



# Hosiery Act 1843

## 1843 CHAPTER 40

An Act to amend the Laws for the Prevention of Frauds and Abuses by Persons employed in the Woollen, Worsted, Linen, Cotton, Flax, Mohair, and Silk Hosiery Manufactures ; and for the further securing the Property of the Manufacturers and the Wages of the Workmen engaged therein. [1st August 1843]

WHEREAS an Act was passed in the Session of Parliament held in the Eighth and Ninth Years of King William the Third, intituled *An Act for the further Encouragement of the Manufacture of Lustrings and Alamodes within this Realm, and for the better preventing the Importation of the same*, whereby (amongst other Matters therein contained) certain Penalties, Forfeitures, and Punishments therein referred to were imposed upon Persons embezzling or otherwise unlawfully selling or receiving, as therein is mentioned, Silk delivered by the Silk Manufacturers to be worked up: And whereas an Act was passed in the First Year of the Reign of Her late Majesty Queen Anne, intituled *An Act for the more effectual preventing the Abuses and Frauds of Persons employed in working up the Woollen, Linen, Fustian, Cotton, and Iron Manufactures of this Kingdom* : And whereas the said Act was made perpetual by an Act passed in the Ninth Year of the Reign of Her said late Majesty Queen Anne, intituled *An Act for reviving and continuing an Act made in the First Year of Her Majesty's Reign, for the more effectual preventing Abuses and Frauds of Persons employed in the working up the Woollen, Linen, Fustian, Cotton, and Iron Manufactures of this Kingdom* : And whereas an Act was passed in the Twelfth Year of the Reign of His late Majesty King George the First, intituled *An Act to prevent unlawful Combination of Workmen employed in the Woollen Manufactures, and for better Payment of their Wages* : And whereas an Act was passed in the Thirteenth Year of His late Majesty King George the Second, intituled *An Act to explain and amend an Act made in the First Year of the Reign of Her late Majesty Queen Anne, intituled ' An Act for the more ' effectual preventing the Abuses and Frauds of Persons employed ' in the working up the Woollen, Linen, Fustian, Cotton, and Iron Manufactures of this Kingdom ; and also for extending the said Act to the Manufacture of Leather* : And whereas an Act was passed in the Twenty-second Year of the Reign of His late Majesty King George the Second, intituled *An Act for the more effectual preventing of Frauds and Abuses committed by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures; and for preventing unlawful Combinations of Journeymen Dyers and Journeymen Hotpressers, and of all Persons employed in the said several Manufactures, and for the better Payment of their Wages* : And whereas another Act was passed in the Seventeenth Year of the Reign of His late

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*Status: This is the original version (as it was originally enacted).*

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Majesty King *George* the Third, intituled *An Act for amending and rendering more effectual the several Laws now in being, for the more effectual preventing of Frauds and Abuses by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures ; and also for making Provisions to prevent Frauds by Journeymen Dyers* : And whereas an Act was passed in the Thirty-second Year of His late Majesty King *George* the Third, intituled *An Act for extending the Provisions of an Act made in the Thirteenth Year of the Reign of His present Majesty, intituled 'An Act to empower the Magistrates therein mentioned to settle and 'regulate the Wages of Persons employed in the Silk Manufactures ' within their respective Jurisdictions,' to Manufactures of Silk mixed with other Materials; and for the more effectual Punishment of Buyers and Receivers of Silk purloined and embezzled by Persons employed in the Manufacture thereof* : And whereas the Provisions of the said Acts have not been effectual to prevent Frauds, Embezzlements, and Abuses by Persons employed in the Woollen, Linen, Cotton, Flax, Mohair, and Silk Hosiery Manufactures ; and it is expedient to repeal so much of the said recited Acts as relates to the said Manufactures, and to make further Provisions in lieu thereof, as well for the Benefit and Encouragement of Trade and Manufactures as for the Security of the Property of Manufacturers and the Wages of the Workmen engaged in the said 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,

**So much of the said Acts as relates to the Woollen, Linen, Cotton, Flax, Mohair, and Silk Manufactures repealed.**

That from and after the Commencement of this Act so much of the said recited Acts or any of them as relates to the Woollen, Linen, Cotton, Flax, Mohair, and Silk Manufactures, or any of them, or any Manufactures whatsoever made of Wool, Cotton, Flax, Mohair, or Silk Materials, whether the same be or be not mixed with each other or with any other Materials, shall, so far as respects the Manufactures, Trades, Occupations, and Employments herein-after mentioned, be and the same are hereby repealed, save and except so far as the same may have repealed any former Acts or Enactments.

