ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

C A P. XCI.

An Act for the more effectual Prevention of Frauds and Abuses committed by Weavers, Sewers, and other Persons employed in the Linen, Hempen, Union, Cotton, Silk, and Woollen Manufactures in *Ireland*, and for the better Payment of their Wages, for One Year, and from thence to the ~~End of the then next Session of Parliament.~~

[10th *August* 1840.]

WHEREAS several Acts from Time to Time have passed containing Regulations for the Linen, Hempen, Union, and Cotton Manufactures in *Ireland;* and such Regulations were, with certain Modifications, by an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to continue and amend certain Regulations for the Linen and Hempen Manufactures in* Ireland, continued in force for the Space of Two Years, and from thence until the End of the then next Session of Parliament, when the same would expire, but were by an Act passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to continue for Five Years, and from thence until the End of the*

5 & 6 W. 4. c. 27.

1 & 2 Vict. c. 52.

the then next Session of Parliament, an Act of the Fifth and Sixth Years of His late Majesty for the Regulation of the Linen and Hempen Manufactures in Ireland, continued in force for the Time therein limited and expressed: And whereas the Provisions of the said Act have not been found effectual to prevent or even materially to check the Theft and Embezzlement of Linen, Hempen, and Cotton Yarns, and of Cloths made of any one or of any Mixture of these Materials, in *Ireland;* and it is expedient to make further Provision, as well for the Benefit and Encouragement of Trade and Manufactures as for the Security of the Property of Manufacturers and Employers, and for that Purpose to repeal Part of the said Act, and to enact other Provisions in lieu thereof: And whereas it is necessary that the said Provisions shall be extended to the Silk and Woollen Manufactures: Be it therefore enacted by the Queen'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 Commencement of this Act, so much of the said recited Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, and continued in force by the Act passed in the First and Second Years of the Reign of Her present Majesty, as relates to the Embezzlement of Materials, and to Manufacturers and Weavers, shall be and the same is hereby repealed, save and except in as far as the same may have repealed any former Acts or Enactments.

So much of 5 & 6 W. 4. c. 27. as relates to the Embezzlement of Materials, and to Manufacturers and Weavers, repealed.

Persons convicted of pawning or embezzling any of the Materials herein particularized to forfeit the full Value of the same with Costs.

II. And be it enacted, That if any Weaver, Sewer, or any other Person whatsoever, intrusted, for the Purpose of Manufacture, or for any special Purpose connected with Manufacture, with any Linen, Hempen, Cotton, Silk, or Woollen Yarns, or any Two or more of these Materials mixed with each other, or any Cloths made of any one or any Mixture of these Materials, or Tools or Apparatus for manufacturing the same, shall sell, pawn, purloin, embezzle, secrete, exchange, or otherwise fraudulently dispose of the same or any Part thereof, he shall, upon being thereof lawfully convicted by the Oath of the Owner of such Cloths or Materials, or of any other credible Witness or Witnesses, before a Court of Petty Sessions, or of General or Quarter Sessions, be liable to forfeit the full Value of the same, with such Costs and Penalty as shall not together exceed Five Pounds, as the Court before which the Conviction shall take place shall judge to be most proper; and every such Forfeiture and Penalty shall be applied, under the Direction of the Court before which the Conviction shall be, in manner following; (that is to say,) in the first place, the Expences of the Prosecution shall be thereout defrayed, and then such Satisfaction shall be made thereout to the Party injured as the said Court shall think proper, and the Remainder, if any, shall be applied in the same Manner as any other Penalty under this Act; and in default of the immediate Payment, on Conviction, of such Forfeiture and Penalty, the said Person so convicted shall be imprisoned in the Common Gaol or House of Correction, and there kept to hard Labour for any Time not exceeding Two Months, unless the Amount of such Forfeiture and Penalty and Costs be sooner paid.

Application of Forfeiture.

III. And

Persons knowingly purchasing or receiving stolen Materials or Tools guilty of a Misdemeanor;

III. And be it enacted, That any Person who shall purchase or take in pawn, or who in any other way shall receive into his Premises or Possession, Linen, Hempen, Cotton, Silk, or Woollen Yarns, or Cloths made of any one or of any Mixture of these Materials, or Tools or Apparatus for manufacturing the same, knowing that such Yarns, Cloths, Tools, or Apparatus are embezzled, or that the Persons offering the same for Sale are fraudulently disposing thereof, shall, on Conviction by the Oath of One or more credible Witness or Witnesses, be deemed and adjudged guilty of a Misdemeanor.

as also Persons knowingly selling, pawning, &c. stolen Materials or Tools.

