



ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

C A P. XCIX.

An Act to prohibit the Employment of Women and Girls in Mines and Collieries, to regulate the Employment of Boys, and to make other Provisions relating to Persons working therein.

[10th August 1842.]

WHEREAS it is unfit that Women and Girls should be employed in any Mine or Colliery, and it is expedient to make Regulations regarding the Employment of Boys in Mines and Collieries, and to make Provisions for the Safety of Persons working therein: 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 passing of this Act it shall not be lawful for any Owner of any Mine or Colliery whatsoever to employ any Female Person within any Mine or Colliery, or permit any Female Person to work or be therein, for the Purpose of working therein, other than such as were at or before the passing of this Act employed within such Mine or Colliery; and that from and after Three Calendar Months from the passing of this Act it shall not be lawful for any Owner of any Mine or Colliery to employ any Female Person who at the passing of this Act shall

Females not to be employed in Mines or Collieries after the Periods herein mentioned.

Indentures
of Appren-
ticeship of
Females to
be void after
the Periods
herein men-
tioned.

be under the Age of Eighteen Years within any Mine or Colliery, or permit such Person to work or be therein as aforesaid; and any Indentures of Apprenticeship whereby any Female Person who at the passing of this Act was under the Age of Eighteen Years shall be bound to work or be liable to be called on to work in any Mine or Colliery shall, at the Expiration of Three Calendar Months from the passing of this Act, be absolutely void; and from and after the First Day of *March* One thousand eight hundred and forty-three it shall not be lawful for any Owner of any Mine or Colliery to employ any Female Person whatsoever within any Mine or Colliery, or to allow or permit any Female Person to work or be therein as aforesaid; and every Indenture of Apprenticeship, or other Contract or Engagement, whereby any Female Person whatsoever shall be bound to work or be liable to be called on to work within any Mine or Colliery (other than such as are before declared to be void at the End of Three Calendar Months as aforesaid) shall, from and after the said First Day of *March* One thousand eight hundred and forty-three, be absolutely void.

Males not to
be employed
in Mines or
Collieries
under Ten
Years of
Age, &c.

II. And be it enacted, That from and after the First Day of *March* One thousand eight hundred and forty-three it shall not be lawful for any Owner of any Mine or Colliery to employ any Male Person under the Age of Ten Years within any Mine or Colliery, or to permit any such Male Person to work, or be therein for the Purpose of working therein, other than such as at the passing of this Act shall have attained the Age of Nine Years, and were at or before the passing of this Act employed within such Mine or Colliery.

Appoint-
ment of
Inspectors of
Mines and
Collieries;

who shall
report as
directed.

III. And be it enacted, That it shall be lawful for One of Her Majesty's Principal Secretaries of State, if and when he shall think fit, to appoint any proper Person or Persons to visit and inspect any Mine or Colliery; and it shall be lawful for every Person so authorized to enter and examine such Mine or Colliery, and the Works, Buildings, and Machinery belonging thereto, at all Times and Seasons, by Day or by Night, and to make Inquiry touching any Matter within the Provisions of this Act; and the Owner or Occupiers of such Mines and Collieries, or their Agents, are hereby required to furnish the Means necessary for such Person or Persons so appointed to visit and inspect such Mines and Collieries, Works, Buildings, and Machinery; and every Person to be so appointed shall report his Proceedings in the Execution of this Act in such Manner as may be directed by the Secretary of State; and he shall in like Manner report the State and Condition of the Persons working in such Mine or Colliery, and whether or not the Provisions of this Act are properly observed in the Mine or Colliery which he shall so inspect.

No Person
to be ap-
prenticed
under Ten
Years of
Age, nor for
longer than
Eight Years.

IV. And be it enacted, That from and after the passing of this Act no Person or Persons shall take any Apprentice who shall be bound to work, or be liable to be called on to work, or be otherwise occupied, within a Mine or Colliery, who shall be under the Age of Ten Years, or for a longer Term of Apprenticeship than Eight Years, except as the Apprentice of a Mason, Joiner, Engine Wright, or other

other Mechanic whose Services may be required occasionally below as well as above Ground; and every Indenture of Apprenticeship whereby any Person shall be hereafter bound contrary to the Provisions of this Act shall be void; and when any Person who is now serving under Articles of Apprenticeship within any Mine or Colliery shall attain the Age of Eighteen Years, he shall be discharged from such Apprenticeship, and the Articles of Apprenticeship shall become absolutely null and void.

