or under the Authority of some Agent or Servant or Workman of such Master, it shall be lawful for such Inspector or Justice to summon such Agent or Servant or Workman before him to answer for such Offence, and such Agent or Servant or Workman shall be liable to the Penalties and Punishment for such Offence herein provided,

and such Inspector or Justice shall convict such Agent or Servant or Workman in lieu of such Master.

Penalties for Offences against this Act.

XXXI. And be it further enacted, That if any Employer of Children in any Factory or Mill shall, by himself or by his Servants or Workmen, offend against any of the Provisions of this Act, or any Order or Regulation of any Inspector made in pursuance hereof, such Offender shall for such Offence (except in the Case of any Offence for which some other Penalty or Punishment is specially provided) forfeit and pay any Sum not exceeding Twenty Pounds, nor less than One Pound, at the Discretion of the Inspector or Justice before whom such Offender shall be convicted: Provided nevertheless, that if it shall appear to such Inspector or Justice that such Offence was not wilful nor grossly negligent, such Inspector or Justice may mitigate such Penalty below the said Sum of One Pound, or discharge the Person charged with such Offence.

Penalty for obstructing Inspectors.

XXXII. And be it further enacted, That if any Person shall knowingly and wilfully obstruct any Inspector in the Execution of any of the Powers entrusted to him by this Act, such Person shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds.

Inspectors to have same Powers over Constables as Justices.

XXXIII. And be it further enacted, That such Inspector shall have the same Powers, Authority, and Jurisdiction over Constables and Peace Officers, as regards the Execution of the Provisions of this Act, as may by Law be exercised by His Majesty's Justices of the Peace over such Constables and Peace Officers.

Proceedings under this Act may be had before any One Inspector or any One Magistrate.

XXXIV. And be it further enacted, That all Proceedings for the Enforcement of any Penalty or Punishment imposed by or under the Authority of this Act may be had before any Inspector or Justice of the Peace acting in or for the Town, Place, County, or Division where the Offence shall be committed; and the Inspector or Justice before whom any Person shall be summarily convicted and adjudged to pay any Sum of Money for any Offence against this Act may adjudge that such Person shall pay the same either immediately or within such Period as the said Inspector or Justice shall think fit; and in case such Sum of Money shall not be paid immediately or at the Time so appointed, the same shall be levied by Distress and Sale of the Goods and Chattels of the Offender, together with the reasonable Charges of such Distress; and for Want of sufficient Distress such Offender shall be imprisoned in the Common Gaol for any Term not exceeding One Calendar Month where the Sum to be paid shall not exceed Five Pounds, or for any Term not exceeding Two Calendar Months in any one Case, the Imprisonment to cease in each of the Cases aforesaid upon Payment of the Sum due.

Complaints to be preferred at or before the Visit of the

XXXV. And be it further enacted, That all Complaints for Offences against this Act shall be preferred at or before the Time of the Visit, duly notified, of any Inspector next after the Commission of such Offence; and written Notice of the Intention to prefer the

Complaint for such Offence shall by the Complainant be given within Fourteen Days after the Commission of such Offence to the Party or Parties complained against: Provided always, that no more than One Penalty for a Repetition of the same Offence shall be recoverable, except after the Service of the written Notice as aforesaid. Inspector; and previous Notice given. Proviso as to Penalties.

XXXVI. And be it further enacted, That it shall not be deemed necessary in any 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 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. In case of Partnerships, One Name sufficient for Summons, &c.

XXXVII. 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. Service of Summons.

XXXVIII. And be it further enacted, That it shall be lawful for the Inspectors or any of them, or for any Justice of the Peace, upon any Complaint, or upon any Investigation under this Act without any Complaint, to administer an Oath to any Witness, and to summon any Witness forthwith to appear and give Evidence before him or them, or at a Time and Place appointed for hearing such Complaint or making such Investigation, or to order such Witness to be brought before him by any Constable or Peace Officer; and if such Witness shall not appear according to such Summons, Proof upon Oath having been given of the due Service of such Summons, or shall resist such Constable or Peace Officer, or shall not submit to be examined as a Witness, it shall be lawful for such Inspectors and Justices by Warrant under their Hand and Seal to commit such Person for such Non-appearance, Resistance, or Non-submission to the County Prison, or Prison of the Place where such Offence was committed, there to remain without Bail or Mainprize for any Time not exceeding Two Calendar Months. Inspectors and Justices may summon Witnesses to appear and give Evidence, and on Neglect may commit to Prison;

XXXIX. Provided nevertheless, and be it enacted, That, except in the Case of Resistance to any Constable or Peace Officer, it shall be lawful for the Inspector or Justice by whom such Person shall have been committed to discharge such Person from Prison, if such Person shall show any Cause to such Inspector or Justice which shall be deemed satisfactory as an Excuse for such Non-appearance, or if such Person shall afterwards submit himself to be examined to the Satisfaction of such Inspector or Justice, and the Order of such Inspector or Justice for such Discharge shall be a sufficient Warrant to any Gaoler or Prison-keeper. and afterwards discharge them on sufficient Excuse or Compliance.

