

ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

****

CAP. XXXV.

An Act for the better Regulation of Chimney Sweepers and their Apprentices, and for the safer Construction of Chimneys and Flues.

[25th *July* 1834.]

WHEREAS an Act was passed in the Twenty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better Regulation of Chimney Sweepers and their Apprentices*, the Provisions whereof have been found insufficient to guard and protect Children of tender Years apprenticed to Chimney Sweepers against various Casualties incident to the Practice of cleansing Flues by climbing: 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 passing of this Act the said Act of the Twenty-eighth Year of the Reign of His said late Majesty shall be and the same is hereby repealed. 28 G. 3. c. 48. Recited Act repealed.

II. And be it further enacted, That from and after the passing of this Act no Child who shall not have attained the Age of Ten Years shall be bound or put Apprentice to any Person using the Trade or Business of a Chimney Sweeper. No Child under 10 Years to be apprenticed to a Chimney Sweeper.

III. And

Chimney Sweepers taking Apprentices to be Householders.

III. And be it further enacted, That from and after the passing of this Act no Chimney Sweeper or other Person who shall not be a Housekeeper in the Parish or other Place in which such Chimney Sweeper or other Person shall reside, and be rated to the Relief of the Poor of such Parish, or assessed for Payment of Taxes in such other Place, shall take or be deemed capable of taking an Apprentice to learn or to practise the Business of a Chimney Sweeper, or of employing in such Trade any Child under the Age of Fourteen Years.

Indentures of Boys under 10 Years of Age to be void.

IV. And be it further enacted, That all Indentures, Covenants, Promises, and Bargains hereafter to be made or taken of or for the hiring, taking, employing, retaining, or keeping of any Child who shall be under the Age of Ten Years, as or in the Nature of an Apprentice or Servant in the Capacity of a Chimney Sweeper, shall be absolutely void in Law to all Intents and Purposes.

Indentures executed previous to the passing of this Act to remain in force.

V. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed, taken, or construed to extend, to vacate or cancel any Indenture of Apprenticeship that shall have been actually in conformity with the said recited Act made and executed previous to the passing of this Act for binding any Boy as an Apprentice to any Person using the Trade of a Chimney Sweeper, but that such Indenture of Apprenticeship shall in all respects continue and be in as full Force and Effect as if this Act had not been passed.

Apprentices under 14 Years of Age to be so designated by a Brass Plate on a Leathern Cap.

VI. Provided always, and be it enacted, That every Person using the Trade of a Chimney Sweeper having or retaining or employing in his Service any Apprentice or Apprentices who shall be under Fourteen Years of Age, shall provide for each such Apprentice, so long as he shall remain under the Age of Fourteen, a Leathern Cap, to be worn by such Apprentice when out upon his Duty, having a Brass Plate set or affixed on the Front thereof, with the Name or Names of the Master or Mistress engraved thereon, and also the Name of the Apprentice and the Date of his Indenture of Apprenticeship; and every Master or Mistress neglecting to provide each such Apprentice in his or her Service, being under the Age of Fourteen, with such Leathern Cap and Brass Plate so affixed and engraved as aforesaid, shall for every such Offence forfeit any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty on Chimney Sweeper for employing Children under 14 Years of Age not Apprentices.

VII. And be it further enacted, That from and after the passing of this Act no Person in the Trade of a Chimney Sweeper shall hire, use, retain, or employ any Child under the Age of Fourteen Years, other than an Apprentice bound according to the Provisions of or previous to the passing of this Act, and also other than such Boy or Boys as shall be upon Trial with any Master or Mistress Chimney Sweeper as herein-after provided; and that every such Person or Persons so hiring, using, retaining, or employing any such Child, other than an Apprentice as aforesaid, or Boy on Trial as aforesaid, shall for every such Offence forfeit any Sum not exceeding Ten Pounds nor less than Forty Shillings.

VIII. And

Requiring any Person to ascend a Flue to extinguish Fire, a Misdemeanor.

VIII. And be it further enacted, That any Person or Persons requiring or compelling any Apprentice or Person of any Description to ascend a Chimney Flue for the Purpose of extinguishing Fire therein shall be held and adjudged to be guilty of a Misdemeanor, and be liable to be proceeded against accordingly.

Binding or Assignment of Apprentices to Chimney Sweepers shall take place by Consent of Two Justices, and be indorsed on the Indenture.

