ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGII III. REGIS.

CAP. LXXVII.

An Act for the Security of Collieries and Mines, and for the better Regulation of Colliers and Miners. [9th *July* 1800.]

Preamble.

WHEREAS from the Situation of the Veins and Mines of Coal and Iron Stone in many Parts of this Kingdom, the ſame are greatly expoſed to the Depredations of wicked and evil-diſpoſed Perſons, and the Laws now in being are inadequate to the Protection thereof: May it therefore pleaſe Your Majeſty that it may be enacted; and be it 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 if any Perſon or Perſons ſhall, at any Time after the Firſt Day of *September* One thouſand eight hundred, wilfully and maliciouſly pull down, fill up, or begin or attempt to pull down or fill up any Airway, Waterway, Drain, Pit, Level, or Shaft, or damage or deſtroy any Railway, Tram Road, or other Road leading to or from, or intended to lead to or from any Coal or other Mine Work, or (if any Perſon or Perſons, not having or *bonâ fide* claiming a Right to poſſeſs or work the ſame reſpectively) ſhall, from and after the Time above mentioned, wilfully and unlawfully cut, dig, raiſe, take, or carry away any Coal, Culm, or other Mineral, from any Bed, Band, Vein or Mine, lying and being in any Waſte, Open, or Unincloſed Lands, or ſhall wilfully and unlawfully enter into any Level, Pit, or Shaft, with an Intent to dig, cut, raiſe, take, or carry away therefrom any Coal, Culm, or other Mineral, or ſhall aid, abet, aſſiſt, hire, or command any Perſon or Perſons to commit any ſuch Offence or Offences as aforeſaid, that then and in every ſuch Caſe all and every ſuch Perſon or Perſons ſhall be deemed and adjudged to be guilty of a Miſdemeanour; and the Court or Judge before whom any ſuch Perſon or Perſons ſhall be tried and convicted, ſhall have Power and Authority to cauſe ſuch Perſon or Perſons to be impriſoned for any Term not exceeding Six Months.

After *Sept.* 1, 1800, if any Perſon ſhall pull down or fill up any Airway, &c. or damage any Road leading to or from any Mine, or, not having a Right, ſhall dig any Mineral lying in any Waſte, *etc.* he ſhall be deemed guilty of a Miſdemeanour, and may be impriſoned Six Months.

II. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to any Treſpaſs or Damage which ſhall be done or committed underground, by any Owner or Owners of any adjoining Coal or other Mine, in working the

Act not to extend to any Damage done under Ground by Owners of adjoining

Mines in working the ſame.

the ſame, or by any Perſon or Perſons duly authorized, and employed in ſuch Working as aforeſaid.

If any Perſon ſhall work any Coal, &c different to his Agreement, or contrary to the Directions of the Owner, or ſhall refuſe to fulfil his Engagements, he ſhall forfeit not exceeding 40 s. and for Nonpayment may be impriſoned.

III. And whereas it often happens that Colliers and Miners, diſregarding their Agreements, wilfully and obſtinately work Coal and Iron Stone in a different Manner to what they ſtipulated, or otherwiſe abandon the Agreement they have entered into, to the great and laſting Prejudice of their Employers; be it therefore further enacted, That if any Perſon or Perſons making any Bargain, or entering into any Contract or Agreement in Writing, for raiſing or getting any Coal, Culm, Iron Stone, or Iron Ore, ſhall wilfully, and to the Prejudice of the Owner, raiſe, get, or work, or cauſe to be raiſed, got, or worked, any ſuch Coal, Culm, Iron Stone, or Iron Ore, in a different Manner to his or their Stipulations in reſpect thereto, and contrary to the Directions, and againſt the Will of the Owner, or his Agent or Agents having the Care thereof, or ſhall deſiſt or refuſe to fulfil the Engagements they have entered into, every Perſon or Perſons ſo offending, and being thereof convicted, either by the Confeſſion of the Party offending, or upon the Oath of One or more credible Witneſs or Witneſſes, before any One or more of His Majeſty's Juſtices of the Peace for the County wherein ſuch Offence ſhall have been committed, ſhall, for every ſuch Offence, on Complaint of the Owner or Owners, or his or their Agent or Agents, and not otherwiſe, forfeit and pay ſuch Sum of Money, not exceeding Forty Shillings, as to ſuch Juſtice or Juſtices ſhall ſeem meet, together with the Charges previous to and attending ſuch Conviction, to be aſcertained by ſuch Juſtice or Juſtices who ſhall convict the Offender or Offenders; and upon Nonpayment thereof, ſuch Juſtice or Juſtices ſhall commit the Offender or Offenders to the common Gaol of the County or Place where the Offence ſhall be committed, without Bail or Mainprize, for any Time not exceeding Six Months, or until the Penalty and Charges ſhall be paid; and upon ſuch Conviction, every ſuch Bargain, Contract, or Agreement ſhall become void.