IV. And be it enacted, That if any Person shall sell, pawn, pledge, exchange, or otherwise unlawfully dispose of, or offer to sell, pawn, pledge, exchange, or otherwise dispose of, any such Materials, Tools, or Apparatus as aforesaid, knowing them to have been purloined or embezzled, or received from Persons fraudulently disposing thereof, he shall, on Conviction, be deemed and adjudged guilty of a Misdemeanor.

Justice of the Peace empowered to issue his Warrant for the Apprehension of Offenders against this Act;

and to commit them for Trial at the Sessions.

V. And be it enacted, That on Proof on Oath that there is just Cause to suspect that any such Materials, Tools, or Apparatus as aforesaid have been fraudulently sold, pawned, purloined, or embezzled by the Person to whom intrusted, or that any such Materials, Tools, or Apparatus have been purchased or received, or sold, pawned, pledged, exchanged, or otherwise fraudulently disposed of, or offered for Sale, Pawn, Pledge, Exchange, or other Disposal, by any Person knowing the same to have been purloined or embezzled, or received from some Person fraudulently disposing thereof, it shall and may be lawful for any One Justice of the Peace, and he is hereby required, to issue his Warrant for apprehending such Person, and bringing him before him or some other Justice of the Peace for Examination; and if upon such Examination the Charge of having fraudulently sold, pawned, purloined, or embezzled any such Materials, or of having purchased or received, or sold, pawned, pledged, exchanged, or otherwise fraudulently disposed of, or offered for Sale, Pawn, Pledge, Exchange, or other Disposal, any such Materials, knowing them to have been purloined or embezzled, or received from some Person fraudulently disposing thereof, shall be supported by Evidence to raise a strong Presumption of Guilt, such Justice shall commit such Person to the Common Gaol or House of Correction, in order that he may be brought forward for Trial at the next Court of Petty Sessions, or of General or Quarter Sessions, unless he enter into such Bail with Two solvent and sufficient Sureties, as may be required for his Appearance before such Court: Provided always, that the Prosecutor is hereby exclusively entitled to decide as to whether he shall prosecute in a summary Manner at the next Court of Petty Sessions, or otherwise.

Justice empowered to grant search Warrants;

VI. And be it enacted, That if any credible Person shall make Oath before a Justice of the Peace, that there is a reasonable Cause to suspect that any Person has in his Possession or on his Premises any purloined or embezzled Cloths, Yarns, Materials, Tools, or Apparatus, such Justice is hereby authorized and required to grant his Warrant to

and to detain Property or Persons.

to search the Dwelling House and Premises of such Person; and if any such Property shall be found therein, to cause the same, and the Person in whose Possession or on whose Premises the same shall be found, to be brought before him or some other Justice of the Peace, who is hereby authorized to order his Detention until the Court of Petty Sessions, or of General or Quarter Sessions of the District, unless he enter into such Bail, with Two solvent and sufficient Sureties, as may be required for his Appearance before the said Court on any Day to be fixed by such Justice; and if the Person so apprehended shall not give an Account to the Satisfaction of such Court how he came by the same, then the said Person shall be deemed and adjudged guilty of a Misdemeanor, and shall be punished in manner herein-after mentioned, although no Proof shall be given to whom such Property belongs.

Persons convicted of having stolen Property in their Possession guilty of a Misdemeanor.

Chief Constables and Chiefs of Police empowered to search the Premises of Purchasers and Receivers of purloined or embezzled Property, without a Justice's Warrant, upon Emergency.

VII. And be it enacted, That all Chief Constables and Chiefs of Police in any District in *Ireland*, upon receiving Information that stolen or purloined and embezzled Linen, Hempen, Cotton, Silk, or Woollen Yarns, or Cloths made of any one or any Mixture of these Materials, or Tools or Apparatus for manufacturing the same, or that such Yarns or Goods suspected of being stolen or purloined and embezzled are deposited in certain specified Premises, and that there is Reason to apprehend that such Yarns or Goods will be removed before a Warrant can be obtained from a Justice, shall henceforth have Power, by themselves or their Officers, or by Constables, to search the said Premises, and to seize such Yarns or Goods, and either to summon the Person within whose Premises the same shall be found, and who shall be bound to answer said Summons under a Penalty not exceeding Forty Pounds, or to apprehend the Person within whose Premises the same shall be found, and to lodge the Yarns or Goods so seized, and the Person within whose Premises the same shall be found, in a Police Office or other Place of Security, in order that he may be brought before a Justice of the Peace for Examination, as before directed.