Indentures
contrary to
Act void;
those in force
void when
Apprentice
attains 18
Years.

V. And be it enacted, That every Person or Persons, Body or Company, offending against any of the aforesaid Provisions, shall forfeit a Sum not more than Ten Pounds nor less than Five Pounds, for every Person employed or suffered to be in a Mine or Colliery contrary to the aforesaid Provisions, to be sued for and recovered as after mentioned.

Penalties for
Offences
against this
Act.

VI. Provided always, and be it enacted, That if it shall appear on Inquiry before any Justices under the Provisions of this Act that any Person under the Age herein-before specified has been employed in any Colliery on the Representation of the Parent or natural Guardian of such Person that he was above the Age so herein-before specified, and if it shall appear to such Justices that such Person was so employed under the *bonâ fide* Impression and Belief on the Part of the Employer that he was not under the Age so specified, it shall be lawful for such Justices, if they see fit, to remit the said Penalty as against the Party employing such Person, and to summon the Parent or natural Guardian of the Person employed to appear before them on a Day to be named for the Purpose, and on Conviction of such Parent or Guardian of having wilfully misrepresented the Age of the Person employed, such Parent or Guardian shall forfeit a Sum not exceeding Forty Shillings.

Penalty on
Parents or
Guardians
misrepresenting
Ages
of Persons
employed.

VII. And be it enacted, That nothing herein-before contained shall prevent any Person whatever from being employed in or about any Mine or Colliery, so as such Employment shall be carried on above Ground.

Not to affect
Persons em-
ployed above
Ground.

VIII. And be it enacted, That where there shall be any Entrance to a Mine or Colliery by means of a vertical Shaft or Pit or Inclined Plane, or where there shall be any Communication within any Part of a Mine or Colliery to any other Part thereof by a vertical Shaft or Pit or Inclined Plane, then it shall not be lawful for any Owner of any such Mine or Colliery to allow any Person or Persons other than a Male of the Age of Fifteen Years and upwards to have charge of any Steam Engine or other Engine, Windlass, or Gin, (whether driven or worked by manual Labour or any other Power whatsoever,) or to have charge of any Part of the Machinery, Ropes, Chains, or other Tackle of any such Engine, by or by means of which Engine, Machinery, Ropes, Chains, or other Tackle Persons are brought up or passed down any such vertical Shaft or Pit or Inclined Plane; and any Person or Persons offending against the Provision last aforesaid shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Where there
are vertical
or other
Shafts, no
Steam or
other Engine
to be under
the Care of
a Person
under the
Age of 15
Years.

Pounds nor less than Twenty Pounds; to be recovered as after provided.

Who shall be deemed in charge of Windlass worked by a Horse, &c.

IX. Provided always, and be it enacted, That in the Case of a Windlass or Gin worked by a Horse or other Animal, the Person on the Bank under whose Direction the Driver of the Animal used for such Windlass or Gin shall act shall for the Purposes of this Act be deemed and taken to be the Person having the Charge thereof.

Proprietors of Mines, &c. not to pay Wages at Public Houses, &c.

X. And whereas the Practice of paying Wages to Workmen at Public Houses is found to be highly injurious to the best Interests of the Working Classes; be it therefore enacted, That from and after the Expiration of Three Months from the passing of this Act no Proprietor or Worker of any Mine or Colliery, or other Person, shall pay or cause to be paid any Wages or Money in respect of Wages for Work or Labour or Services done in or about any Mine or Colliery to any Person employed in or about such Mine or Colliery, or to any Person whatever entitled to or having Authority or claiming to have Authority to receive such Wages, at or within any Tavern, Public House, Beer Shop, or other House of Entertainment, or any Office, Garden, or Place belonging thereto or occupied therewith, but all Payments in respect of such Wages are hereby strictly prohibited and forbidden to be made at or within such Places as aforesaid, and all Payments so made are hereby declared to be of no effect whatever.