If any Perſon ſhall ſtack any Coal, &c. in a fraudulent Manner, or ſhall fraudulently remove any Iron Stone, &c. he may be impriſoned.

IV. And whereas the Owners and Leſſees of Coal, Iron Stone, or Iron Ore, contracting to get the ſame raiſed by Weight, are often under the Neceſſity of advancing Money to the Colliers and Miners upon the Meaſure thereof in Heaps, at or near the Colliery or Mine Work, before the ſame can be carried to be weighed, and great Frauds are practiſed in the walling and ſtacking of ſuch Coal, Iron Stone, and Iron Ore, by which the Colliers and Miners obtain Money beyond what they earn, or are able to repay, and Miners often defraud each other by conveying away Iron Stone from one Heap into another; be it therefore further enacted, That if any Perſon or Perſons ſhall wall or ſtack, or cauſe to be walled or ſtacked, any Coal, Iron Stone, or Iron Ore, in any falſe or fraudulent Manner, with an Intent to deceive his or their Employer or Employers, or if any Perſon or Perſons ſhall take or remove any Iron Stone or Iron Ore with Intent to defraud the Perſon or Perſons who ſhall have raiſed the ſame, and ſhall be thereof convicted, either by the Confeſſion of the Party offending, or upon the Oath of One or more credible Witneſs or Witneſſes, before any One or more Juſtice or Juſtices of the Peace for the County wherein ſuch Offence ſhall have been committed, it ſhall and may be lawful for ſuch Juſtice or Juſtices to commit any ſuch Perſon to the Houſe of Correction or Common Gaol for the ſame County, for any Time not exceeding Three Months.

V. And

V. And be it further enacted, That if any Perſon ſhall ſteal and take away any Coal, Culm, or Coak, Wood, Iron, Ropes, or Leather, not exceeding the Value of Five Shillings, from any Bank, Yard, Wharf, or other Place, belonging to any Manufacturer or Coal Dealer, or off or out of any Boat, Barge, Waggon, Cart, or other Carriage, or ſhall wilfully break, deſtroy, or damage any Waggon, Cart, or other Carriage, uſed for carrying Coal, Culm, Coak, Iron, or Iron Stone, or ſhall ſteal, break, deſtroy, damage, or embezzle any Tools or Implements uſed for cutting or getting Coal, Culm, or other Minerals, not exceeding the Value above mentioned, and ſhall, on Complaint of the Owner or his Agent, be thereof convicted, either by the Confeſſion of the Party offending, or by the Oath of One or more credible Witneſs or Witneſſes, before any One or more Juſtice or Juſtices of the Peace of the County where the Offence ſhall be committed, every Perſon ſo offending, and being thereof convicted as aforeſaid, ſhall, for the Firſt Offence, forfeit and pay ſuch Sum of Money, not exceeding Ten Shillings, as to ſuch Juſtice or Juſtices ſhall ſeem meet, over and above the Charges previous to and attending ſuch Conviction, to be aſcertained by ſuch Juſtice or Juſtices who ſhall convict the Offender, and upon Nonpayment thereof, ſuch Juſtice or Juſtices ſhall commit the Offender to the Houſe of Correction, there to be kept to hard Labour for One Month, or until the Penalty and Charges ſhall be paid; and if any Perſon ſo convicted ſhall be guilty of the like Offence a Second Time, and ſhall be thereof convicted in like Manner, ſuch Perſon ſhall forfeit and pay ſuch Sum of Money, not exceeding Twenty Shillings, as to ſuch Juſtice or Juſtices ſhall ſeem meet, over and above the Charges previous to and attending ſuch Conviction, to be aſcertained by ſuch Juſtice or Juſtices who ſhall convict the Offender, and upon Nonpayment thereof, ſuch Juſtice or Juſtices ſhall commit the Offender to the Houſe of Correction, there to be kept to hard Labour for Three Months, or until the Penalty and Charges ſhall be paid; and if any Perſon ſo convicted ſhall be guilty of the like Offence a Third Time, or oftener, and ſhall be thereof convicted in like Manner, ſuch Perſon ſhall forfeit and pay, for every ſuch Offence, ſuch Sum of Money, not exceeding Forty Shillings, as to ſuch Juſtice or Juſtices ſhall ſeem meet, over and above the Charges previous to and attending ſuch Conviction, to be aſcertained by ſuch Juſtice or Juſtices who ſhall convict the Offender, and upon Nonpayment thereof, ſuch Juſtice or Juſtices ſhall commit the Offender to the Houſe of Correction, there to be kept to hard Labour for Six Months, or until the Penalty and Charges ſhall be paid: Provided always, That no Perſon who ſhall be convicted of any Offence under this Act, ſhall be liable to be proſecuted for the ſame Offence under any other Law.