Officers, Constables, and others to apprehend suspected Persons, and to lodge them, with the Property, in a Police Office.

VIII. And be it enacted, That every Peace Officer and Constable, and every Watchman duly appointed by Law, during such Time as he shall be on Duty, shall and may apprehend or cause to be apprehended any Person whom he may reasonably suspect of having or carrying, or in any way conveying, any Property suspected to be purloined or embezzled, and shall lodge such Person, together with the Property, in a Police Office or other Place of Security, in order that they may be brought before the nearest Justice of the Peace as soon as convenient, who is hereby empowered to discharge such Person, or to order his Detention until the next Court of Petty Sessions, or of General or Quarter Sessions of the District, unless he enter into such Bail, with Two solvent and sufficient Sureties, as may be required for his Appearance before said Court on any Day to be fixed by said Justice; and if the Person so apprehended in the Act of committing any such Offence as aforesaid, or conveying any such Property as aforesaid, shall not produce before the said Court the Person duly entitled to dispose of such Property, from whom he bought

Persons so apprehended and not proving that the Property

bought or received the same, or shall not give an Account to the Satisfaction of the said Court that the Property is honestly come by, then the Person so apprehended shall be deemed and adjudged guilty of a Misdemeanor, and be punished in manner herein-after mentioned, although no Proof shall be given to whom such Property belongs. Is honestly come by, guilty of a Misdemeanor.

IX. And be it enacted, That it shall be competent for the Party accused, in all Prosecutions brought under Authority of this Act, to move for and obtain an Adjournment of the Time fixed for Trial, for such a reasonable Time as may appear to the Court to be necessary for the Party accused to produce the Person duly entitled to sell, dispose of, or transmit the said Property, of whom he bought or received the same, or Evidence respecting the same; but the Party accused and requesting such Adjournment shall be detained in Custody or committed to Prison, unless he enter into such Bail, with Two solvent and sufficient Sureties, as shall be required for his Appearance before said Court at such Time and Place as shall be appointed. Adjournment of Time for Trial allowed on Prisoner finding Bail.

X. And be it enacted, That any Person who shall be deemed and adjudged guilty of a Misdemeanor, agreeably to any of the previous Sections of this Act, shall, in addition to being deprived, without Compensation, of any stolen or embezzled Materials or Goods which shall have been found in his Possession, forfeit any Sum not exceeding Twenty Pounds for each Offence, together with Costs, if tried in a summary Manner before a Court of Petty Sessions; or shall forfeit any Sum not exceeding Forty Pounds, together with Costs, if tried before a Court of General or Quarter Sessions; one Moiety of the said Penalty to be given to the Informer, the other to be applied in the same Manner as any other Penalty under this Act; and in default of the immediate Payment, on Conviction, of such Penalty and Costs, the Person so found guilty shall, if the Trial has been conducted in a summary Manner, be imprisoned in the Common Gaol or House of Correction, and kept to hard Labour, for any Term not exceeding Three Months; and if the Trial has been conducted at a Court of General or Quarter Sessions, he shall be imprisoned in the Common Gaol or House of Correction, and there kept to hard Labour, for any Term not exceeding Six Months, as the Court in the Sentence of Condemnation shall fix and determine: Provided always, that in each of the Cases aforesaid the Person imprisoned shall be released upon Payment of the Amount of the Penalty and Costs to which he has been sentenced. Penalties on Persons guilty of Misdemeanors in having purloined or embezzled Goods, &c.

XI. And be it enacted, That where no Proof shall be given at the Time of Conviction of the Ownership of Property found in the Possession of a Person convicted under this Act, the Justices shall cause the Property so found to be deposited in some safe Place for any Time not exceeding Thirty Days, and shall order an Advertisement to be inserted in One or more of the public Newspapers of the Town or City nearest the Place where the same was found, and shall cause Notice to be given, if in a Town or City, by some public Crier, and by fixing a printed Notice on some public Place, describing How Property which has been seized, and is unclaimed or confiscated, shall be disposed of.

ing such Property and where the same may be inspected; and in case any Person shall prove his own or his Employer's Ownership or Property therein, upon Oath, to the Satisfaction of the Justices presiding at the Petty Sessions of the District, Restitution of such Property shall be ordered to the Owner thereof, after paying the reasonable Cost of removing, depositing, advertising, and giving Notice of the same; but if no Ownership be proved to such Property, the Justices presiding at the Court of Petty Sessions of the District shall, at the Termination of Thirty Days, order such Property to be sold, and after deducting the Charges aforesaid, with the Charges of Sale, shall order the Residue to be applied in the same Manner as a Penalty under this Act: Provided always, that if it appear to said Justices that the Yarns are of such a Kind as, if sold in an unwrought State, would be liable to be purchased by fraudulent Dealers, to be used by them as a Cover for their fraudulent Transactions, the said Justices may order the same to be delivered to the Keeper of the nearest House of Correction, or some other Person whom they may appoint, to be wrought up and disposed of under his Inspection; the free Proceeds of the same, when sold, to be applied as before directed.