IX. And to the end that the Age and Time of the Continuance of Service of every Apprentice bound pursuant to the Provisions of this Act may certainly appear, be it further enacted, That every Binding of a Child as an Apprentice to any Person using or carrying on the Trade of a Chimney Sweeper, and whether such Binding shall be by a Parish Officer or by the Parent or next Friend of the Child, and also every Assignment of such Apprentice, shall take place by and with the Consent of Two of His Majesty's Justices of the Peace acting in and for any County, Stewartry, Riding, City, Town Corporate, Borough, Division, or Place within the United Kingdom of *Great Britain* and *Ireland*, such Consent and Approbation to be signified by such Justices in Writing under their Hands, indorsed on the Indenture of Apprenticeship or any Assignment thereof, such Indenture and Consent respectively to be according to the Forms prescribed in the Schedule hereunto annexed; and every Indenture or Assignment which shall not be in the Form so prescribed, or shall not have such Consent so indorsed thereon and signed as aforesaid, shall be absolutely null and void.

Age of the Apprentice to be inserted in the Indenture.

X. And be it further enacted, That the Age of every such Child so to be bound Apprentice shall be mentioned and inserted in such Indenture, being taken truly from the Copy of the Entry in the Register Book wherein the Time of his being baptized is or shall be entered (where the same can or may be had), which Copy shall be given and attested by the Minister, Vicar, or Curate of the Parish or Place wherein such Child's Baptism shall be registered, without Fee or Reward, and may be written upon Paper or Parchment; and where no such Copy of any Entry of such Child being baptized can be had, such Justices of the Peace shall as fully as they can inform themselves of his Age, and from such Information shall insert the same in the said Indenture; and the Age of such Child so inserted and mentioned in the said Indenture (in relation to the Continuance of his Service) shall be taken to be his true Age without any further Proof thereof.

Boys not to be let out to Hire.

XI. And be it further enacted, That no Person exercising the Trade or Business of a Chimney Sweeper shall let out to Hire by the Day or otherwise, to any other Person, for the Purpose of Chimney sweeping, any Child already an Apprentice or that shall hereafter be bound Apprentice under the Directions of this Act.

Boys to have a Trial of the Business previous to being apprenticed.

XII. And whereas it is advisable that before any Boy shall be bound by Indenture to learn the Business of a Chimney Sweeper, a previous Trial of such Business should take place on the Part of the Boy, under proper Regulations; be it therefore further enacted, That before any Boy shall be bound as an Apprentice by Indenture as herein provided, it shall be lawful for the intended Master of such

Boy

Boy to have and receive such Boy in such Master's House upon Trial for any Time not exceeding Two Calendar Months from the Commencement of such Trial, and during such Period of Trial to permit and suffer such Boy to ascend Chimneys and to work in all respects as an Apprentice in the said Business of a Chimney Sweeper: Provided always, that before the Commencement of such Trial such Boy, with his Parent, next Friend or Guardian, or Parish Officer, and such intended Master, shall go before any Two Justices of the Peace acting in and for the County, Stewartry, Riding, City, Town Corporate, Borough, Division, or Place where such intended Master shall reside, and shall enter and register with the Clerk to the said Justices the Name and Residence of the intended Master, and also the Name, Residence, and Age of such Boy, and the Names and Residences of the Parties accompanying such Boy, and also the intended Period of Trial, which shall be deemed to commence on the Day after such Entry and Register, and shall not exceed the Term of Two Calendar Months from such Day: Provided also, that such Boy shall at the Commencement of such Trial be of the full Age of Ten Years, to be ascertained as herein directed in other Cases.

Justices to examine Boys who have been upon Trial before Binding, and if Boys are unwilling shall refuse their Sanction.

XIII. And be it further enacted, That the Justices of the Peace before whom any Boy shall be brought for the Purpose of being bound to a Chimney Sweeper, and which Boy shall have been upon Trial with the intended Master or Mistress, shall ascertain from such Boy whether he is willing and desirous to follow the Business of a Chimney Sweeper, and to be bound to such Master or Mistress; and in case such Boy shall be unwilling to be bound, such Justices shall and they are hereby required to refuse to sanction or approve of such Binding.

Limitation of Boys on Trial.

XIV. And be it further enacted, That no Master or Mistress Chimney Sweeper shall have more than Two Boys at any One Time on Trial, as herein-before provided, nor more than Four Apprentices at one and the same Time.

Streets not to be hawked or called by Chimney Sweepers.

