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Explain and Amend so much of an Act, made in the Fifth Year of the Reign of Queen ELIZABETH, intituled, "An Act containing divers Orders for "Artificers, Labourers, Servants of Husbandry, "and Apprentices," as empowers Justices of the Peace to regulate the Wages of Labourers in Husbandry.

Note.—The Figures in the Margin denote the Number of the Folios in the written Copy.

WHEREAS, by a certain Act of Parliament, made and passed in the Fifth Year of the Reign of Queen ELIZABETH, intituled, "An Act containing divers Orders for "Artificers, Labourers, Servants of Husbandry, and "Apprentices," certain Powers are given to Justices of the Peace, within the Limits of their several Commissions, to rate and appoint the Wages of Labourers, and of other Servants and Workmen:

And whereas it is expedient to give further Powers to Justices of the Peace for rating and appointing the Wages of Labourers in Husbandry:

May it therefore please Your MAJESTY,

That it may be Enacted; And be it Enacted by the KING's Most Excellent MAJESTY, by and with the Advice and Consent of the

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the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Justices of the Peace, acting in and for the several Counties, Ridings, and Divisions of Counties (having separate Commissions of the Peace) within that Part of Great Britain called England, and the Dominion of Wales, at any General Quarter Session of the Peace, to be holden after the passing of this Act, for any such County, Riding, or Division, to appoint and adjourn to any Day and Place within the Limits of their respective Jurisdictions, for holding, and then and there to hold, a General Session for the Purpose of carrying into Execution the Powers given to them by this Act (of which General Session public Notice shall be given by the Clerk of the Peace,

2 Days at the least before the holding thereof, in some News-paper usually circulated within the County, Riding, or Division; and in every such Session the Justices of the Peace, duly qualified and acting for every City, Town, Borough, Cinque Port, and Liberty, within any such County at large, Riding, or Division, shall assemble themselves, together with the Justices of such County at large, Riding, or Division, and the Justices so assembled shall respectively have and be entitled to exercise, in such General Session, the Powers of Justices of the Peace in the Execution of this Act, as well for such City, Town, Borough, Cinque Port, or Liberty, as for such County at large, Riding, or Division; and such Justices may adjourn such Court of General Session as often as they shall find it necessary.

And be it further Enacted by the Authority aforesaid, That in such General Session so to be holden, the Justices there assembled, or the major Part of them, shall, and they are hereby authorized to rate and appoint the Wages, and to fix and declare the Hours of Working, of all Labourers in Husbandry (within their several Counties, Ridings, or Divisions, and every City, Town, Borough, Cinque Port, or Liberty therein) by the Day, Week, Month, or Year, and with Beer or Cyder, or without, Respect being had to the Value of Money, and the Plenty or Scarcity of the Time; and the Order or Orders of such General Session, appointing the Rate of Wages as aforesaid, shall commence and take Effect from such Time (not less than Days from the making of any such Order) as the Justices in such Session shall direct, and shall be observed and continue in Force until the same shall be revoked or altered by the Justices in some subsequent General Session as aforesaid: And to the Intent that such Alterations of the Rate of Wages so appointed, as shall from Time to Time be found expedient,

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3 dient, may be made, it shall and may be lawful to and for the Justices of the Peace of every such County, Riding, or Division, as often as they shall see Occasion, at any General Quarter Sessions of the Peace to be holden at any Time after the Rate of Wages in such County, Riding, or Division, shall have been appointed by virtue of this Act, to appoint any other General Session to be holden, in Manner aforesaid, for the Purposes of this Act; and the Justices assembled in every such subsequent General Session, or the major Part of them, shall have full Power to revoke, make void, or alter the Rate of Wages which shall have been appointed at any preceding General Session, and to make and appoint any new or other Rate of Wages as to them shall seem expedient, Respect being always had as aforesaid to the Value of Money, and the Plenty or Scarcity of the Time, and other Circumstances necessary to be considered; and every Order of any such General Session, whereby any Rate of Wages shall be appointed, shall be printed, and by the Clerk of the Peace of every such County, Riding, or Division, transmitted to the respective Constables of every Parish, Township, or Place therein, to be by such Constables affixed on the Door of every Parish Church, and in other the most public Places within their respective Districts.