Offenders shall be deemed competent Witnesses.

XII. And be it enacted, That where any Offender has been convicted of any Offence under this Act (except Perjury or Subornation of Perjury), and has endured the Punishment to which he has been adjudged, he shall not, after the Punishment so endured, be deemed to be by reason of such Offence an incompetent Witness in any Court or Proceeding, Civil or Criminal; and that the Informer or Prosecutor shall in every Case under this Act be deemed a competent Witness to prove the Offence charged.

Owners of Materials delivered to Weavers, &c. to be worked up, may at all reasonable Hours enter into Shops or Outhouses to inspect such Materials.

XIII. And whereas it frequently happens, by occasion of the very long Detention of such Materials as aforesaid, delivered out to Weavers, Sewers, or other Persons employed to work up the same, that it cannot be known to the Masters or Owners of such Materials whether the same may have been purloined or embezzled, or whether the said Materials are wholly or in part wrought or begun to be wrought, or in what State or Condition such Materials may be; be it therefore enacted, That it shall be lawful for the Owner or Owners of any such Materials, or any other Person duly authorized by him or them, from Time to Time, as Occasion shall require, to demand Leave of Entrance, and enter, at all reasonable Hours in the Daytime, into the Shops or Outhouses of any Person or Persons employed by him or them to work up or manufacture any of the said Materials, or other Place or Places where the Work shall be carried on, and there to inspect the State and Condition of such Materials; and in case of Refusal by any such Person or Persons so employed to permit such Entrance or Inspection, such Owner or other authorized Person may go before the nearest Justice of the Peace, and make Oath that such Materials have been intrusted to a Weaver, Sewer, or other Person, and that he has reasonable Grounds for suspecting some Loss or Injury to the Property so intrusted as aforesaid, as such Person has refused to permit the same to be inspected; and it shall be lawful for such Justice, and he is hereby required, to

In case of Refusal the Owner may apply to a Justice for a Search Warrant.

issue his Warrant to search the Dwelling House and Premises of such Person; and if the whole of the Materials so intrusted cannot be found therein, or cannot be produced to the Constable executing the Warrant, such Constable shall apprehend such Person, and bring him before some Justice of the Peace, there to be examined; and if upon such Examination it shall be found that such Person has fraudulently sold, pawned, purloined, or embezzled, secreted, exchanged, or otherwise fraudulently disposed of any such Property, he shall be liable to any of the Punishments awarded for such Offence under this Act; but if it shall be found that no such Offence has been committed, such Person shall, for so refusing to permit such Entrance for reasonable Inspection, forfeit any Sum not exceeding Ten Shillings, as the Justice before whom he shall be examined shall think proper, to be applied, in the first place, in defraying the Expences of the Prosecution, and, in the next place, as any other Penalty under this Act.

Justice may grant a Warrant on Complaint on Oath that a Person is about to abscond.

XIV. And be it enacted, That if any Manufacturer, Agent, or any other Person duly authorized by him, shall make Oath before a Justice of the Peace that any such Materials as aforesaid have been intrusted to a Weaver, Sewer, or other Person, and that he has absconded, or that the Deponent has just Cause to suspect, and does suspect, that such Person is about to abscond, it shall be lawful for such Justice, and he is hereby required, to issue his Warrant to apprehend such Person, and bring him before him or some other Justice of the Peace; and if such Person shall have absconded or shall not forthwith give Security, to be approved of by the said Justice, for the Return, in a finished State, of all such Materials so intrusted to him, within such Time as shall be then agreed on, such Justice shall, by Warrant, order any Constable with his Assistants to enter the House of such Person, and take possession of all such Materials so delivered to him as aforesaid (if a Warp on the Beam, with the Beam and Mountings), and to bring the same before the said Justice, when the said Justice will direct the same to be delivered to the Owner or other Person duly authorized by him, and forthwith release the Person in Custody; but if all such Materials are not in the House or Possession of such Person, or cannot be produced to such Constable, such Person shall be deemed and taken to have purloined or embezzled such Materials, and shall be liable to any of the Punishments awarded for such Offence: Provided always, that from and after the passing of this Act the Chief Constable or Chief of Police of any District, in the Absence of a Justice of the Peace, or where a Warrant could not be procured before the Offender would be enabled to effect his Escape, shall have full Power and Authority, upon receiving Information that a Person has absconded or is about to abscond, as above mentioned, and that there is Reason to apprehend that he will escape before a Warrant from a Justice can be procured, to order any Peace Officer or Constable to apprehend such Person, and bring him before a Justice of the Peace, or lodge him in a Police Office or other Place of Security, in order that he may be brought before a Justice of the Peace.