**II Persons convicted of pawning or embezzling any of the Materials herein particularized to forfeit the Value of the same, with Penalty, and Costs. Application of Penalty and Forfeiture. Distress Warrant on Nonpayment. Commitment in default of sufficient Distress.**

And be it enacted, That if any Person whosoever intrusted with any Woollen, Worsted, Linen, Cotton, Flax, Mohair, or Silk Materials, for the Purpose of being prepared, worked up, or manufactured, either by himself or by any Person or Persons to be employed by or under him, or by himself jointly with any Person or Persons to be employed with, by, or under him, or for any Purpose or Work connected with Manufacture or incidental thereto, or any Parts, Branches, or Processes thereof, or any Tools or Apparatus for manufacturing the said Materials, shall sell, pawn, purloin, embezzle, secrete, exchange, or otherwise fraudulently dispose of the same Materials, Tools, or Apparatus, or any Part thereof, he shall, upon being thereof lawfully convicted by the Oath of the Owner of such Materials, Tools, or Apparatus, or any Part thereof, or of any other credible Witness or Witnesses, before Two or more Justices of the Peace, forfeit the full Value of the same, and also forfeit such Penalty, not exceeding Ten Pounds, together with Costs, as to the said Justices shall

seem meet; and every such Forfeiture and Penalty shall be applied, under the Direction of the convicting Justices, in manner following; (that is to say,) in the first place, in making such Satisfaction to the Party injured as the said Justices shall think proper; and the Remainder, if any, shall be applied in the same Manner as is herein-after directed for the Disposal of any other Penalty under this Act; and in default of Payment of such Forfeiture and Penalty, with Costs, immediately on Conviction, or within such Period as the Justices so convicting may direct, the said Justices may issue their Warrant to distrain and sell the Goods and Chattels of the Person so convicted, for the Amount thereof, and Costs ; and the Proceeds of any Distress, after paying the Penalty, Forfeiture, and Costs, and also the Costs of such Distress, shall be paid over to the Person convicted; but if no sufficient Distress shall appear or shall be found whereon to levy the said Penalty, Forfeiture, and Costs, the said Justices may, either immediately or at any Time after such Conviction, commit any Person so convicted to the Common Gaol or House of Correction, to be there imprisoned, with or without hard Labour, as to the said Justices shall seem meet, for any Term not exceeding Three Calendar Months, unless the Amount of such Forfeiture and Penalty, with Costs, or so much thereof as shall not have been paid previously to the Commencement of such Imprisonment, be sooner paid.

### **III Persons neglecting to return Materials within a prescribed Time to be subject to the same Punishment as for Embezzlement.**

And be it enacted, That if any Person whosoever intrusted with any Woollen, Worsted, Linen, Cotton, Flax, Mohair, or Silk Materials, for the Purpose of being prepared, worked up, or manufactured, either by himself or by any Person or Persons to be employed by or under him, or by himself jointly with any Person or Persons to be employed with, by, or under him, or for any Purpose or Work connected with Manufacture or incidental thereto, or any Parts, Branches, or Processes thereof, or with any Tools or Apparatus for manufacturing the said Materials, shall neglect or delay to return the said Materials, Tools, or Apparatus, or any Part thereof, for the Space of Fourteen clear Days after being required so to do by the Party intrusting him therewith, or by some Person on his Behalf, by Notice in Writing to be served upon or left at the last or usual Place of Abode or Business of such Person (unless prevented by some reasonable and sufficient Cause, to be allowed by the Justices before whom he shall be brought), then and in every such Case all, or so much or so many of the said Materials, Tools, or Apparatus as shall not be returned to the Person so intrusting him therewith within the Time aforesaid, shall be deemed to be embezzled by the Person so neglecting or delaying to return the same ; and the Person so neglecting or delaying to return the same shall for every such Offence be liable to be proceeded against for Embezzlement, in the same Manner, and subject to the same Forfeiture and Penalty, with Costs, and to be applied in the same Manner, as are respectively herein-before prescribed and imposed in respect to Persons selling, pawning, purloining, embezzling, secreting, exchanging, or otherwise fraudulently disposing of the said Materials.