Wages so paid recoverable as if not paid.

XI. And be it enacted, That notwithstanding any Payment of Wages or Money in respect of Wages which shall or may be made at any such prohibited Place, the Person or Persons to whom such Wages were due or payable, or but for such Payment would be due or payable, shall and may recover and receive the same in like Manner as if no such Payments had been made.

Penalty of 10*l.* for paying Wages at Public Houses, &c.

XII. And be it enacted, That in case any Owner of any Mine or Colliery, or any Person liable or intrusted or employed to pay any Wages or Money in respect of Wages for such Work, Labour, or Services as aforesaid, shall, contrary to the Provision lastly hereinbefore contained, pay or cause to be paid any such Wages or Money to any Person whatever, at any such prohibited Place as aforesaid, the Person or Persons so offending shall for every such Offence forfeit a Sum not exceeding Ten Pounds nor less than Five Pounds, to be recovered as after provided.

Agents may be summoned for acting contrary to the Act without the Knowledge of Owners.

XIII. And be it enacted, That if any Offence shall be committed against this Act for which the Owner of any Mine or Colliery is hereby made responsible, and it shall be made to appear to the Satisfaction of any Justices or Sheriff, that the Offence has been committed by or under the Authority of some Agent, Servant or Workman of such Owner, or by or under the Authority of a Contractor, without the personal Consent, Concurrence, or Knowledge of such Owner, it shall be lawful for such Justices or Sheriff to summon such Agent, Servant, Workman, or Contractor before them or him to

to answer for such Offence; and such Agent, Servant, Workman, or Contractor, if convicted, shall be liable to the Penalties and Punishment for such Offence herein specified; and such Justices or Sheriff may convict such Agent, Servant, Workman, or Contractor in lieu of such Owner.

XIV. And be it enacted, That the "Owner" of a Mine or Colliery shall be taken to mean the immediate Proprietor or Lessee or Occupier thereof, and all Persons working any Mine or Colliery, or any Part of any Mine or Colliery, or any Lode or Seam thereof, for their own Benefit or as Sharers of the Profit, and also all Partners and Companies so working such Mine or Colliery, or any Part thereof; and the Words "Agent" and "Servant" shall be taken to mean any Person receiving a Salary, Wages, Payment, or Remuneration for any Description of Service or Work performed in a Mine or Colliery.

Definition
of Terms
"Owner"
and "Agent."

XV. And be it enacted, That it shall not be necessary, in any Information, Summons, or Warrant issued under or in consequence of the Provisions of this Act, to set forth the Name or other Designation of all the Partners in any Mine or Colliery or in the working of any such Mine or Colliery, but that it shall be sufficient to insert in any such Information, Summons, or Warrant the Name of the ostensible Proprietor, Occupier, Lessee, or Adventurer, or Title of the Firm or Company by which the Owners, Lessees, or Workers of such Mine or Colliery are usually designated and known.

Summonses
need not set
forth Names
of all the
Proprietors
in Cases of
Partnership.

XVI. And be it enacted, That the Service of any Summons or Warrant by delivering the same or a Copy thereof at the Office or Counting-house of any Mine or Colliery shall be good and sufficient Service thereof on the Owner of such Mine or Colliery (and all Complaints for Offences against this Act shall be preferred within Three Calendar Months next after the Commission of the Offence).

Service of
Summons on
Agent to be
deemed
good Ser-
vice.