If any Perſon ſhall ſteal any Coal, &c. not more than 5 s. Value, from any Place belonging to any Manufacturer or Coal Dealer, or out of any Boat, &c. or ſhall damage any Carriage uſed for carrying Coals, etc. or ſteal or damage any Tools uſed for cutting Coal, etc. not exceeding 5 s. Value, he ſhall be liable to certain Penalties.

VI. And be it further enacted, That all and every the Forfeitures to be paid in purſuance of this Act ſhall be diſtributed between the Informer and the Overſeer or Overſeers of the Pariſh or Place where the Offence ſhall be committed, for the Uſe of the Poor of ſuch Pariſh or Place, in ſuch Proportion as the Juſtice or Juſtices before whom the Offenders ſhall be convicted ſhall think fit.

Application of Forfeitures.

VII. And be it further enacted, That in all Informations and other Proceedings for any o ſthe laſt-mentioned Offences, the Evidence of the Inhabitants of the Pariſh or Place where the Offence ſhall be committed,

Evidence of Inhabitants of the Place where the Of-

fence is committed shall be good

mitted, shall be taken and allowed; any Law or Usage to the contrary notwithstanding.

Convictions shall be drawn up the following

VIII. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Words, or in any Form of Words to the same Effect, as the Case shall happen; (*videlicet*),

Form.

'BE it remembered, That on the Day of in the Year of our Lord *A. B.* having been brought before me [*or*, having been duly summoned, and not having appeared, *as the Case may happen*] is on his own Confession [*or*, on due Proof, *whichever may be the Case*] convicted before me, *C. D.* One of His Majesty's Justices of the Peace for the County of for that he the said *A. B.* on the Day of at in the said County of did [*here specify the Offence according to the Fact, and following the Words of the Act, and whether the same is the first, or what other Offence*] against the Form of the Statute in that Case made; and I do adjudge him to forfeit and pay for the said Offence the Sum of and also the further Sum of for the Charges of this Conviction. Given under my Hand and Seal [*or*, our Hands and Seals] the Day and Year first aforesaid.'

Prosecutions must be begun within Nine Months.

IX. Provided always, That no Person shall be prosecuted for any Offence against this Act, unless such Prosecution be begun within Nine Calendar Months after the Offence committed.

Persons aggrieved may appeal to the Quarter Sessions.

X. Provided always, and be it further enacted, That any Person or Persons thinking himself or themselves aggrieved by any Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, save and except any Order of Commitment, may, within Three Calendar Months after such Order or Determination shall be made, complain to the Justices of the Peace at the General Quarter Sessions to be held in and for the County or Place where the Cause of Appeal shall arise, who shall either hear and determine such Complaint at such General Quarter Sessions of the Peace, or if they think proper may adjourn the hearing thereof to the next General Quarter Sessions of the Peace to be held for the said County or Place, and if they see Cause, may quash any Conviction, or mitigate any Forfeiture or Fine, and may award Costs to either Party, or order any Money to be returned which shall have been levied in pursuance of any such Order or Determination, and shall and may also award such further Satisfaction to be made to the Party injured as they shall judge reasonable; but no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; any Law or Statute to the contrary notwithstanding.

Proceedings not to be quashed for Want of Form, or removeable into any Court of Record.

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