XV. And be it further enacted, That from and after the passing of this Act it shall not be lawful for any Master or Mistress Chimney Sweeper, or for any Journeyman, Servant, or Apprentice of any Chimney Sweeper, or for any Person whomsoever acting as a Chimney Sweeper, to call or hawk the Streets in any City, Town, or Village, or elsewhere, for Employment in his or her Trade as a Chimney Sweeper; and if any Person, Chimney Sweeper, Journeyman, Servant, or Apprentice, shall offend herein, he shall be subject and liable for every such Offence to forfeit and pay a Sum not exceeding Forty Shillings.

Penalty.

Apprentices not to be evil-treated by their Employers.

XVI. And be it further enacted, That if any such Master or Mistress shall misuse or evil-treat his or her Apprentice, or if the said Apprentice shall have any just Cause to complain of the Forfeiture or Breach of any of the Covenants, Provisions, or Agreements to be expressed and contained in the Indenture, according to the Form in the Schedule hereunto annexed, on the Part and

Behalf of such Master or Mistress, then and in such Case such Master or Mistress, being convicted thereof, shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds nor less than Forty Shillings. Penalty.

XVII. And be it further enacted, That it shall and may be lawful for any Two or more Justices of the Peace, and they are hereby authorized and empowered, to inquire into, and examine, hear, and determine, all Complaints of hard or ill Usage exercised by the several and respective Masters or Mistresses towards their Apprentices, whether such Complaints be preferred by any such Apprentice or Apprentices, or by any other Person, and also all Complaints of Masters or Mistresses against such Apprentice or Apprentices, and to make such Orders therein respectively as any Justice or Justices is or are now enabled by Law to do in other Cases between Masters and Apprentices. Complaints preferred by Apprentices or their Employers to be inquired into by Justices.

XVIII. And whereas it is expedient that for the better Security from Accidents by Fire or otherwise an improved Construction of Chimneys and Flues should hereafter be adopted; be it therefore further enacted, That all Withs and Partitions between any Chimney or Flue which at any Time after the passing of this Act shall be built or rebuilt shall be of Brick or Stone, and at least equal to Half a Brick in Thickness; and every Breast, Back, and With or Partition of any Chimney or Flue, hereafter to be built or rebuilt, shall be built of sound Materials, and the Joints of the Work well filled in with good Mortar or Cement, and rendered or stuccoed within; and also that every Chimney or Flue hereafter to be built or rebuilt in any Wall, or of greater Length than Four Feet out of any Wall, not being a circular Chimney or Flue of Twelve Inches in Diameter, shall be in every Section of the same not less than Fourteen Inches by Nine Inches; and no Chimney or Flue shall be constructed with any Angle therein which shall be less obtuse than an Angle of One hundred and twenty Degrees, and every salient or projecting Angle in any Chimney or Flue shall be rounded off Four Inches at the least; upon pain of Forfeiture, by every Master Builder or other Master Workman who shall make or cause to be made such Chimney or Flue, of the Sum of One hundred Pounds, to be recovered, with full Costs of Suit, by any Person who shall sue for the same in any of His Majesty's Courts of Record at *Westminster*: Provided nevertheless, and be it enacted, That nothing in this Clause contained shall be construed to prevent Chimneys or Flues being built at Angles with each other of Ninety Degrees and more, such Chimneys or Flues having therein proper Doors or Openings not less than Six Inches square. Materials and Construction of Chimneys and Flues particularly directed. Regulations as to Angles of Flues. Chimneys of a certain Construction may be built at Angles.

XIX. And be it further enacted, That all Convictions for Penalties and Forfeitures by this Act imposed for any Offence against the same shall be made by any Two or more Justices of the Peace, either by Confession of the Offender or upon the Oath or Affirmation of One or more credible Witness or Witnesses. Convictions to be made before Two Justices.

Penalties how to be levied and applied.

XX. And be it further enacted, That all Penalties and Forfeitures by this Act imposed for any Offence, Neglect, or Default against the same, and the Costs and Charges attending the Recovery thereof, shall be levied by Distress and Sale of the Goods and Chattels of the Offender or Person liable or ordered to pay the same respectively, by Warrant under the Hands and Seals of Two or more Justices of the Peace acting for the County, Stewartry, Riding, City, Town, Borough, Division, or Place where the Offence, Neglect, or Default shall happen, rendering the Overplus of such Distress and Sale (if any) to the Party or Parties, after deducting the Charges of making the same, which Warrant such Justices are hereby empowered and required to grant, upon Conviction of the Offender by Confession or upon Oath or Affirmation of One or more credible Witness or Witnesses, or upon Order made as aforesaid; and the Penalties, Forfeitures, Costs, and Charges, when so levied, shall be paid, the one Half to the Informer, and the other Half to the Overseers of the Poor of the Parish, Township, or Place where the Master or Mistress of such Apprentice or Servant shall dwell and inhabit, to be by such Overseers applied in aid of the Rate raised for the Relief of the Poor of such Parish, Township, or Place, or, in case there shall be no such Overseer, to His Majesty.