And be it further Enacted by the Authority aforesaid, That in every County where the General Quarter Sessions have been usually adjourned to, and kept in several Places within the same County, for several Divisions thereof, the Justices of the Peace in the said several Divisions, together with the Justices for every City, Town, Borough, Cinque Port, or Liberty, in each respective Division, shall and may have and exercise, within and for the Limits thereof, all and every the Powers and Authorities hereby given to Justices of the Peace acting for Counties at large, and the Cities, Towns, Boroughs, 4 Cinque Ports, and Liberties therein.

Provided always nevertheless, and be it further Enacted, That if any Person shall at any Time have been hired as a Labourer in Husbandry, for any Term or Number of Days, according to and under the Conditions of any Rate, Appointment, or Rule which shall have been made as aforesaid, and any new or other Rate, Appointment, or Rule shall thereafter be made as aforesaid, such Person shall nevertheless continue subject to his Engagement for the Remainder of the Term or Time then to come, and at and subject to the Rate, Appointment, or Rule for which he so hired himself; any Thing herein contained to the contrary notwithstanding.

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And be it further Enacted by the Authority aforesaid, That from and after the Rate of Wages of Labourers in Husbandry shall be, in Manner aforesaid, appointed for any County, Riding, or Division, and from and after the Day on which the Order for appointing the same shall be directed to take Effect and be in Force, no Person shall hire or contract for the Work of any Labourer, within any such County, Riding, or Division, or any City, Town, Borough, Cinque Port, or Liberty therein, at any less Wages than according to the Rate so appointed; and every Contract, at or for any less Wages than according to such Rate, shall be void, and notwithstanding any such Contract every Labourer shall be entitled to demand and receive, for every Day's Work which shall be done by him, at and according to the Rate which shall have been so appointed, and in the same Proportion for any Part of a Day; and if any Person within any such County, Riding, or Division, or any City, Town, Borough, Cinque Port, or Liberty therein, after any such Order for the rating of Wages shall have taken Effect and shall be in Force, shall, contrary to the true Intent and Meaning of this Act, by any Ways, Means, or Device whatsoever, directly or indirectly, for himself, or for any other Person or Persons, contract for or pay any less Wages for the Work of any Labourer than according to the Rate which shall have been so appointed as aforesaid, then every Person so offending, and being thereof lawfully convicted before any Justice of the County, City, or Place, where the Offence shall be committed, by Confession of the Party, or on Proof by One or more Witness or Witnesses upon Oath, shall forfeit and pay, for every such Offence, Times so much as the Sum by him or her given or contracted to be given shall be less than the Amount of the Wages for the Work contracted for or done, according to the Rate which shall have been appointed in Manner aforesaid; and if any Person so convicted shall neglect or refuse to pay the Sum which he shall by any such Conviction be adjudged to have forfeited, such Justice may and shall, by Warrant under his Hand and Seal, direct the same to be levied by Distress and Sale of the Goods and Chattels of the Offender, and in Default or Insufficiency of such Distress, may and shall commit the Offender to the Common Gaol or House of Correction for any Time not exceeding nor less than Days, unless the Penalty or Sum in which such Offender shall be convicted shall amount to more than and in such Case the Offender shall be committed for any Time not exceeding nor less than Days, in respect of every of the Penalty or Sum in which he shall be convicted, or in every such Commitment, unless the Penalty

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nalty shall be sooner paid; and upon Payment or Recovery of any such Penalty, such Justice may, if he thinks proper, apply any Part thereof for the Relief of the Labourer who shall have been aggrieved by any such Offence, and so much as shall not be so applied (or the Whole of such Penalty, if the Justice shall see fit) shall, within Days after the Receipt thereof, be transmitted by such Justice to the Churchwardens or Overseers of the Poor of the Parish where the Offence shall be committed, to be employed and converted to the Use of the Poor of such Parish, or shall, at the Discretion of such Justice, be delivered to the Minister of such Parish, to be by him distributed in Alms to the Poor within the same Parish.