XL. And be it further enacted, That every Conviction under this Act before any Inspector or Justice may be made according to the Form in the Schedule to this Act annexed; which Conviction shall be Convictions to be filed amongst Records of County.

be certified to the next General Quarter Sessions, there to be filed amongst the Records of the County, Riding, or Division, and shall have the Force of an Act of Record, whether the same shall be by an Inspector or by a Justice of the Peace for such County, Riding, or Division; and no Conviction or other Proceeding of any Inspector or Justice under this Act shall be deemed illegal for any mere Informality.

Inspector or Justice may commit to Prison for Two Months in case Payment of Penalty is refused or Distress is insufficient.

XLI. And be it further enacted, That if any Person who shall have been sentenced or adjudged to pay any Penalty or Forfeiture under this Act shall neglect or refuse to pay the same, it shall be lawful for the Inspector or Magistrates before whom such Person shall have been convicted to issue his Warrant to distrain the Goods and Chattels of such Person; and if no sufficient Distress shall be found, it shall be lawful for the said Inspector or Magistrates, upon such Fact being certified by the Constable having the Execution of such Distress Warrant, to commit such Person to the House of Correction or Common Gaol of the Town, County, or Place where such Offence was committed for any Time not exceeding Two Months; and the said Warrant of Distress, Commitment, and Certificate of the Constable may be in the Forms contained in the Schedule to this Act annexed.

As to Appeal.

XLII. And be it further enacted, That no Appeal against any Conviction under this Act shall be allowed, except in the Case of a Conviction for the Forgery of any Certificates, Vouchers, or other Documents required by this Act, or by any Inspector under the Authority of this Act, neither shall any Conviction, except in the Case herein last excepted, be removable by Certiorari or Bill of Advocation into any Court whatever.

As to Convictions.

Application of Penalties.

XLIII. And be it further enacted, That any Justice or Inspector by whom any Complaint under this Act is determined shall, if he so thinks fit, give to the Complainant or Prosecutor One Half of any Penalty imposed for any Offence against any of the Provisions of this Act, together with all Costs of Prosecution and Conviction, and the Remainder of the Penalty, or the Whole if he shall think fit, shall be applied as such Justice or Inspector may direct for the Benefit of any School wherein Children employed in Mills or Factories are educated in such Township or Place where such Offence shall be committed: Provided always, that only One Penalty shall be recoverable for any One Description of Offence from any One Person for any One Day; and that it shall not be deemed necessary for the Complainant or Prosecutor to name in any Summons the particular Township in which such Offence shall have been committed, but it shall be lawful to set forth in such Summons the Name of the Parish where such Offence may have been committed: Provided always, that such Summons shall be issued upon Complaint being made upon Oath.

Restriction as to Penalties.

Summons.

Inspector may order Constable to provide a

XLIV. And be it further enacted, That every Inspector shall be and is hereby authorized to order any Constable or Peace Officer to provide for such Inspector a convenient Place for holding any Sitting;

and

and the Expence of providing such Place shall be defrayed in the Manner and Proportions and by the Person or Persons herein appointed for the Payment of any special Remuneration to any Constable or Peace Officer. convenient Place for holding Sittings.

XLV. And be it further enacted, That every Inspector shall keep full Minutes of all his Visits and Proceedings, and shall report the same to One of His Majesty's Principal Secretaries of State twice in every Year, and oftener if required, and shall also report the State and Condition of the Factories or Mills and of the Children employed therein, and whether such Factories or Mills are or are not conducted according to the Directions of this Act and of the Laws of the Realm: And whereas it is expedient that the Proceedings, Rules, Orders, and Regulations of the several Inspectors appointed under this Act should be as nearly alike as is practicable under all Circumstances, therefore such Inspectors are hereby required, within Three Months next after they shall have commenced the Execution of their several Duties and Powers under this Act, and twice at least in every Year afterwards, to meet and confer together respecting their several Proceedings, Rules, Orders, Regulations, Duties, and Powers under this Act, and at such Meeting to make their Proceedings, Rules, Orders, and Regulations as uniform as is expedient and practicable; and such Inspectors are hereby required to make and keep full Minutes of such Meetings, and to report the same to such Secretary of State when they make the Report herein-before required. Inspectors to make Annual Reports. Proceedings of Inspectors required to be uniform.

XLVI. And be it further enacted, and it is hereby declared, That in all Cases in which any Justices or Justice of the Peace are or is required to act or do any thing in any Manner under this Act, or are or is named therein, and whenever the Subject Matter of any one of the Enactments or Provisions of this Act shall arise within that Part of the United Kingdom called *Scotland*, the Burgh Magistrates shall be held to have and shall have within the Limits of their own Jurisdiction the same Powers, Duties, and Authorities, and which they are hereby required to exercise, as are by this Act conferred upon the said Justices of the Peace, and are required to be exercised by them. Burgh Magistrates in Scotland to exercise same Powers as Justices of Peace in England.

XLVII. Provided always, and be it enacted, That nothing in this Act contained shall apply to Mechanics, Artizans, or Labourers under the prescribed Ages working only in repairing the Machinery or Premises. Act not to extend to Persons on Repairs.

