ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

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C A P. LXVIII.

An Act to amend, and continue to the Twenty-seventh Day of *July* One thousand eight hundred and forty-three, and to the End of the next Session of Parliament, an Act of the Third and Fourth Years of Her present Majesty, 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. [30th *July* 1842.]

WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her present Majesty, intituled *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* 3 & 4 Vict. c. 91.

5 Vict. c. 7.

next Session of Parliament: And whereas by an Act passed in the Fifth Year of the Reign of Her present Majesty, intituled *An Act to continue until the Thirty-first Day of* July *One thousand eight hundred and forty-two such Laws as may expire within a limited Period,* the said Act was continued for a certain Time, therein limited: And whereas it is expedient to amend and further continue the said Act: 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 the said Act passed in the Session of Parliament holden in the Third and Fourth Years of Her present Majesty's Reign, and this Act, shall be and continue in force for One Year from the Twenty-seventh Day of *July* in this present Year, and thenceforth until the End of the next Session of Parliament.

First-recited Act and this Act continued for One Year from 27th July 1842, and thenceforth until the End of the next Session.

Certain Enactments in the said Act referring to the unlawful Disposal of Materials, &c. to extend and apply to Cloths, Tools, and Apparatus.

II. And whereas by the said last-mentioned Act it was enacted, that if any Person should 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 therein are mentioned, knowing them to have been purloined or embezzled, or received from Persons fraudulently disposing thereof, he should upon Conviction be deemed guilty of a Misdemeanor; and it was also enacted, that on Proof on Oath of there being just Cause to suspect that any such Materials, Tools, or Apparatus as aforesaid had been fraudulently sold, pawned, purloined, or embezzled, by the Person to whom intrusted, or that such Materials, Tools, or Apparatus had been purchased or received, or sold, or pawned, pledged, or 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, such Proceedings might be taken as in the said Act are mentioned: And whereas by the said Act it was enacted, that any Person who should be deemed and adjudged guilty of a Misdemeanor, agreeably to any of the previous Sections of the said Act, should, in addition to being deprived, without Compensation, of any stolen or embezzled Materials or Goods which should have been found in his Possession, forfeit the Sum therein mentioned: And whereas it is expedient that the aforesaid Enactments should extend to Cloths made of such Materials as in the said Act is mentioned: And whereas Doubts are entertained whether all the Provisions of the said Enactments extend to Tools and other Apparatus, as well as to Materials, and it is expedient to remove such Doubts; be it therefore enacted, That the said Act shall extend and apply to Cloths made of Linen, Hempen, Cotton, Silk, or Woollen Yarns, or Cloths made of any One or of any Mixture of these Materials, and also to such Tools and Apparatus as in the said Act are mentioned, in such and the same Manner as if the Words "Cloths, Tools, and Apparatus" had been inserted and mentioned throughout the said several Enactments, together with and in addition to "Materials."

In proceeding under Search War-

III. And whereas by the said Act it is enacted, that if any credible Person should make Oath before a Justice of the Peace that

that there is 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 thereby authorized and required to grant his Warrant to search the Dwelling House and Premises of such Person; and the said Enactment now in recital authorizes such Proceedings as therein are mentioned to be taken against such Person, in case any such Property should be found in his Possession or in such Dwelling House or Premises: And whereas Doubts are entertained whether, in proceeding against any Party under the said Enactment, it is necessary to prove that such Cloths, Yarns, Materials, Tools, or Apparatus as therein are mentioned have been actually purloined or embezzled, and it is expedient to remove such Doubts; be it therefore enacted, That it shall not be necessary, in any Proceedings under the lastly herein-before recited Enactment, to prove that the Cloths, Yarns, Materials, Tools, or Apparatus in respect of which such Proceedings shall take place have been purloined or embezzled, in case the Party making Oath before a Justice of the Peace that there is reasonable Cause to suspect that a Person has in his Possession or Premises any purloined or embezzled Cloths, Yarns, Materials, Tools, or Apparatus, do likewise make Oath that he suspects the same to have been purloined or embezzled.

rant, Proof not to be deemed necessary, where Oath has been made of reasonable Suspicion of purloining, &c.

IV. And whereas the said Act contains a Provision empowering any Chief Constable or Chief of Police, 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 to search the said Premises, and to seize such Yarns or Goods, and to proceed thereupon in a certain Manner by the said Act directed: And whereas it is expedient to repeal so much of the said Enactment as authorizes such Seizure in the first instance by such Chief Constable or Chief of Police; be it therefore enacted, That so much of the said Act as authorizes any such Chief Constable or Chief of Police to in the first instance make such Seizure shall be repealed; and that in lieu thereof it shall be lawful for such Chief Constable or Chief of Police to place a Constable or Peace Officer in charge of such Premises, in order to prevent the Removal of such Property, for such reasonable Time as he may consider necessary for the obtaining of such Warrant as in the said Act mentioned.

The Chief Constable's Power of seizing, without Warrant, Yarns, &c., suspected to be stolen, repealed; and in lieu thereof Power given to place a Constable in charge of thePremises, to prevent the Removal of suspected Property.

V. And whereas Provision is made by the said Act for the Restitution of Property found in the Possession of a Person convicted under the said Act, when, after advertising the same, as thereby directed, the Ownership thereof shall be proved, upon Payment of the reasonable Cost of removing, depositing, and advertising and giving Notice of the same: And whereas it is just that the Expences of the Prosecution shall also be paid by such Owner, in case of such Restitution; be it therefore enacted, That no such Property

If upon Conviction the embezzled Property be restored to the Owner, Expences of the Prosecution, unless previously paid by the

Party convicted, must be first paid thereout.

Property shall be restored until the Expences of the Prosecution shall also be paid by the Owner, if not previously paid by the Person convicted.

Landlord or other Person seizing for Rent due from Weaver may give Notice to Manufacturer to remove his Cloths, Yarns, &c., and in default the Manufacturer to lose his Remedy.

VI. And whereas Provision was made by the said Act restraining any Landlord or other Person from seizing or selling, 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 whereas it is expedient to amend the said Provisions; be it therefore enacted, That if the Landlord or other Person making such Seizure shall give the Manufacturer or Agent a Notice in Writing of such Seizure having been made, and requiring him to have all such Cloths, Yarns, Materials, or Tools or Apparatus removed off the Premises, and he shall refuse or neglect to have the same removed within Three Days (exclusive of *Sunday*) from the Time of Service of such Notice, then in such Case such Manufacturer or Agent shall be deprived of any Remedy he would otherwise be entitled to for the Recovery of the same under the said Act, from such Landlord or other Person.

Act may be altered this Session.

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

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