### **IV Persons knowingly purchasing or receiving embezzled Materials or Tools guilty of a Misdemeanor, punishable as after mentioned.**

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, any Woollen, Worsted, Linen, Cotton, Flax, Mohair, or Silk Materials, and whether the same or any Part of the said Materials be or be not wholly or partially wrought, made up, or manufactured into

merchantable Wares, or any Tools or Apparatus for manufacturing the same, knowing that such Materials, Tools, or Apparatus are purloined or embezzled or fraudulently disposed of, or that the Person from whom he shall purchase, take in pawn, or receive the same is fraudulently or unlawfully disposing thereof, or knowing such Person to be employed or intrusted by any other Person or Persons to work up either by himself or by or with others the Materials so purchased, taken in pawn, or received for any other Person or Persons, and not having first obtained the Consent of the Person or Persons so employing or intrusting him therewith, shall, on Conviction by the Oath of the Owner or of any other credible Witness or Witnesses, be deemed and adjudged guilty of a Misdemeanor, and be punished in manner herein-after mentioned.

**V Persons knowingly selling, &c. embezzled Materials or Tools, guilty of a Misdemeanor, punishable as after-mentioned.**

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 the same to have been so purloined or embezzled or received from Persons fraudulently disposing thereof as aforesaid, he shall, on Conviction by the Oath of the Owner of such Materials, Tools, or Apparatus, or any Part thereof, or of any other credible Witness or Witnesses, be deemed and adjudged guilty of a Misdemeanor, and be punished in manner herein-after mentioned.

**VI Justices empowered to issue Warrant for Apprehension of Offenders against this Act, and to commit them for Trial.**

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, pledged, purloined, or embezzled by the Person to whom the same were intrusted, or that any such Materials, Tools, or Apparatus have been purchased or received, or sold, pawned, pledged, exchanged, or otherwise unlawfully 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 such Justice is hereby required to issue his Warrant for apprehending any 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, embezzled, or otherwise fraudulently disposed of any such Materials, Tools, or Apparatus, or of having purchased or received, or sold, pawned, pledged, exchanged, or otherwise fraudulently disposed of, or of having offered for sale, pawn, pledge, exchange, or other disposal, any such Materials, Tools, or Apparatus, 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 Petty Sessions, unless he enter into such Bail, with Two sufficient Sureties, as may be required for his" Appearance before such Court on any Day to be fixed by such Justice.

## **VII Workmen neglecting to fulfil their Engagements, not finishing their Work, or leaving without Notice. Penalty.**

And be it enacted, That if any Person intrusted, employed, or contracting to prepare, work up, or manufacture, or to have prepared, worked up, or manufactured, either by himself or by any Person or Persons to be employed by or under him, or by himself jointly with any Person or Persons to be employed by or under him, any Woollen, Worsted, Linen, Cotton, Flax, Mohair, or Silk Materials, shall not prepare, work up, or manufacture, or cause to be prepared, worked up, or manufactured, the said Materials, and return the same, within Seven clear Days after the Time which shall have been agreed upon between such Person and the Owner of the said Materials, or other the Person intrusting him therewith, and in case no such Time shall have been so agreed upon then within Seven clear Days after being required so to do (unless prevented by some reasonable and sufficient Cause, to be allowed by the Justices before whom he shall be brought), or shall leave or return such Materials without having performed as he could and ought to have done the Work he was employed to perform thereon or thereto, and without the Consent of the Person intrusting him with such Materials as aforesaid, or shall damage the same, or if any Person shall contract or engage to work, or be employed to do or perform, or to have done or performed any Work, in any of the said Manufactures, or connected therewith or incidental thereto, or any Parts, Branches, or Processes thereof, either by himself or by any Person or Persons to be employed by or under him, and whether such Contract or Engagement shall be to work or be employed for any Person exclusively, or for all or Part of his Time, or for specific Work, or otherwise, and whether such Person is to be paid according to the Value or Amount of the Work done, the Time employed, or in any other Manner whatsoever, and shall neglect to fulfil such Contract or Engagement, or absent himself from such Work or Employment before such Notice (if any) as shall have been agreed upon between the said Parties for determining the said Contract or Engagement shall have expired, or without giving such Notice, or contrary to the Terms of such Contract or Engagement (unless prevented as aforesaid), to be allowed as aforesaid, then and in every such Case such Person, being thereof lawfully convicted on Oath before Two or more Justices of the Peace, shall forfeit any Sum not exceeding Two Pounds as to such Justices shall seem meet, and also, in case the said Materials shall be damaged, the-Amount of the Injury done thereto, to be ascertained by the said Justices, together with Costs ; and every such Forfeiture shall be applied, under the Direction of the Justices so convicting, in manner following; (that is to say,) in the first place, in making such Satisfaction to the Party injured as the said Justices shall think proper, and the Remainder, if any, shall be applied in the same Manner as any Penalty under this Act; and in default of Payment of such Forfeiture and Costs immediately on Conviction, or within such Period as the Justices so convicting shall direct, the said Justices may either immediately or at any Time after such Conviction commit any Person so convicted to the Common Gaol or House of Correction, there to be imprisoned, with or without hard Labour, as to the said Justices shall seem meet, for any Term not exceeding Two Calendar Months, unless the Amount of such Forfeiture and Costs be sooner paid.