Penalty on bringing a malicious

XV. Provided also, and be it enacted, That if it shall appear to such Justice that the Manufacturer or Agent, or other Person duly

Charge before a Justice.

duly authorized by him, had no Foundation for suspecting that the Weaver or Person so intrusted would abscond, or that the Charge was made from a malicious, vexatious, or improper Motive, it shall be lawful for such Justice to award the said Weaver or Person such Sum of Money, not exceeding Ten Pounds, as to such Justice shall seem fit, which shall be paid by such Manufacturer, Agent, or Person as a Compensation for the Injury done, and in default of Payment shall be levied by Distress upon such Manufacturer, Agent, or Person's Goods.

Tickets of Particulars shall be given out with the Work, and a Duplicate or Copy to be kept in a Weaving Book, and to be Evidence of Agreement.

XVI. And be it enacted, That with every Warp given out by a Manufacturer or Agent to a Weaver to be woven there shall be delivered a Note or Ticket, signed by such Manufacturer or Agent delivering out the same, stating the Length, Breadth, and particular Fabric and Denomination of the Work to be performed, the Number of Shots of Weft under the Glass which it is to count out of the Loom, the Time in which the said Work is to be finished and returned, and the Price, in Sterling Money, agreed on for executing each Yard Imperial Standard Measure of Thirty-six Inches of such Work in a workmanlike Manner; and a Duplicate of every such Note or Ticket, or a Copy of the substantial Contents of it in a Weaving Book, shall be made and kept by the Manufacturer or Agent delivering out the same; which said Note or Ticket, or (in case of the said Note or Ticket not being produced by the Weaver) which said Duplicate or Copy of the substantial Contents of it in a Weaving Book, in the event of a Dispute between a Manufacturer or Agent and Weaver, shall be Evidence of all such Matters and Things mentioned therein, or respecting the same.

Manufacturers neglecting or refusing to give Tickets or produce Duplicates, deprived of Remedy under this Act.

XVII. And be it enacted, That any Manufacturer or Agent refusing or neglecting to give such Note or Ticket in the Manner hereby prescribed, or not producing such Duplicate or Copy of the substantial Contents of the same, when prosecuting a Complaint against any Weaver or Person to whom Goods have been delivered out, shall be deprived of any Remedy he might otherwise be entitled to under this Act for the Recovery of any Property so delivered out, or for the Punishment of any Offender or Offenders against any of the Provisions thereof, in any Matter or Thing relating to the said Property so delivered out without a Ticket.

Penalty on Weavers, &c. not fulfilling their Agreements, &c.;

XVIII. And be it enacted, That if any Weaver, Sewer, or other Person who shall be intrusted with any Linen, Hempen, Cotton, Silk, or Woollen Yarns, or any Two or more of these Materials mixed with each other, or Cloths made of any One or of any Mixture of these Materials, or Tools or Apparatus for manufacturing the same, shall not finish all such Cloths, and weave all such Yarns, in such Manner, or in such Reeds, or into Cloth of such Breadths, and return the the same (together with the Tools or Apparatus, if required,) within Eight Days of the Time which shall have been agreed upon by the Owner of such Cloths or Yarns or his Agent, and such Weaver Sewer, or other Person, unless prevented by some reasonable and sufficient

sufficient Cause, to be allowed by the Court of Petty Sessions before which he shall be brought, or shall leave or return his Work before the same shall be completely finished, without the Consent of his Employer, then, in every such Case, such Weaver, Sewer, or Person, being thereof lawfully convicted, by the Oath of One or more credible Witness or Witnesses before a Court of Petty Sessions, shall forfeit any Sum not exceeding Two Pounds, together with Costs, as the Court before which such Conviction shall take place shall judge to be most proper; and every such Forfeiture shall be applied, under the Direction of such Court, in manner following; (that is to say,) in the first place, the Expences of the Prosecution shall be thereout defrayed, and then such Satisfaction shall be made thereout to the Party injured as the said Court shall think proper; and the Remainder, if any, shall be applied in the same Manner as any other Penalty under this Act; and in default of immediate Payment, on Conviction, of such Forfeiture and Costs, the said Person so convicted shall be imprisoned in the Common Gaol or House of Correction, there to be kept to hard Labour for any Term not exceeding One Month, unless the Amount of such Forfeiture and Costs be sooner paid.

or returning Work before finished.