XLVIII. And be it further enacted, That from and after the First Day of *January* One thousand eight hundred and thirty-four the Act passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act to amend the Laws relating to Apprentices and other Persons employed in Cotton Mills, and to make further Provisions in lieu thereof*, shall be repealed, and the same is hereby repealed, except as to any Act or Acts repealed by the same. The Act 1 & 2 W. 4. c. 39. repealed, except as it repeals any other Acts.

Construction of Terms.

XLIX. And be it further enacted, That any Words in this Act denoting the Masculine Gender shall be construed to extend to Persons of either Sex, and any Words denoting the Singular Number shall be construed to extend to any Number of Persons or Things, if the Subject Matter or Context shall admit of such an Interpretation, unless such Construction shall be in express Opposition to any other Enactment.

Public Act.

L. 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.

The SCHEDULE to which this Act refers.

Form of Conviction.

County of [Town of *as the Fact may be*] to wit. } BE it remembered, That on the Day of in the Year *A. B.* [*describe the Offender*] was, upon the Complaint of *C. D.* [*or* upon the View of *C. D.*, one of His Majesty's Inspectors of Factories], convicted before *E. F.*, one of His Majesty's Inspectors of Factories, *or* Justices of the Peace of and for, *&c.* [*as the Case may be*], in pursuance of an Act passed in the Fourth Year of the Reign of His Majesty King *William* the Fourth, for [*describe the Offence*]. Given under my Hand and Seal the Day and Year above mentioned.

Warrant to distrain for Forfeiture.

To the Constable, *&c.*

County of to wit. } WHEREAS *A. B.* of in the said County, is this Day convicted before me *C. D.*, one of His Majesty's Inspectors of Factories, [*or* Justices of the Peace in and for the said County,] upon the Oath of a credible Witness, [*or* upon my own View, *as the Case may be*,] for that he the said *A. B.* hath [*here set forth the Offence, describing it particularly in the Words of the Statute or Rule, as near as can be*], contrary to the Statute [*or* Rule, *if the Offence is against some Rule or Regulation or Order of an Inspector*,] in that Case made and provided, by reason whereof the said *A. B.* is adjudged to have forfeited the Sum of £ , to be distributed as herein-after mentioned: These are therefore in His Majesty's Name to command you to levy the said Sum of £ by Distress of the Goods and Chattels of him the said *A. B.*; and if within the Space of Four Days next after such Distress by you taken, the said Sum of £ together with the reasonable Charges of taking and keeping the same, shall not be paid, that then you do sell the said Goods and Chattels by you so distrained, and out of the Money arising by such Sale that you do pay [*according to the Award of the Justice*], returning the Overplus, on Demand, to him the said *A. B.*, the reasonable Charges of taking, keeping, and selling the said Distress being first deducted; and if sufficient Distress cannot be found of the Goods and Chattels of the said *A. B.* whereon to levy the said Sum of £ that then you certify the same to me, together with this Warrant. Given under my Hand and Seal the Day of .

C. D.

Return

Return of Constable upon Warrant of Distress where no Effects.

I *A. B.*, Constable of in the County of , do hereby certify and make Oath, That by virtue of this Warrant I have made diligent Search for the Goods of the within-named , and that I can find no sufficient Goods whereon to levy the same. As witness my Hand the Day of

A. B.

Sworn before me the Day and Year

C. D.

Commitment for Want of Distress.

County of } To the Constable of in the County
to wit. } of , and to the Keeper of the Common
Gaol [*or* House of Correction] at in the said County.

WHEREAS *A. B.* of in the said County, was, on the Day of convicted before me *C. D.* Esquire, one of His Majesty's Justices of the Peace in and for the said County, [*or* Inspector of Factories, *as the Fact may be*], upon the Oath of a credible Witness, [*or* upon my own View, *as the Case may be*,] for that he [*here set forth the Offence*] contrary to the Statute made in the Year of the Reign of His Majesty King *William* IV. for [*according to the Title of the Act, or* contrary to a certain Rule or Order or Regulation of His Majesty's Inspectors of Factories,] and the said *A. B.* by reason thereof hath been adjudged to forfeit and pay the Sum of : And whereas on the Day of in the Year aforesaid, I did issue my Warrant to the Constable of to levy the said Sum of by Distress and Sale of the Goods and Chattels of him the said *A. B.*, and to distribute the same as in my said Warrant was mentioned: And whereas it duly appears to me, upon the Oath of the said Constable, that he hath used his best Endeavours to levy the said Sum on the Goods and Chattels of the said *A. B.*, but that no sufficient Distress can be had whereon to levy the same: These are therefore to command you the said Constable of aforesaid to apprehend the said *A. B.*, and him safely to convey to the Common Gaol [*or* House of Correction] at in the said County, and there deliver him to the Keeper thereof, together with this Precept; and I do also command you the said Keeper to receive and keep in your Custody the said *A. B.* for the Space of , unless the said Sum shall be sooner paid, pursuant to the said Conviction and Warrant; and for so doing this shall be your sufficient Warrant. Given under my Hand and Seal the Day of .

C. D.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1833.