## **VII Justice empowered to grant Search Warrants.**

And be it enacted, That upon Proof on Oath before a Justice of the Peace that there is reasonable Cause to suspect that any Person has in his Possession or on his Premises any such Materials, Tools, or Apparatus as aforesaid, which have been purloined, embezzled, or otherwise fraudulently disposed of, it shall be lawful for the said Justice and such Justice is hereby required to grant his Warrant to search the Dwelling House and Premises of such Person, and if any such Property shall be found therein to cause

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such. Materials, Tools, or Apparatus, 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, to be dealt with in the same Manner as any Person brought before a Justice under the Enactment next herein-after contained.

**IX Peace Officers to apprehend suspected Persons. Persons apprehended, and not proving that the Property is honestly come by, to be punishable.**

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, at any Time after Sun-setting, and before Sun-rising, any such Materials, Tools, or Apparatus as aforesaid, suspected to be purloined, embezzled, or otherwise fraudulently disposed of, and shall lodge such Person, together with the Property, in a Police Office or other Place of Security, in order that he may be brought before a Justice of the Peace so soon as convenient, who is hereby empowered to discharge such Person, or to order his Detention until the next Court of Petty Sessions, unless he enter into such Bail, with Two sufficient Sureties, as may be required, for his Appearance before such Court on any Day to be fixed by the said Justice; and if the Person so apprehended in the Act of committing any such Offence as aforesaid, or of conveying any such Property as last aforesaid, shall not produce before the said Court the Person duly entitled to dispose of such Property from whom he 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 as to whom such Property belongs.

**X Adjournment of Time for Trial allowed, on Prisoner finding Bail.**

And be it enacted, That it shall be competent for the Party accused, in all Proceedings 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 or dispose of 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 sufficient Sureties, as shall be required for his Appearance before such Court at such Time and Place as shall be appointed.

**XI Punishment of Persons convicted of Misdemeanor.**

And be it enacted, That any Person who shall be deemed and adjudged guilty of a Misdemeanor, agreeably to any of the Provisions of this Act, shall, in addition to being deprived without Compensation of any such Materials, Tools, and Apparatus which have been purloined, embezzled, or otherwise fraudulently disposed of, and which shall have been found in his Possession, forfeit any Sum not exceeding Twenty Pounds for each Offence, together with Costs, upon being thereof lawfully convicted by the Oath of One or more credible Witness or Witnesses, before Two or more Justices of the Peace; and every such Forfeiture shall be applied, under the Direction of the Justices so convicting, in manner following; (that is to say,) in the first place, in making such Satisfaction to the Party injured as the said Justices shall think fit, and the Remainder,

if any, shall be applied in the same Manner as is herein-after directed for the Disposal of any other Penalty under this Act; and in default of Payment of such Forfeiture and Penalty, with Costs, immediately on Conviction, or within such Period as the Court shall direct, any Justice or Justices may issue his or their Warrant to distrain and sell: the Goods and Chattels of the Person so convicted, for the Amount thereof, and Costs; and the Proceeds of any Distress, after paying the Forfeiture and Costs, and also, the Costs of such Distress, shall be paid over to the Person convicted; but if no sufficient Distress shall appear or shall be found whereon to levy the said Forfeiture and Costs, any Justice or Justices may, either immediately or at any Time after such Conviction, commit any Person so convicted to the Common Gaol or House of Correction, to be imprisoned there, with or without hard Labour, as to the said Court shall seem meet, for any Term not exceeding Four Calendar Months, unless the Amount of such Forfeiture and Costs, or so much thereof as shall not have been paid previously to the Commencement of such Imprisonment, be sooner paid.

