

ANNO PRIMO

Victoriae Reginae,

No. 15.

By His Excellency SIR JOHN FRANKLIN, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Greek Order of the Redeemer, and a Captain in Her Majesty's Royal Navy, Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council.

AN ACT to Consolidate the Laws relating to Apprentices and Servants.

WHEREAS much uncertainty at present exists in the due administration of Justice between Masters Servants and Apprentices inasmuch as many of the Acts of Parliament now in force in the United Kingdom of Great Britain and Ireland are inapplicable to the circumstances of this Colony.

PREAMBLE.

I.—BE IT THEREFORE ENACTED by His Excellency SIR JOHN FRANKLIN Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies, by and with the advice of the Legislative Council that from and after the fifteenth day of December now next if any artificer manufacturer journeyman workman labourer or other servant employed in any manner howsoever either as a menial or house servant or in any other capacity or who shall have been hired or engaged by or with any master or mistress or employer or employers for any time or term whatsoever shall during any part of such time for which he or she shall have been so hired or engaged absent himself or herself from the lawful and usual service of the person or persons to whom he or she shall be so

Any Artificer Labourer or other Servant absenting himself or herself from their lawful Service or refusing to work or deserting such Service upon complaint made before a Justice of Peace may be committed to any Gaol for the space of Two calendar months and forfeit all wages due at the time of such commitment.

engaged as aforesaid or shall refuse or neglect to work in the trade calling or employment for which he or she shall have been so hired or engaged in a diligent and careful manner after having been thereunto required by his or her master mistress employer or employers as aforesaid or shall return his or her work or desert or quit the same before the same shall be completely finished without the consent of the person or persons by whom he or she shall have been so employed or shall be guilty of any other misconduct it shall and may be lawful for any one or more Justice or Justices of the Peace at the nearest Police Office to the place where the complainant resides upon complaint in such case made to cause such party so offending to be brought before him or them or before some other Justice or Justices of the Peace by whom such complaint may be heard and determined and upon conviction thereof to commit the party so offending as aforesaid to the common Gaol for any term not exceeding Two calendar Months or at the discretion of such Justice or Justices to some House of Correction there to remain and be kept to hard labour for any time not exceeding One calendar month and every person convicted of so offending as aforesaid shall moreover forfeit all or such part of his or her wages or pay which may or shall be due or owing to him or her from and by the party complaining at the time of such conviction as in the discretion of such Justice or Justices shall appear reasonable.

II.—AND BE IT ENACTED that if any person being bounden by any indenture deed or agreement in writing to serve as an Apprentice or Indented Servant in any trade business or occupation and upon whose binding out no larger sum than Twenty Pounds shall have been paid shall absent himself from his Master's or Employer's service before the term of his apprenticeship or service shall be expired every such Apprentice or Servant shall at any time thereafter (whenever he shall be found) be compelled to serve his said Master or Employer for so long a time as he shall have so absented himself unless he shall make satisfaction for the loss sustained by his absence and so from time to time as often as any such Apprentice or Indented Servant shall without leave absent himself from his service before the term of his contract shall be fulfilled and in case any such Apprentice or Indented Servant shall refuse to serve as hereby required or to make such satisfaction such Master or Employer may complain upon oath to any Justice of the Peace which oath such Justice is hereby empowered to administer and to issue a Warrant under his hand for the apprehension of such Apprentice and such Justice upon hearing such complaint may determine what satisfaction shall be made by such Apprentice or Indented Servant and in case such Apprentice or Indented Servant shall not give security to make such satisfaction according to such determination it shall be lawful for such Justice to commit such Apprentice or Indented Servant to the House of Correction, there to be kept to hard labour for any time not exceeding One calendar month.

Any person bounden by Indenture as an Apprentice or Indented Servant upon whose binding out no larger a sum than Twenty pounds has been paid who shall absent himself from his Master's or Employer's Service shall be compelled to serve his Master or Employer for the time he was absent and in the event of refusal his Master or Employer may complain to any Justice of the Peace who may issue his Warrant for the apprehension of such Apprentice or Servant and upon hearing the complaint may determine what satisfaction shall be made to the Master and in case the Apprentice or Servant shall not give security to make such satisfaction the Justice may commit the Apprentice or Servant to the House of Correction for any time not exceeding One calendar month.

