

ANNO TRICESIMO NONO

GEORGII III. REGIS.

****

CAP. LVI.

An Act to explain and amend the Laws relative to Colliers in that Part of *Great Britain* called *Scotland*. [13th *June* 1799.]

Preamble.

15 *Geo.* III. Cap. 28, recited,

WHEREAS, before the passing of an Act of the Fifteenth Year of His present Majesty, intituled, *An Act for altering, explaining, and amending several of the Acts of the Parliament of* Scotland, *respecting Colliers, Coal Bearers, and Salters*, many Colliers, Coal Bearers, and Salters, were bound for Life to, and transferrable with, the Collieries and Salt Works where they worked; but by the said Act their Bondage was taken off, and they were declared to be free, under the Conditions therein mentioned; notwithstanding which, many Colliers and Coal Bearers still continue in a State of Bondage, from not having complied with the Provisions, or from having become subject to the Penalties, in the said Act: 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, from and after the passing of this Act, all the Colliers in that Part of *Great Britain* called *Scotland*, who were bound Colliers at the Time of passing the said Act, shall be and they are hereby declared to be free from their Servitude, and in the same Situation in every Respect as if they had regularly obtained a Decree in the Manner directed by the said Act.

and all Colliers in *Scotland*, bound at the Time of passing thereof, to be free from Servitude.

II. And

Cap. 8, of the 22d *Scots* Parliament of *Jac.* VI, and Cap. 38, of the 1ſt of *Car.* II, ſo far as they relate to fixing of Wages of Labourers, to extend to Perſons employed in the Collieries in *Scotland.*

II. And whereas by an Act of the *Scots* Parliament, *videlicet*, of the Twenty-ſecond Parliament of King *James* the Sixth, (Twenty-eighth of *June* One thouſand ſix hundred and ſeventeen), Chapter Eight, and by another Act of the *Scots* Parliament, *videlicet*, of the Firſt Parliament of King *Charles* the Second, (in *January* One thouſand ſix hundred and ſixty-one), Chapter Thirty-eight, it is enacted, That the Juſtices of the Peace for the ſeveral Counties and Stewartries in *Scotland* "ſhall appoint, at the Quarter Seſſions to be kept in *Auguſt* and *February*, the ordinary Hyre and Wages of Labourers, Workmen, and Servants, and who ſhall refuſe to ſerve upon the Price ſet down by them, ſhall be impriſoned and further puniſhed at their Diſcretion; and to the Effect Servants may be the more willing to obey the Ordinances to be made by the ſaid Juſtices for the ſaid Fees, the ſaid Juſtices ſhall have Power to decern and compel the Maſter to make Payment of the Fees appointed by their Ordinance, in caſe the Servants pleaſe rather to ſue for the ſame before them than before the Judge Ordinary:" And whereas Doubts have ariſen whether the Powers given to the Juſtices of the Peace by the Two Acts of the *Scottiſh* Parliament above recited extend to Colliers; be it enacted and declared, That the ſaid Two Acts of the *Scottiſh* Parliament, *videlicet*, the aforeſaid Act of the Twenty-ſecond Parliament of King *James* the Sixth, (Twenty-Eighth of *June* One thouſand ſix hundred and ſeventeen), Chapter the Eighth, and the aforeſaid Act of the Firſt Parliament of King *Charles* the Second, (*January* the Firſt, One thouſand ſix hundred and ſixty-one), Chapter the Thirty-eighth, in ſo far as the ſame relate to the fixing and appointing of the ordinary Hire and Wages of Labourers, Workmen, and Servants, do extend to and include Colliers, Coal Hewers, Coal Bearers, and all other Perſons of every Deſcription employed at Collieries, in that Part of *Great Britain* called *Scotland*; and ſuch and the like Powers and Authorities, Rights, Remedies, and Privileges conferred by theſe Statutes, relative to the fixing and appointing of the ordinary Hire and Wages of Labourers, Workmen, and Servants, are hereby given, conferred, and granted, and declared to extend and apply to Colliers, Coal Hewers, Coal Bearers, and all other Perſons of every Deſcription employed at Collieries, in that Part of *Great Britain* called *Scotland.*

Powers only to be exerciſed upon Application of the Party aggrieved.

III. Provided always, and be it enacted, That ſuch Powers and Authorities ſhall only be exerciſed upon the Application of the Party or Parties aggrieved.

Two Juſtices may exerciſe ſuch Powers.

IV. And be it enacted, That any Two or more Juſtices may and ſhall exerciſe, upon the like Application ſo to be made to them, all the Powers and Authorities which are given by the aforeſaid Statutes to the ſaid Juſtices at their Quarter Seſſions, in ſuch Manner as is therein provided.