## **XII Disposal of unclaimed Property which has been seized.**

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 or Court shall cause the Property so found to be deposited in some safe Place for any Time not exceeding Thirty Days, and shall, if the Property be of sufficient Value to pay the Expences thereof, order an Advertisement to be inserted in One or more of the public Newspapers of the Town or City where, or nearest the Place where, the same was found, and by fixing a Notice on some public Place describing such Property, and where the same may be inspected, or in case of the said Property not being of sufficient Value to pay the said Expences, then by fixing such Notice as aforesaid only; and in case any Person shall prove his own or his Employer's Ownership or Property therein upon Oath to the Satisfaction of a Justice, 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 Justice 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 is hereafter directed for the Disposal of any other Penalty under this Act.

## **XIII Owner of Materials may inspect Shops, &c. of Persons employed. Penalty for Refusal. Proviso.**

And be it enacted, That it shall be lawful for the Owner of any such Materials as aforesaid, or any other Person duly authorized by him, or other the Person who shall have so intrusted such Materials, 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 employed to work up or manufacture, either by himself or by any other Person under him, 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 or Neglect by any such Person or Persons so employed to permit such Entrance or Inspection, such Person shall, for so refusing to permit such Entrance or Inspection, forfeit any Sum not exceeding Twenty Shillings, as the Justices before whom he shall appear or be brought shall think proper, to be applied in the same Manner as is herein-after directed for the Disposal of any other Penalty under this Act: Provided always, that nothing herein contained shall authorize any such Owner or other Person as aforesaid to inspect any Frame, Tools, or Apparatus

wherewith such Materials are worked up, in case such Frame, Tools, or Apparatus comprise any new Invention or Improvement not disclosed to the Public.

**XIV Warrant may be granted by Justice on Complaint on Oath that Person is about to abscond.**

And be it enacted, That if any Manufacturer, Agent, or any other Person in his Employment or Service, shall make Oath before a Justice of the Peace that any such Materials, Tools, or Apparatus as aforesaid have been intrusted to any Person as aforesaid, 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 or other Premises of such Person, and take possession of all such Materials, Tools, or Apparatus so delivered to him as aforesaid, and to bring the same before the said Justice or any other Justice, when such Justice shall direct the same to be delivered to the Owner, or his Agent or Servant, or other Person duly authorized by him, and shall forthwith release the Person in Custody; but if all such Materials, Tools, or Apparatus shall not be found in the House or other Premises or the Possession of such Person, or shall not be produced before such Justice, such Person shall be deemed and taken to have purloined or embezzled such Materials, Tools, or Apparatus, or such Part thereof as shall not be found or produced, and shall be liable to any of the Punishments awarded for such Offence.

**XV Receiving Goods in fictitious Name.**

And be it enacted, That if any Person shall receive any of the aforesaid Materials in a fictitious Name, in order to be manufactured, every such Person so offending, and being convicted thereof on the Oath of One or more credible Witness or Witnesses before Two or more Justices, shall for every such Offence be liable to the same Punishment as is herein-before directed in respect to Persons not fulfilling their Engagements.

**XVI Justice to issue Warrant to Constable to take possession of Property intrusted to any Person committed for Embezzlement, &c.**

And be it enacted, That in Cases where any Person shall have been committed for purloining, embezzling, or fraudulently disposing of all or any Part of such Materials, Tools, or Apparatus as aforesaid, which may have been 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 so committed such Person, or for any Justice or Court before whom 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 Assistants, to enter the House and Premises . of such Person, and take possession of all such Property so intrusted as shall be found therein, and to bring the same before the said Justice or Court, when the said Justice or Court shall direct the same to be delivered to the Manufacturer, Agent, or Person duly authorized to receive the same.



## **XVII Recovery of Wages and Sums due for Work.**

And be it enacted, That if any Manufacturer or other Party employing, contracting, or engaging with any Person for any Work in any of the said Manufactures, or connected therewith or incidental thereto, or any Parts, Branches, or Processes thereof, and whether such Work is to be performed by the said Person, or by any Person or Persons to be employed by or under him, or by himself jointly with any Person or Persons to be employed with, by, or under him, and whether the Contract or Engagement shall be to work or be employed for such Manufacturer or other Party exclusively, or for all or Part of his Time, or for specific Work, or otherwise, and whether such Person is to be paid according to the Nature or Amount of the Work done, the Time employed, or any other Manner, shall not from Time to Time pay and discharge all such Sums of Money, Wages, and Hire as shall be justly due and payable to any such Person, it shall be lawful for a Justice of the Peace, on Complaint made for that Purpose, to summon such Manufacturer or other Party to appear at a Time and Place to be named in such Summons, and for any Two or more Justices of the Peace to hear and determine such Complaint, and order Payment of such Sum as shall appear to such Justices to be justly due and payable, together with Costs for Loss of Time and recovering the same, and in default of Payment immediately, or within such Period as the said Justices shall direct, the said Justices shall issue their Warrant to levy the same by Distress and Sale of the Goods and Chattels of the said Manufacturer or other Party ; and the said Justices, if they shall think fit, may also, by Order in Writing, authorize such Person to return his Work unfinished, in which Case such Person shall not be liable to the Penalties awarded by this Act.