III.—AND BE IT FURTHER ENACTED that it shall and may be lawful for any such Justice upon application or complaint made upon oath by any Master or Mistress against any such Apprentice touching or concerning any misconduct in such his or her service which oath such Justice is also hereby empowered to administer to hear examine and determine the same and to punish the offender by commitment to the

Empowers Justice to examine into and determine upon any Complaint made by any Master or Mistress concerning the misconduct of any Apprentice and to commit such Apprentice to the House of Correction for any

period not exceeding One calendar month or if it shall seem right to such Justice he may discharge such Apprentice from his service in addition to this last-mentioned punishment.

House of Correction there to remain and be corrected and kept to hard labour for a reasonable time not exceeding One calendar month or otherwise by discharging such Apprentice *Provided also* that in every such last mentioned case it shall and may be lawful for such Justice whenever any such Apprentice shall be so discharged for or on account of any such misconduct by Warrant under his hand to commit such offender to the House of Correction there to remain and be kept to hard labour for a reasonable time not exceeding One calendar month as to such Justice shall seem meet.

Persons knowingly employing receiving or entertaining hired Servants or Apprentices to forfeit a penalty of not less than Five pounds nor more than Twenty pounds.

IV.—AND BE IT FURTHER ENACTED that if any person shall knowingly employ receive or entertain any such Artificer Labourer or Servant already employed engaged or retained by any other person or persons in any manner howsoever as aforesaid during the time for which he or she shall be so employed or retained by any other person or persons as aforesaid without leave of such other person or persons as last aforesaid or shall knowingly harbour employ receive or entertain any such Apprentice who shall have so absented himself as aforesaid any such Offender being lawfully convicted thereof before any one or more Justice or Justices of the Peace shall for every such offence forfeit and pay any sum not less than Five pounds nor more than Twenty pounds.

Provides for hearing and determining complaints against Masters and Mistresses by hired Servants and Apprentices and gives to the Justice power to discharge Apprentices and hired Servants and to award such hired Servant such amends as the Justice may deem reasonable. Provided the sum so awarded does not exceed Six months' wages of such hired Servant.

V.—AND BE IT FURTHER ENACTED that it shall and may be lawful for any one or more Justice or Justices of the Peace at the nearest Police Office to the place where such Complainant is or hath been residing upon any complaint or application upon oath of any such Artificer Manufacturer Journeyman Workman Labourer or other Servant against any such Master Mistress or Employer touching or concerning any misuse refusal of necessary provision nonpayment of wages cruelty or other illtreatment whatsoever of or towards any such Artificer Manufacturer Journeyman Workman Labourer or Servant or upon any like complaint of any such Apprentice as aforesaid upon whose binding out no larger a sum than Twenty Pounds of lawful British money was paid touching or concerning any misuse refusal of necessary provision cruelty or other ill-treatment of or towards such Apprentice by his or her Master or Mistress to summon any such Master or Mistress to appear before such Justice or Justices at a reasonable time to be named in such summons and such Justice or Justices shall and may examine into the matter of such complaint (whether such Master Mistress or Employer shall appear or not) and upon proof thereof upon oath made to his or their satisfaction (whether such Master Mistress or Employer be present or not if service of the summons be also upon oath proved) may order the payment of such wages as to the Justice or Justices shall then appear to be due and owing to any such Artificer manufacturer Journeyman Workman Labourer or other Servant and further if the Justice or Justices shall so think fit it shall be lawful for them or either of them to order and award such amends to be made to any such Artificer Manufacturer Journeyman Workman Labourer or other Servant as aforesaid as he or they shall think fair and reasonable and such order for the payment of wages and such award for amends shall be carried into effect by distress and sale of the goods and effects of such Master Mistress or Employer as aforesaid. *Provided* that in no case such amends shall exceed the

amount of six months' wages of such Artificer Manufacturer Journeyman Workman Labourer or other Servant.

VI.—AND BE IT FURTHER ENACTED that if any person or persons who shall be convicted of any offence under this Act for which any pecuniary penalty shall be awarded shall think himself or herself aggrieved by the judgment of any such Justice or Justices such person or persons shall have liberty to appeal therefrom in the manner provided by the Act of this Island intituled "*An Act to regulate Summary Proceedings before Justices of the Peace*."

Appeal allowed in the manner provided by the "Summary proceedings Act."

JOHN FRANKLIN.

Passed the Legislative Council this twenty-seventh day of November One thousand eight hundred and thirty-seven.

ADAM TURNBULL,
Clerk of the Councils.