XIX. And whereas it frequently happens that Persons receive the Materials in fictitious Names in order to be manufactured; and that Persons receive such Materials in their own Names in order to be manufactured by themselves, and afterwards deliver the same to others to be manufactured, without the Knowledge or Consent of the Owners thereof; and that Carriers or other Persons employed to deliver Materials to Workmen to be prepared or manufactured do designedly deliver such Materials to other Persons than those intended by the Owner of such Materials; be it therefore enacted, That if any Person shall receive any of the aforesaid Materials in a fictitious Name in order to be manufactured; or if any Person shall receive in his own Name any of the said Materials in order to be manufactured by himself, or on his own Premises, and afterwards (without the Consent of the Owner thereof) deliver the same or any Part thereof to any other Person to be manufactured; or if any Carrier or other Person employed to deliver any such Materials to any Workman, to be prepared or wrought up, shall designedly deliver the same to any Person other than the Person to whom such Materials were ordered or intended to be delivered by the Owner thereof; every such Person so offending, and being convicted thereof on the Oath of One or more credible Witness or Witnesses before a Court of Petty Sessions, shall for every such Offence be liable to the same Punishment as is by the Eighteenth Section of this Act directed in respect to Persons not fulfilling their Engagements.

Persons receiving Materials to be manufactured in a fictitious Name, or delivering the same to any other Person without the Consent of the Owner, &c., shall be liable to the same Punishment as those not fulfilling their Engagements.

XX. And be it enacted, That in Cases where any Weaver or Person shall have been committed for embezzling or illegally making away with a Part of the Property intrusted to him, or shall have been convicted of any other Offence against any of the Provisions of this Act, it shall be lawful for the Justice who committed such Person for embezzling or illegally making away with a Part of the

Justice to issue Warrant to Constable to take possession of Property intrusted to any Person

committed for embezzling a Part, or convicted of any other Offence.

the Property intrusted to him, or for the Justice presiding at the Court of Petty Sessions before which he has been convicted for that or any other Offence, and he or they is or are hereby required, to issue his or their Warrant, authorizing a Constable, with his Assistance, to enter the House and Premises of such Weaver or Person, and take possession of all such Property so intrusted as shall be found therein (if a Warp on the Beam with the Beam and Mountings), and to bring the same before the said Justice or Justices, when the said Justice or Justices shall direct the same to be delivered to the Manufacturer, Agent, or Person duly authorized to receive the same.

Cloths, &c. intrusted for manufacturing not liable to Seizure for Rent or any other Debt of the Worker.

XXI. And be it enacted, That if any Landlord or other Person shall seize, carry off, or sell, by virtue of any Distress Warrant, Execution, or other Proceeding for Rent in arrear, or Money due or alleged to be due, by a Weaver or Worker, or on any other Account whatever, any Cloths, Yarns, Materials, or Tools or Apparatus for manufacturing the same, belonging to a Manufacturer or Agent, and intrusted by him to such Weaver or Worker for the Purpose of Manufacture, or any Tools or Apparatus actually employed in manufacturing such Cloths or Yarns, and shall refuse to restore Possession of all such Property to such Manufacturer or Agent when demanded by him, or some Person duly authorized by him, on such Manufacturer or Agent tendering Security for the Return of such Tools or Apparatus as may not belong to him as soon as the Work shall be finished, any Justice of the Peace, upon Complaint on Oath before him, shall, by Notice under his Hand, require such Landlord or other Person to restore Possession of all such Property so seized and carried off or sold, or the full Value thereof, and in case of Refusal shall issue his Warrant to levy, by Distress and Sale of the Goods and Chattels of such Landlord or Person, the full Value of the Property intrusted, or, if returned without the necessary Apparatus, the Amount of such Injury or Damage as it may have sustained, together with all Costs of recovering and levying the same.

Masters refusing to pay Wages to Workmen when due may be summoned before a Court of Petty Sessions.