## **XVIII Frames, &c. not belonging to Work, men not liable to be seized for Rent or Debt owing by Workmen.**

And be it enacted, That no Frame, Loom, or Machine, Materials, Tools, or Apparatus, which shall be intrusted for the Purpose of being used or worked; in any of the said Manufactures, or any Work connected therewith or incidental thereto, or any Parts, Branches, or Processes thereof, whether such Frame, Loom, or Machine, Materials, Tools, or Apparatus, shall or shall not be rented or taken by the hire, shall at any Time or Times hereafter be distrained or seized, or be liable to be distrained or seized, for Rent or for Debt, or under any Execution or other Proceedings whatever, unless the Rent be due or the Money be owing by the Owner of the said Frame, Loom, or Machine, or of the said Materials or Tools or Apparatus aforesaid, or of any Part thereof respectively.

## **XIX In case of Refusal to restore Frames, &c. unlawfully seized, Justice may order their Restoration.**

And be it enacted, That if any Landlord or other Person, by virtue of any Distress Warrant, Execution, or other Proceedings for Rent in arrear, or Money due or alleged to be due by any Person whomsoever, shall distrain, seize, carry off, sell, or otherwise dispose of any Frame, Loom, or Machine, Materials, Tools, or Apparatus, belonging to any other Person, which shall have been intrusted for the Purpose of being used or worked in any of the said Manufactures, or any Work connected therewith or incidental thereto, or any Parts, Branches, or Processes thereof, and whether the same shall or shall not be rented or taken by the hire, or shall distrain, seize, carry off, sell, or otherwise dispose of any Materials as aforesaid, or any Tools or Apparatus as aforesaid, belonging to any other Person, and shall refuse to restore Possession of all such Frames, Looms, Machines, Tools, or Apparatus to the Person owning, letting,

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or intrusting the same, when demanded by him, or some Person duly authorized by him, of the said Landlord or other Person, or the Person acting as Agent or Bailiff of such Landlord or other Person, it shall and may be lawful to and for any Justice of the Peace, upon Complaint on Oath before him, to summon the said Landlord or other Person to appear before any Two or more Justices of the Peace to answer the said Complaint, and on Proof of the said Offence the said Justices may thereupon order the Property so seized, distrained, carried off, or sold to be forthwith restored, and issue their Warrant to a Constable or Constables empowering him or them to seize the said Property wherever the same shall be found, and deliver Possession thereof to the Person owning, letting, or intrusting the same, and to levy, by Distress and Sale of the Goods of the said Landlord or other Person, the Costs of obtaining the said Order, and recovering and obtaining Possession of the said Property; and in case the said Property cannot be found and seized within a Time not exceeding Twenty-one Days, to be limited in the said Warrant, or in case the said Property shall have been damaged by the same having been distrained, seized, carried off, or sold, then it shall be lawful for such Two Justices, or any other Two Justices, on Proof thereof, (the said Landlord or other Person having been first summoned by a Justice,) to issue their Warrant to levy by Distress and Sale of the Goods and Chattels of such Landlord or other Person the full Value of the said Property, or the Amount of such Damage, as the Case may be, together with all Costs of recovering and levying the same.

#### **XX Penalty for obliterating Mark on Machine.**

And be it enacted, That if any Person or Persons shall obliterate, efface, or alter the Owner's Name or Initials, or other distinguishing Mark, on any Frame, Loom, or Machine, or any Bar or Part thereof, or the Moulds thereof, without the Order or Authority of the Owner thereof, he shall, on Conviction thereof before Two Justices of the Peace, forfeit any such Sum not exceeding Two Pounds as such Two Justices shall order and direct, to be applied, in the first place, in paying the Costs of the Proceedings before such Justices, and the Surplus, if any, to the Party injured; and in default of Payment of such Forfeiture immediately on Conviction, or within such Period as the Justices so convicting shall direct, then the said Justices may, either immediately or at any Time after such Conviction, commit any Person so convicted to the Common Gaol or House of Correction, there to be imprisoned, with or without hard Labour, as to the said Justices shall seem meet, for any Term not exceeding Two Calendar Months, unless the Amount of such Forfeiture be sooner paid.

