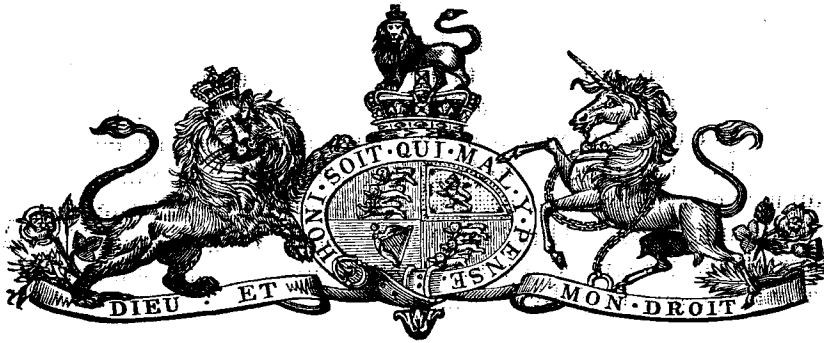


TASMANIA.

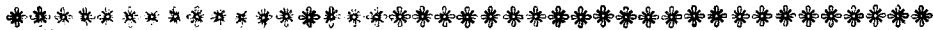


1889.

ANNO QUINQUAGESIMO-TERTIO

VICTORIÆ REGINÆ,

No. 28.



AN ACT to amend the Law relating to A.D. 1889.  
Conspiracy, and to the Protection of  
Property, and for other purposes.

[9 November, 1889.]

BE it enacted by His Excellency the Governor of *Tasmania*, PREAMBLE.  
by and with the advice and consent of the Legislative Council and [38 & 39 Vict.  
House of Assembly, in Parliament assembled, as follows :— c. 86.]

1 This Act may be cited as “The Conspiracy and Protection of Short title.  
Property Act, 1889.”

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2 An agreement or combination by Two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute between employers and workmen shall not be punishable upon Information as a conspiracy, if such act committed by one person would not be punishable as a crime. Amendment of Law as to conspiracy in trade disputes.

Nothing in this Section shall exempt from punishment any persons guilty of a conspiracy for which a punishment is awarded by any Act of Parliament.

Nothing in this Section shall affect the law relating to riot, unlawful assembly, breach of the peace, or sedition, or any offence against the State or the Sovereign.

A crime for the purposes of this Section means an offence punishable on Information, or an offence which is punishable on summary conviction,

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and for the commission of which the offender is liable under the Statute making the offence punishable to be imprisoned either absolutely or at the discretion of the Court as an alternative for some other punishment.

Where a person is convicted of any such agreement or combination as aforesaid to do or procure to be done an act which is punishable only on summary conviction, and is sentenced to imprisonment, the imprisonment shall not exceed Three months, or such longer time, if any, as may have been prescribed by the Statute for the punishment of the said act when committed by one person.

Breach of contract by persons employed in supply of gas or water.

**3** Where a person employed by a Municipality or Corporation or other Local Body or by any company or contractor upon whom is imposed by Act of Parliament the duty, or who have otherwise assumed the duty, of supplying any city, town, or any part thereof, with gas or water, wilfully and maliciously breaks a contract of service with that body or company or contractor, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to deprive the inhabitants of that city, town, place, or part, wholly or to a great extent, of their supply of gas or water, he shall on conviction thereof by a Court of summary jurisdiction, or on Information as hereinafter mentioned, be liable either to pay a penalty not exceeding Twenty Pounds or to be imprisoned for a term not exceeding Three months, with or without hard labour.

Every such Municipality or Corporation or other Local Body or company or contractor as is mentioned in this Section shall cause to be posted up at the gasworks or waterworks, as the case may be, belonging to such Municipality or Corporation or other Local Body or company or contractor a printed copy of this Section in some conspicuous place where the same may be conveniently read by the persons employed; and as often as such copy becomes defaced, obliterated, or destroyed, shall cause it to be renewed with all reasonable despatch.

If any Municipality or Corporation or other Local Body or company or contractor make default in complying with the provisions of this Section in relation to such notice as aforesaid, they or he shall incur on summary conviction a penalty not exceeding Five Pounds for every day during which such default continues, and every person who unlawfully injures, defaces, or covers up any notice so posted up as aforesaid in pursuance of this Act shall be liable on summary conviction to a penalty not exceeding Forty Shillings.

Breach of contract involving injury to persons or property.