XXII. And be it enacted, That if any Manufacturer or Agent employing or retaining any Weaver or Person shall not from Time to Time, on the regular appointed Days and Hours of Attendance, pay and discharge all Wages and Hire as the same shall become due to any such Weaver or Person, such Weaver or Person may summon such Manufacturer or Agent before a Court of Petty Sessions; and the Justices presiding may hear and determine such Complaint, and order immediate Payment of the Sum found due, together with Costs for Loss of Time, and of recovering the same, and in default of immediate Payment shall issue their Warrant to levy the same by Distress and Sale of the Goods and Chattels of said Manufacturer or Agent; and the said Justices, if they shall think fit, may also, by Order in Writing, authorize such Weaver or Person to return his Work unfinished, in which Case such Weaver or Person shall not be liable to the Penalties awarded by this Act.

XXIII. And

Masters not furnishing sufficient Materials to Workmen, and thereby keeping them idle, may be summoned before a Court of Petty Sessions.

XXIII. And be it enacted, That if any Manufacturer or Agent employing or retaining any Weaver or Person shall not furnish him with a sufficient Quantity of Materials to finish his Work, but shall by withholding such Materials keep him or cause him to be kept idle, such Weaver or Person may summon such Manufacturer or Agent before a Court of Petty Sessions; and the Justices presiding may, on such Complaint being proved before them, award such Weaver or Person such fair and reasonable Remuneration for any Loss that he may have sustained by the withholding of said Materials as such Justices shall think fit; said Remuneration, together with Costs of recovering and levying the same, to be levied by Distress and Sale of Goods and Chattels of said Manufacturer or Agent; and the said Justices, if they shall think fit, may authorize such Weaver or Person to return his Work unfinished as above mentioned: Provided always, that if any Question shall arise under this or the preceeding Sections which the Justices are unable to decide upon, they may, if they think fit, refer it to Arbitration, to be settled in the Manner provided by the Act of the Fifth Year of King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Arbitration of Disputes between Masters and Workmen.* 5 G. 4. c. 96.

Penalty for bringing a malicious Charge before the Court.

XXIV. And for the Discouragement of frivolous and vexatious Informations and Prosecutions under this Act, be it enacted, That it shall be lawful for any Court of Petty or of General or Quarter Sessions, before whom any Case under this Act is tried, to award Costs to the Defendant in case of Acquittal, to be paid by the Prosecutor; and also if it shall appear to such Court that the Charge was made from a malicious, vexatious, or improper Motive, it shall be lawful for such Court to award to the Defendant such further Sum of Money, not exceeding Twenty Pounds, as to such Court shall seem fit, to be paid by such Prosecutor as a Compensation for the Injury done; and in default of Payment such Costs and Penalty shall be levied by Distress upon such Prosecutor's Goods.

Scale of Imprisonment on summary Convictions under this Act not specially provided for.

XXV. And be it enacted, That in every Case of summary Conviction under this Act, not specially provided for, where the Sum which shall be imposed as a Penalty by a Justice of the Peace or a Court of Petty Sessions, together with such Wages for Loss of Time as may be awarded against any Manufacturer or Agent, and the Costs, if awarded, which Costs such Justice or the Justices presiding at said Court is and are hereby authorized to award, if he or they think fit, in any Case of a Conviction under this Act, shall not be paid immediately after the Conviction, or where a Warrant of Distress shall be issued, and no sufficient Distress shall be found, it shall be lawful for the convicting Justice to commit the Offender to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, according to the Discretion of the Justices, for any Term not exceeding One Calendar Month, where the Amount of the Sum forfeited, or of the Penalty imposed, with or without Wages, together with Costs, shall not exceed Five Pounds, and for any Term not exceeding Two Calendar Months

Months where such Amount shall exceed Five Pounds and shall not exceed Ten Pounds, and for any Term not exceeding Three Calendar Months in any other Case, unless the Amount and Costs be sooner paid.

Limitation of Time within which Proceedings must be commenced.

XXVI. And be it enacted, That in all Cases of Complaint of any Offence or Offences committed against the Provisions of this Act Complaint is to be made within Four Months from the Commission of the same, unless the offending Party may have in the meantime left the Country; and in all Cases where the Complaint is either made by a Manufacturer or Agent against a Weaver or Worker, or by a Weaver or Worker against any Manufacturer or Agent, the nearest Justice of the Peace of the District in which the Cloths, Yarns, Materials, Tools, or Apparatus are given out to the Weaver or Worker, and taken in from him, whether such Weaver or Worker resides within the District or County or not, shall have full Power and Authority and is hereby required to act when applied to; and in all such Cases the Court of Petty Sessions or of Quarter Sessions of the said District is hereby authorized and required to hear and determine such Complaint.