#### **XXI Power to award Costs to Defendant.**

And for the Discouragement of frivolous and vexatious Informations and Prosecutions under this Act, be it enacted, That it shall be lawful for any Justices or Court of Petty Sessions before whom any Case under this Act is tried to award Costs to the Defendant, with an Allowance for his Loss of Time, in case of Acquittal, to be paid by the Prosecutor; and also, if it shall appear to such Justices or Court that the Charge was made from a malicious, vexatious, or frivolous Motive, or in case the Party shall be charged with Embezzlement of Materials, by reason of any Deficiency in the Weight of the Materials which he shall have returned to the Person by whom they were intrusted to such Party, as compared with the Weight of the Materials received, and it shall be proved upon the hearing of the Case that such Materials were knowingly and fraudulently delivered to the Party charged whilst in a damp State, so that the apparent Weight thereof was thereby increased, it shall be lawful for such Justices or Court to award to the Defendant such further Sum of Money not exceeding Twenty

Pounds as to such Justices or 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 Allowances and Compensations may be levied by Distress and Sale of the Prosecutor's Goods.

**XXII Mode of proceeding to enforce Appearance. After Adjudication Proceedings may be enforced by One of the Justices.**

And be it enacted, That where any Person shall be charged on Oath with any Offence punishable under this Act One Justice may receive the original Information and summon the Person charged to appear before any Two Justices of the Peace at a Time and Place to be named in such Summons, and if he shall not appear accordingly then the Justices there present may either proceed to hear and determine the Case *ex parte*, or any of such Justices may issue a Warrant for apprehending such Person, and bringing him to answer the said Charge before any Two or more Justices, or the Justice before whom the Charge shall be made may, if he shall so think fit, issue such Warrant in the first instance, without any previous Summons, and commit the Person so charged to Prison, in order that he may be brought forward for Trial (unless he enter into such Bail as may be required by such Justice for his Appearance at such Time and Place as shall be appointed) ; and the Justices before whom the Person charged shall appear or be brought shall proceed to hear and determine the Case; and after Adjudication all and every the subsequent Proceedings to enforce Obedience thereto, whether respecting the Penalty, Forfeiture, Distress, Imprisonment, Costs, or other Matter or Thing relating thereto, may be enforced by any One of the said Justices.

**XXIII Service of Summons.**

And be it enacted, That every Summons to be granted by a Justice of the Peace under this Act may be served by delivering a Copy thereof to the Party, or by delivering such Copy at the Party's usual Place of Abode to some Inmate thereat, and explaining the Purport thereof to such Inmate.

**XXIV Limitation of Time within which Proceedings to be commenced. Prosecutor, &c. a competent Witness.**

Provided always, and be it enacted, That every Complaint and Prosecution under this Act shall be commenced within Six Calendar Months after the Commission of the Offence, unless the offending Party shall have in the meantime left the Country, and not otherwise; and that the Informer or Prosecutor, or any Person aiding, abetting, party or privy to the Commission of the Offence charged, shall in every Case under this Act be deemed a competent Witness to prove the Offence.

**XXV What Justices to have Jurisdiction. Proviso.**

And be it enacted, That in all Complaints, Warrants, Proceedings, or Prosecutions under this Act, any Justice or Justices of the Peace, and the Court of Petty Sessions for the County, City, Borough, or Place where the Offence shall be committed or the Complaint arise, or where the said Materials, Frame, Loom, Machine, Tools, or Apparatus shall be given out or intrusted, lent or hired, or where the Manufacturer, Master, or Employer shall carry on his Trade or Business, shall have full Power and Authority to act, and to hear and determine such Complaint, Warrant, Proceeding, or Prosecution, and do all other Matters incident thereto: Provided always, that in



the said \_\_\_\_\_ for that he the said *C. D.* [*here specify the Offence, and the Time and Place where the same was committed, as the Case may be*], and we do adjudge that the said *C. D.* shall for the said Offence forfeit and pay [*here state the Penalty actually imposed, or the Penalty and also the Sum adjudged as the Value of the Articles or the Amount of the Injury, as the Case may be*], and also pay the Sum of \_\_\_\_\_ for Costs [*if so ordered*]; and we direct that the Sum of \_\_\_\_\_ shall be paid to *E. F.*, the Party aggrieved, on the \_\_\_\_\_ Day of \_\_\_\_\_ [*instant or next ensuing*], and that the Sum of \_\_\_\_\_ shall, on the \_\_\_\_\_ Day of \_\_\_\_\_ [*instant or next ensuing*], be paid and applied according to the Direction of the Statute in such Case made and provided [*or, as the Case may be*], and that the Sum of \_\_\_\_\_ for Costs shall be paid to the Complainant [*if so ordered*]. Given under our Hands and Seals, the Day and Year first above written.