In default of Payment of Penalty, Parties convicted to be sent to Prison.

XXI. And be it further enacted, That the Justices of the Peace by whom any Person shall be convicted and adjudged to pay any Sum of Money for any Offence against this Act may adjudge that such Person shall pay the same, together with Costs, either immediately or within such Period as the said Justices shall think fit, and that in default of Payment at the Time appointed such Person shall be imprisoned in the Common Gaol or House of Correction (with hard Labour), as to the said Justices shall seem meet, for any Time not exceeding Two Calendar Months where the Amount of the Sum forfeited or of the Penalty imposed, together with the Costs, shall not exceed Five Pounds, and for any Term not exceeding Three Calendar Months in any other Case; the Commitment to be determinable in each of the Cases aforesaid upon Payment of the Amount and Costs.

Inhabitants may be Witnesses.

XXII. And be it further enacted, That no Inhabitant of any Parish, Township, or Place shall be deemed an incompetent Witness in any Suit, Action, Information, Complaint, Appeal, Prosecution, or Proceeding to be had, made, prosecuted, or carried on under the Authority of this Act for any Offence committed within such Parish or Township or Place, by reason of such Person being rated or assessed to, or liable to be rated or assessed to, or being otherwise interested in, the Rates or Assessments of any such Parish, Township, or Place.

Distress not to be deemed unlawful for Want of Form.

XXIII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Default or Want of Form in any Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall

shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover a full Satisfaction for the special Damage in an Action on the Case, to be brought in some of the Courts of Record at *Westminster* or *Dublin*, or by Action raised or Complaint preferred in any Court of Session in *Scotland*: Provided always, that no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or wrongful Proceeding, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed or caused to have been committed any such Irregularity or wrongful Proceedings before such Action or Complaint brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit, whereupon such Proceedings or Orders and Judgments shall be had, made, and given in and by such Court as in other Actions where the Defendant or Defendants is or are allowed to pay Money into Court.

Plaintiff not to recover for any Irregularity if Tender of sufficient Amends be made.

XXIV. And be it further enacted, That in all Cases where the Sum adjudged to be paid on any Conviction shall exceed Five Pounds, or the Imprisonment adjudged shall exceed One Calendar Month, any Person who shall think himself or herself aggrieved by any such Conviction may appeal to the next Court of General or Quarter Sessions which shall be holden not less than Twelve Days after the Day of such Conviction for the County, Riding, or Division wherein the Cause of Complaint shall have arisen: Provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Three Days after such Conviction, and Seven clear Days at the least before such Sessions, and shall also either remain in Custody until the Sessions, or enter into a Recognizance, with Two sufficient Sureties, before a Justice of the Peace, conditioned personally to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and upon such Notice being given, and such Recognizance being entered into, the Justice before whom the same shall be entered into shall liberate such Person if in Custody; and the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet; and in case of the Dismissal of the Appeal or the Affirmance of the Conviction shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment.

Appeal.

XXV. And be it further enacted, That no Conviction, or Adjudication made on Appeal thereupon, shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of His Majesty's superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

No Conviction to be quashed for Want of Form, or removable by Certiorari.

XXVI. And

Term of Act.

XXVI. And be it further enacted, That this Act shall be and continue in force until the First Day of *January* in the Year One thousand eight hundred and forty, and from thence until the End of the then next Session of Parliament.

Act may be altered this Session.

XXVII. And be it further enacted, That this Act may be altered, amended, or repealed by any Act to be passed in the present Session of Parliament.

The SCHEDULE to which this Act refers.

Form of Indenture.