Provided always, and be it further Enacted, That every Complaint against any Master, Mistress, or other Person, for any Offence against this Act, shall be made and prosecuted within

after such Offence shall be committed; and upon every such Complaint and Prosecution, any Labourer, with whom any Contract, or to whom any Payment shall have been made, contrary to the Provisions of this Act, shall be a competent Witness.

And be it further Enacted, That the Justice before whom any Person shall be convicted under this Act, may and shall cause such Conviction to be drawn up in the Form or to the Effect following;

to wit: } "Be it Remembered, That on this Day of
" before me A. B. is convicted
" of the Peace for the said County of One of His Majesty's Justices
" [same may be] due Proof being made before me, on the [or as the
" Oath of [or, upon the Confession of the
" said A. B. as the Case may be] that [specifying the Of-
" fence, the Time when, and the Place where] and I do ad-
" judge the said to pay and forfeit for such
" Offence the Sum of . . . Given under my
" Hand and Seal

Provided nevertheless, That if any Person, who shall be convicted as aforesaid in any Penalty amounting to

shall be desirous of appealing to the next General Quarter Session of the Peace to be holden for the County or Place where the Cause of Complaint shall arise, such Person may, at the Time of

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of Conviction, enter into a sufficient Recognizance with One or more Surety or Sureties conditioned to try such Appeal, and to abide the Order of, and pay such Costs as shall be adjudged by the Justices at such Session; and the Justices at such Session shall and are hereby authorized to take Cognizance of, and to hear and determine such Appeal, and may affirm such Conviction, and award such Costs to either Party, as they shall think proper; and if the Conviction shall be affirmed, the Appellant shall immediately pay the Sum which he shall have been thereby adjudged to forfeit, with the Costs of the Appeal, or, in Default of such Payment, shall be committed to the Common Gaol or House of Correction, for such Time, not exceeding as the Justices at such Session shall think proper.

Provided also, and it is further Enacted by the Authority aforesaid, That no Conviction or other Proceeding under this Act shall be quashed or vacated for Want of Form; and that no Writ of *Certiorari*, or other Process, shall issue, to remove any Proceeding whatsoever, in pursuance of this Act, into any of His MAJESTY'S Courts of Record at *Westminster*.

And it is hereby further Enacted by the Authority aforesaid, That it shall be lawful for any Person to contract with and pay to any Male Person under the Age of 8 Years, or to any Man who from Age, Infirmary, or any other Incapacity, shall be unable to do the ordinary Work of a Labouring Man, so much as he shall reasonably deserve for the Work which he shall be able to do, and shall do; and the Justices of the Peace within their respective Jurisdictions are hereby empowered, in any Complaint or Proceeding before them under this Act, or in any Complaint of any Master or Servant respecting Wages, to judge of and determine the Ability of the Labourer.

Provided always, and it is hereby further Enacted by the Authority aforesaid, That nothing in this Act shall extend to or affect the Wages of any Tradesman or Artificer employed wholly or principally in the Work of his Trade or Art; or of any Labourer whose Diet shall be wholly provided by his Master or Mistress, or other Employer; or of any Labourer who shall be *bonâ fide* employed and paid according to the Measure or Weight of the Work, or in any other Way, by the Great or Piece; or of any Labourer to be employed by the Overseers of the Poor, or Surveyors of the Highways of any Parish or Place, on Account of the Parish or District for which they shall respectively act.

Provided,

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Provided, and it is further Enacted by the Authority aforesaid, That nothing in this Act contained shall be deemed to take away, abridge, or affect the Power of Justices of the Peace, by the Laws in being, for recovering and enforcing the Payment of Wages, or for determining the Complaints of Masters and Servants.

And be it further Enacted, That this Act shall be deemed and taken to be a Public Act, and be judicially taken Notice of as such, without the same being pleaded.

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in the Fifth Year of the Reign of Queen
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taining divers Orders for Artificers,
Labourers, Servants of Husbandry, and
" Apprentices," as empowers Justices of
the Peace to regulate the Wages of La-
bours in Husbandry.

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