## **XXIX Appeal to Quarter Sessions in certain Cases.**

And be it enacted, That in all Cases of summary Conviction under this Act, where the Sum adjudged to be paid shall exceed Twenty Shillings, or the Imprisonment shall exceed One Calendar 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, City, Borough, or Place where such Conviction shall have been made, (such Person at the Time of such Conviction giving to the Justices so convicting, or to the Justice so presiding at the Court of Petty Sessions at which such Conviction shall take place, Notice in Writing of his Intention to appeal, and also entering into a Recognizance at the Time of such Notice, with Two 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 Confirmation of the Conviction the said Court shall order and adjudge the Offender to pay such Costs, if any, as shall be awarded, and shall, if necessary, issue Process for enforcing Payment of the same ; and it shall be lawful for the said Court, or, on the Production of a Certificate under the Hand of the Clerk of the Peace for the said County, City, Borough, or Place, or his Deputy, for any Justice or Justices of the Peace for such County, City, Borough, or Place, either immediately or at any Time thereafter, to issue a Warrant of Distress and Sale, or a Warrant for the Apprehension and Commitment of such Offender for such Period of Time as, together with the Days during which such Person so convicted shall have been imprisoned, if any, previously to being discharged by reason of such Appeal, shall amount to the same Period or Term of imprisonment for which such Person was adjudged to be imprisoned at the Time of Conviction, or to issue a Warrant of Distress and Sale, and if there be no sufficient Distress, a Warrant of Apprehension and Commitment, as the Case may require, in like Manner, in all respects, as any Justice or Justices could or might have done in case no Notice of Appeal had been given.

**XXX Proceedings not to be quashed for Want of Form, or be removed by Certiorari.**

And be it enacted, That no Order or Conviction, or Proceedings touching the same respectively, nor Adjudication made or 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 Record; and that no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that it is founded on a Conviction, and there be a good and valid Conviction to sustain the same ; and that where any Distress shall be made for levying any Money by virtue of this Act the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Warrant, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party distraining be deemed a Trespasser from the Beginning on account of any Irregularity afterwards committed by him, but the Person aggrieved by such Irregularity may recover full Satisfaction for the special Damage (if any) upon an Action on the Case.

**XXXI Limitation of Actions against Persons acting in Execution of this Act. General Issue. Tender of Amends.**

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.

**XXXII Offences committed before this Act.**

And be it enacted, That nothing in this Act contained shall extend to any Person for any Offence committed against the said herein-before recited Acts or any of them before the passing of this Act, but every such Offender shall and may be prosecuted and punished in the same Manner as if this Act had not been made.

**XXXIII This Act not to extend to Scotland or Ireland.**

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

**XXXIV To what Trades this Act shall extend.**

And be it enacted, That this Act shall not extend or be construed to extend to any Manufacture, Trade, Occupation, or Employment, except only the Manufactures, Trades, Occupations, and Employments following; (that is to say,) the Manufacture of Woollen, Worsted, Linen, Cotton, Flax, Mohair, or Silk Materials in, on, or by the Stocking-frame, Warp Machine, or any other Machine employed in the Manufacture of Frame-work, knitted or looped Fabrics, and every Trade, Occupation, Operation, or Employment whatsoever connected with or incidental to the Manufacture of Stockings, Gloves, and other Articles of Hosiery.

**XXXV Construction of Terms.**

And be it enacted, That in all Cases under this Act the Singular is to include the Plural, and the Masculine the 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 another or others ; that the "Words " Woollen, Worsted, Linen, Cotton, Flax, Mohair, or Silk Materials," shall be construed to extend to any of the said Materials mixed with each other or with any other Material or Materials; and that the Words " Manufacture " and " Work" shall extend to all Trades, Occupations, Operations, and Employments whatsoever connected with or incidental to the Manufacture of any of the said Materials, or any Parts, Branches, or Processes thereof, and likewise to such Materials, whether the same or any Part thereof be or be not in the whole or in part first wrought, made up, or manufactured or converted into merchantable Wares.

**XXXVI Commencement of Act.**

And be it enacted, That this Act shall commence on the First Day of *August* One thousand eight hundred and forty-three.

**XXXVII Act may be amended this Session.**

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