XVII. And be it enacted, That all Convictions for Penalties for any Offence against this Act may be had before Two or more Justices of the Peace acting for the County, Riding, City, Borough, Division, or Place where the Offence shall happen, or before such Justices or the Sheriff of any County or Stewartry in *Scotland* within which the Offence may have been committed; and such Penalties, and the Costs and Charges attending the Recovery thereof, shall be levied by Distress and Sale of the Goods and Chattels of the Offender or Person liable or ordered to pay the same respectively, by Warrant under the Hands and Seals of Two or more of the said Justices, or under the Hand of any such Sheriff, rendering the Overplus of such Distress and Sale (if any) to the Party or Parties, after deducting the Charge of making the same, which Warrant such Justices or Sheriffs are hereby empowered and required to grant upon Conviction of the Offender, by Confession or Oath of One or more credible Witness or Witnesses; and the Penalties, Costs, and Charges, when so levied, shall be paid, the one Half to the Informer and the other Half to the Overseers or Managers of the Poor of the Parish, Township, or Place where the Offence shall have been committed, to be by such

Recovery
and Appli-
cation of
Penalties.

such Overseers or Managers applied in aid of the Rate or Assessment raised for the Relief of the Poor of such Parish, Township, or Place, and in *Scotland*, in Parishes where there shall be no Assessment for the Relief of the Poor, as the said Managers shall direct, or to Her Majesty, in case there shall be no such Overseer or Manager.

Persons
not paying
Penalties
may be
imprisoned.

XVIII. And be it enacted, That the Justices of the Peace or Sheriffs by whom any Person shall be convicted and adjudged to pay any Sum of Money for any Offence against this Act may adjudge that such Person shall pay the same, together with Costs, either immediately or within such Period as the said Justices or Sheriffs shall think fit; and that in default of Payment at the Time appointed, and in the event of no sufficient Distress of the Goods and Chattels of such Person being found within the Limits of the Jurisdiction of the said Justices or Sheriffs, such Person shall be imprisoned in the Common Gaol or House of Correction (with or without hard Labour), as to the said Justices or Sheriffs shall seem meet, for any Time not exceeding Two Calendar Months, the Commitment to be determinable upon Payment of the Amount of the Penalty and Costs.

Inhabitants
of Parishes
not incom-
petent as
Witnesses.

XIX. And be it enacted, That no Inhabitant of any Parish, Township, or Place shall be deemed an incompetent Witness in any Suit, Action, Information, Complaint, Appeal, Prosecution, or Proceeding to be had, made, prosecuted, or carried on under the Authority of this Act for any Offence committed within such Parish, Township, or Place, by reason of such Person being rated or assessed to, or liable to be rated or assessed to, or being otherwise interested in, the Rates or Assessments of any such Parish, Township, or Place.

Distress not
unlawful for
Want of
Form.

XX. And be it enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in any Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers from the beginning on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action on the Case, to be brought in some of the Courts of Record at *Westminster* or *Dublin*, or by Action raised or Complaint preferred in the Court of Session in *Scotland*: Provided always, that no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or wrongful Proceeding, if Tender of sufficient Amends for any such special Damage shall be made by or on behalf of the Party or Parties who shall have committed or caused to have been committed any such Irregularity or wrongful Proceeding before such Action or Complaint brought; and in case no such Tender shall have been made it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit; whereupon such Proceedings or

Orders and Judgments shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

XXI. And be it enacted, That any Person who shall think himself or herself aggrieved by any Conviction by any Justices of the Peace under this Act may appeal to the next Court of General or Quarter Sessions of the Peace which shall be holden not less than Fifteen Days after the Day of such Conviction for the County, Stewartry, Riding, City, Borough, Division, or Place wherein the Cause of Complaint shall have arisen; provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Seven Days after such Conviction, and Seven clear Days at the least before such Session, and shall also either remain in Custody until the Session, or enter into a Recognizance with Two sufficient Sureties before a Justice of the Peace, conditioned personally to appear at the said Session of the Peace, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and upon such Notice being given and such Recognizance being entered into the Justice before whom the same shall be entered into shall liberate such Person, if in Custody; and the Court at such Session 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 Affirmance of the Conviction, shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment; and all Judgments, Determinations, and Proceedings of such Justices not appealed from as aforesaid, and of such Sheriff or Quarter Sessions, shall be final, and not subject to Review by any Process of Law or Court whatever, any Law or Usage to the contrary notwithstanding.

Appeal to
Quarter
Sessions.

XXII. And be it enacted, That no Conviction, or 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 Record; 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.

Convictions
not remov-
able by
Certiorari.

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

Act may be
amended, &c.
this Session.