Justice of the District in which the Work is given out to have Authority to act.

One Justice competent to receive Information and issue Warrant, &c.

XXVII. And be it enacted, That in all Cases where by this Act any Court of Petty Sessions or of General or Quarter Sessions is authorized and required to hear and determine any Complaint, One Justice of the Peace shall be competent to receive the original Information or Complaint, and to issue the Warrant to apprehend the Offender and commit him to Prison, in order that he may be brought forward for Trial (unless he enter into such Bail as may be required for his Appearance at such Time and Place as shall be appointed), or to issue the Summons requiring the Parties to appear before a Court of Petty Sessions; and after Examination on Oath into the Merits of said Complaint, and the Adjudication thereupon by the Justices presiding at any such Court of Petty Sessions being made, all and every the subsequent Proceedings to enforce Obedience thereto or otherwise, whether respecting the Penalty, Fine, Imprisonment, Costs, or Matter or Things relating to the Offence, may be enforced by any One of the Justices.

Adjudication of the Justices at Petty Sessions may be enforced by any One of such Justices.

Construction of Terms.

XXVIII. And be it enacted, That in all Cases under this Act, Singular is to include Plural, and Masculine Feminine; and in an Indictment or Information for Offences against the Property of Partners, Joint Stock Companies, or Trustees, it shall be sufficient to lay the Ownership in the Name of One Partner or Trustee and others.

Application of Penalties.

XXIX. And be it enacted, That all Forfeitures and Penalties upon Convictions under this Act, not specially provided for, shall be paid, under the Order of the Court or Justice convicting, to any One or more public Charities within the County, Town, or Place wherein such Conviction shall take place.

Appeals from sum-

XXX. And be it enacted, That in all Cases of summary Conviction before a Justice of the Peace or Court of Petty Sessions under this

Act, where the Sum adjudged to be paid shall exceed Two Pounds, or Imprisonment shall exceed One Month, any Person who shall think himself aggrieved by any such Conviction may appeal to the next Court of General or Quarter Sessions which shall be held for the County, Town, or Place where such Conviction shall have been made, (such Person, at the Time of such Conviction, giving to such Justice, or the Justices presiding at such Court, Notice in Writing of his Intention to appeal, and also entering into a Recognizance at the Time of such Notice, with Two solvent and sufficient Sureties, 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 by the Court be awarded,) and upon such Notice being given and such Recognizance being entered into the Justice or Justices 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 Confirmance of the Conviction, the Court shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs, if any, as shall be awarded, and shall, if necessary, issue Process for enforcing Judgment.

mary Convictions to the General or Quarter Sessions.

XXXI. And be it enacted, That no such Conviction, nor Adjudication made on Appeal therefrom, shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Recovery; 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.

Conviction not to be quashed for Want of Form or removed by Certiorari.

XXXII. And be it enacted, That, for the Protection of Persons acting in the Execution of this Act, all Actions and Prosecutions for Damage to be commenced against any Person for any thing done in pursuance of this Act shall be laid and tried in the County where the Fact was or is charged to have been committed, and shall be commenced within Two Calendar Months after the Fact committed, and not otherwise; and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defendant One Calendar Month at least before the Commencement of the Action; and in any such Action the Defendant may plead the General Issue, or in case of any Action of Replevin may avow generally that the Goods and Chattels in question were taken under and by virtue of this Act, and may give this Act and the special Matter in Evidence at the Trial to be had thereupon; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, nor if a sufficient Sum of Money shall have been paid into Court after such Action brought, by or on behalf of the Defendant or Avowant: Provided always, that in all such Actions of Damages the Plaintiff shall be bound to establish, not merely that Damages have been suffered by him, but that the same have been wilfully and maliciously caused by the Defendant or Avowant.

Limitation of Actions.

General Issue.

Tender of Amends.

Not to repeal any Act not hereby repealed.

XXXIII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to repeal any Act or Statute, or Part thereof, now in force, and not repealed by this Act.

Public Act.

XXXIV. And be it 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.

Act to extend to Ireland, and continue for One Year.

XXXV. And be it enacted, That this Act shall extend to *Ireland* only, and shall commence and take effect from and after the End of this present Session of Parliament, and shall continue to be in force for One Year, and from thence to the End of the then next Session of Parliament.

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