

T A S M A N I A

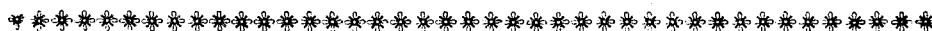


1881.

ANNO QUADRAGESIMO-QUINTO

VICTORIÆ REGINÆ,

No. 3.



AN ACT for the Regulation of Chimney Sweepers. A.D. 1881.
[19 September, 1881.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :--

1 This Act may be cited as "The Chimney Sweepers Act, 1882." Short title.

2 This Act shall commence and take effect on the First day of *January*, 1882, which date is hereinafter referred to as the commencement of this Act. Commencement of Act.

3 In the construction of this Act the term "Chimney Sweeper" means a person using the trade or business of a Chimney Sweeper. Interpretation.

4 After the commencement of this Act every person who shall compel or knowingly allow any child or young person under the age of Sixteen years to ascend or descend a chimney, or enter a flue, for the purpose of sweeping, cleaning, or coring the same, or for extinguishing fire therein, shall, on conviction, be liable either to a penalty of not more than Ten Pounds, or else to be imprisoned for any period not exceeding Six Months, with or without hard labour. Penalty for compelling or allowing children to climb chimneys.

5 It shall not be lawful for a Chimney Sweeper to employ a child under the age of ten years to do, or assist in doing, any work or thing in or about the trade or business of such Chimney Sweeper elsewhere than within the house or place of business of such Chimney Sweeper, or the yard or buildings, if any, connected therewith. Restriction on employment of children under 10.

Chimney Sweepers.

A.D. 1881.

Chimney
Sweeper entering
house to sweep
chimneys, &c.,
not to bring with
him persons under
Sixteen.

6 It shall not be lawful for a Chimney Sweeper, on any occasion of his entering a house or building for the purpose of sweeping, cleaning, or coring a chimney or flue therein or belonging thereto, or for extinguishing fire in any such chimney or flue, to cause or knowingly allow a person under the age of Sixteen years in his employment, or under his control, to enter before, with, or after him into any part of such house or building, or to be therein for any part of the time during which such Chimney Sweeper himself continues therein for any such purpose as aforesaid.

Penalties for
before-named
offences.

7 If any Chimney Sweeper acts in contravention of either of the foregoing enactments, he shall for every such offence be liable to a penalty not exceeding Ten Pounds.

No child under
Sixteen years to
be apprenticed to
a Chimney
Sweeper.

8 It shall not be lawful to apprentice to any person using the trade or business of a Chimney Sweeper any child under the age of Sixteen years, and every indenture of such apprenticeship which may be entered into after the commencement of this Act shall be null and void.

Indentures of
children under
Sixteen years to
cease after com-
mencement of this
Act.

9 After the commencement of this Act all existing indentures of apprenticeship to the trade or business of a Chimney Sweeper of any child who shall then be under the age of Sixteen years shall be null and void.

Recovery of
penalties.

19 Vict. No. 8.

19 Vict. No. 10.

10 All penalties for offences against this Act may be recovered summarily before any Two or more Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*; and any person aggrieved by any summary conviction under this Act may appeal therefrom in the manner directed by *The Appeals Regulation Act*.

Burden of proof
of age to lie on
Chimney
Sweeper.

11 In any prosecution of a Chimney Sweeper for any offence against this Act, where the age of any young person or child comes in question, the proof of the age of such young person or child shall lie upon the defendant.

Conviction not to
be void for want of
form.

12 No conviction or adjudication under this Act shall be quashed for want of form, or be removed by *certiorari* or otherwise into the Supreme Court; 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.

Distress not un-
lawful for want of
form.

13 No distress made under the authority of this Act shall be deemed unlawful, or the person making the same be deemed a trespasser, on account of any defect or want of form in the Warrant of Distress, or in any other proceeding relating to such distress; nor shall the person distraining be deemed a trespasser *ab initio* on account of any irregularity which he may afterwards commit, but the person aggrieved by such irregularity may recover full satisfaction for the special damage in an action on the case; and the plaintiff shall not recover in any such action if tender of sufficient amends has been made before action brought, or if a sufficient sum of money has been paid into Court.