This Indenture, made the Day of in the Year of the Reign of our Sovereign Lord by the Grace of God, of the United Kingdom of *Great Britain* and *Ireland*, King, Defender of the Faith, and in the Year of our Lord between *A. B.* and *C. D.*, Churchwardens and Overseers of the Poor of the Parish of in the County of [*or E. F. the Father or next Friend of the Boy to be placed out, as the Case may be,*] of the one Part, and *L. M.* of Number in Street in the Parish of in the County of Chimney Sweeper, of the other Part, witnesseth, that the said Churchwardens and Overseers of the Poor, [*or* the said *E. F., as the Case may be,*] by and with the Consent and Approbation of *G. H.* and *I. K.*, Two of His Majesty's Justices of the Peace acting in and for the County, Stewartry, Riding, City, Town, Borough, Division, *or* Place, [*as the Case may be,*] signified as hereunder written, put and bound, and by these Presents put and bind *N. O.* of the said Parish, Township, *or* Place, being of the Age of Years [*as the Case may be*], to be Apprentice to the said *L. M.*, he having now other Apprentice or Apprentices and no more [*as the Case may be*], to learn the Trade or Business of a Chimney Sweeper, and with him [*or* her] to dwell, remain, and serve from the Day of the Date of these Presents, for and during the Term of Years from hence next ensuing fully to be complete and ended, during all which Time he the said *N. O.* as such Apprentice his said Master [*or* Mistress] faithfully shall serve and obey, his [*or* her] Secrets keep, and his [*or* her] lawful Commands every where gladly do and perform; he shall not haunt Alehouses or Gaming Houses, nor absent himself from the Service of his said Master [*or* Mistress] Day or Night without his [*or* her] Leave, but n all Things as a faithful Apprentice shall behave himself towards his said Master [*or* Mistress] and all his [*or* her's] during the said Term: And the said *L. M.* in consideration of the Good-will which he [*or* she] hath and beareth towards the said Apprentice, and of the faithful Service so to be performed by him, doth hereby covenant, promise

promise, and agree with the said Churchwardens and Overseers of the Poor [*or* the said *E.F.*, *as the Case may be*], that he [*or* she] the said *N. O.* his [*or* her] said Apprentice, in the Trade or Business of a Chimney Sweeper, which he [*or* she] now useth, shall and will teach and instruct, or cause to be taught and instructed, in the best Manner that he [*or* she] can, and shall and will provide and allow unto the said Apprentice, during all the said Term, competent and sufficient Meat, Drink, Washing, Lodging, Apparel, and all other Things necessary for the said Apprentice; and that the said *L. M.* Executors, Administrators, or Assigns, shall not nor will assign over this present Indenture, or the Apprentice bound thereby, without the Consent and Approbation in Writing of Two or more such Justices of the Peace, to be signified according to the Form of the Approbation hereunder written: And whereas, from the Nature of the Business or Employment of a Chimney Sweeper, it is necessary for the Boys employed in climbing to have a Dress particularly suited to that Purpose, which Dress is only fit for that Part of the Occupation, the said *L. M.* doth hereby also covenant, promise, and agree to and with the said Churchwardens and Overseers of the Poor [*or* the said *E.F.*, *as the Case may be*,] to find and allow such suitable Dress for the said Apprentice as often as Need or Occasion shall be and require, and provide for and deliver to the said Apprentice once in every Year at least during the Term aforesaid, over and above the said Dress proper for climbing, One whole and complete Suit of Clothing, with suitable Linen, Stockings, Cap or Hat, and Shoes; and further, that the said *L. M.* shall and will at least once in every Week cause the said Apprentice to be thoroughly washed and cleansed from Soot and Dirt; and shall and will require the said Apprentice to attend the Public Worship of God on the Sabbath Day, and permit and allow him to receive the Benefit of any other religious or useful Instruction; and that the said Apprentice shall not wear his Sweeping Dress on that Day; and that the said *L. M.* shall not nor will compel or oblige or permit the said Apprentice to call the Streets; and further, shall not nor will compel or oblige the said Apprentice to exercise his Business between the Hours of Eight at Night and Four o'Clock in the Morning from the First Day of November to the last Day of March inclusive; nor shall the said *L. M.* or any Person or Persons whomsoever by his [*or* her] Directions, require or force him the said Apprentice to climb or go up any Chimney which shall be actually on fire, nor make use of any violent or improper Means to force him to climb or go up any Chimney, but shall in all Things treat his [*or* her] said Apprentice with Care and Humanity.

Form of Approbation by Justices.

We, *G. H.* and *I. K.*, Two of His Majesty's Justices of the Peace acting in and for the County, Stewartry, Riding, City, Town, Borough, Division, *or* Place, [*as the Case may be*,] having inspected

and examined the within-named *N. O.* [*the Boy to be placed out or assigned over*], and it having been proved to our Satisfaction that he is of the Age of Ten Years and upwards, do hereby consent to and approve of his being bound [*or* assigned over] as an Apprentice to the within-named *L. M.* [*the Master or Mistress*], according to the Terms and Stipulations expressed in the within-written Indenture.

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