No Action to be competent for Money advanced by or on Behalf of Coal Owners or Leſſees to Colliers, except for Sup-

V. And whereas there is a general Practice among the Coal Owners and Leſſees of Coal, of advancing conſiderable Sums to their Colliers, or for their Behoof, much beyond what the Colliers are able to repay; which Sums are advanced for the Purpoſe of tempting them to enter into or continue their Engagements, notwithſtanding the Sums ſo advanced are kept up as Debts againſt the Colliers; be it therefore further

enacted, That no Diligence or Action ſhall be competent for any Sum or Sums of Money hereafter to be lent or advanced to Colliers, or other Perſons employed at the Collieries as aforeſaid, by the Coal Owner or Leſſee of any Colliery, or by any other Perſon or Perſons on their Behalf, or for any Debts due by Colliers or other Perſons as aforeſaid, which ſhall be acquired by the ſaid Coal Owners or Leſſees, or by others on their Account, either previous to their Engagement, or during the Currency thereof, and in view of the ſame; excepting always ſuch Sum or Sums as ſhall be advanced to any Collier, or other Perſons employed at Collieries as aforeſaid, during the Currency of his or her Service, for the Support of his or her Family, in caſe of Sickneſs. port of their Families in caſe of Sickneſs.

VI. Provided always, and be it enacted, That it ſhall and may be lawful to the Coal Owner or Leſſee who ſhall lend or advance ſuch Sum or Sums of Money, to retain from the Wages of the Colliers or others aforeſaid, to whom the ſame ſhall be ſo lent or advanced, One Twelfth Part of the ſaid Sum or Sums Weekly, till the principal Sum or Sums, without Intereſt, ſo advanced, be paid up; but declaring, that if the Engagement of ſuch Collier ſhall expire before the principal Sum or Sums ſo advanced be fully paid up, the Coal Owner or Leſſee who advanced the ſame ſhall have Action for the Balance, in the ſame Manner as if this Act had not paſſed. Coal Owners or Leſſees may detain a Part of the Weekly Wages till Money advanced be paid, and may have an Action for the Balance.

VII. Provided alſo, and be it enacted, That ſuch Debts as were due by Colliers to their Maſters at or before the paſſing of this Act, ſhall not be hereby extinguiſhed; and declaring alſo, that Debts due by Colliers or other Perſons as aforeſaid, at or before the paſſing of this Act, to the Coal Owners or Leſſees, may be lawfully aſſigned or transferred to other Coal Owners or Leſſees with whom they may afterwards engage, with the Conſent of the Debtors themſelves; and if aſſigned with their Conſent, then the Debts ſo aſſigned ſhall be as valid and effectual to the other Coal Owners or Leſſees, as if this Act had never paſſed: Provided always, That the Vouchers of all Debts due by Colliers to Coal Owners and Leſſees of Coal before the paſſing of this Act, or a Liſt of the ſame, ſigned by the ſaid Coal Owners and Leſſees, ſhall be recorded in the Sheriff Court Books, within Three Months after the paſſing hereof, for which a Fee of One Shilling ſhall be paid, and no more; and that all Debts, the Vouchers of which are not ſo recorded, ſhall be held to be null and void, and not recoverable in any Court of Law. Debts due by Colliers at paſſing this Act not extinguiſhed, but may be aſſigned with Conſent of the Debtors. Vouchers of Debts to be recorded in the Sheriff Court Books, or held null.

VIII. And whereas there have of late been many Attempts to ſeduce Colliers out of *Scotland* into Foreign Countries, be it therefore further enacted, That all Perſons ſeducing, or attempting to ſeduce, Colliers or others aforeſaid, from the Kingdom of *Great Britain*, ſhall be puniſhed in the ſame Manner as Perſons ſeducing, or attempting to ſeduce, Manufacturers or other Artizans are puniſhable by Law. Seducers of Colliers from *Great Britain* to be puniſhed as Seducers of Manufacturers.

IX. Provided always, and be it enacted and declared, That no Coal Maſter or Leſſee of Coal ſhall act as a Juſtice of Peace under this Act. No Coal Maſter or Leſſee to act as a Juſtice under this Act.

X. And be it further enacted, That the Laws now in Force againſt unlawful Combinations of whatever Kind, ſhall extend to and include Colliers, Laws againſt Combinations

to extend to Colliers, &c.

Colliers, Coal Bearers, and other Perſons employed at Coal Works as aforeſaid; and that nothing in this Act contained ſhall extend, or be conſtrued to extend, to alter or repeal any Part of the Acts of the Parliament of *Scotland* relative to Colliers, unleſs in ſo far as is expreſsly done by this Act, or by the ſaid Act of the Fifteenth Year of His preſent Majeſty.

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