**4** Where any person wilfully and maliciously breaks a contract of service or of hiring, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life, or cause serious bodily injury, or to expose valuable property, whether real or personal, to destruction or serious injury, he shall on conviction thereof by a Court of summary jurisdiction, or on Information as hereinafter mentioned, be liable either to pay a penalty not exceeding Twenty Pounds, or to be imprisoned for a term not exceeding Three months, with or without hard labour.

*Miscellaneous.*

Penalty for neglect by master to provide food, clothing, &c. for servant or apprentice

**5** Where a master, being legally liable to provide for his servant or apprentice necessary food, clothing, medical aid, or lodging, wilfully and without lawful excuse refuses or neglects to provide the same, whereby the health of the servant or apprentice is or is likely to be

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seriously or permanently injured, he shall on summary conviction be liable either to pay a penalty not exceeding Twenty Pounds, or to be imprisoned for a term not exceeding Six months, with or without hard labour. A.D. 1889.

**6** Every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority,— Penalty for intimidation or annoyance by violence or otherwise.

- i. Uses violence to or intimidates such other person or his wife or children, or injures his property ; or,
- ii. Persistently follows such other person about from place to place ; or,
- iii. Hides any tools, clothes, or other property owned or used by such other person, or deprives him of or hinders him in the use thereof ; or,
- iv. Watches or besets the house or other place where such other person resides, or works, or carries on business, or happens to be, or the approach to such house or place ; or,
- v. Follows such other person with Two or more other persons in a disorderly manner in or through any street or road,

shall, on conviction thereof by a Court of summary jurisdiction, or on Information as hereinafter mentioned, be liable either to pay a penalty not exceeding Twenty Pounds, or to be imprisoned for a term not exceeding Three months, with or without hard labour.

Attending at or near the house or place where a person resides, or works, or carries on business, or happens to be, or the approach to such house or place, in order merely to obtain or communicate information, shall not be deemed a watching or besetting within the meaning of this Section.

**7** Where in any Act relating to employers or workmen a pecuniary penalty is imposed in respect of any offence under such Act, and no power is given to reduce such penalty, the Justices or Court having jurisdiction in respect of such offence may, if they think it just so to do, impose by way of penalty in respect of such offence any sum not less than one-fourth of the penalty imposed by such Act. Reduction of penalties.

**8** Where a person is accused before a Court of summary jurisdiction of any offence made punishable by this Act, and for which a penalty amounting to Twenty Pounds or imprisonment is imposed, the accused may, on appearing before the Court of summary jurisdiction, declare that he objects to being tried for such offence by a Court of summary jurisdiction, and thereupon the Court of summary jurisdiction may deal with the case in all respects as if the accused were charged with an offence punishable upon Information and not an offence punishable on summary conviction, and the offence may be prosecuted on Information accordingly. Power for offender under this Act to be tried on Information and not by Court of summary jurisdiction.

**9** Provided that upon the trial of any Information in a Superior Court under Sections Three, Four, and Five of this Act, the respective parties to the contract of service, their husbands or wives, shall be deemed and considered as competent witnesses. Regulations as to evidence.

**10** Every offence under this Act shall be heard and determined, and all penalties shall be recovered, except where otherwise enacted, in manner provided by *The Magistrates Summary Procedure Act*. Proceedings under 19 Vict. No. 8.

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Definition of  
"Local Body."

**11** Any Local Body or company or contractor who has obtained authority by or in pursuance of any general or local Act of Parliament to supply the streets of any city, town, or place, or of any part thereof, with gas, or which is required by or in pursuance of any general or local Act of Parliament to supply water on demand to the inhabitants of any city, town, or place or any part thereof, shall for the purposes of this Act be deemed to be a Local Body or company or contractor upon whom is imposed by Act of Parliament the duty of supplying such city, town, or place or part thereof with gas or water.

"Maliciously"  
in this Act construed as in  
27 Vict. No. 7.

**12** The word "maliciously" used in reference to any offence under this Act shall be construed in the same manner as it is required by the Fifty-eighth Section of the Act of the Parliament of *Tasmania* relating to Malicious Injuries to Property, 27th *Victoria*, No. 7, to be construed in reference to any offence committed under such last-mentioned Act.

Offences punishable on Information.

**13** In this Act an offence punishable upon Information means an offence cognisable only in a Superior Court.

Saving as to sea service.

**14** Nothing in this Act shall apply to seamen or to apprentices to the sea service.

Acts in Schedule not to apply to *Tasmania*.

**15** The Acts of the Imperial Parliament set forth in the Schedule making breaches of contract criminal, and relating to the recovery of wages by summary procedure, shall upon the passing of this Act not be deemed to extend to this Colony, or to be of any force within the same.

Repeal of part of Sect. 24 of 27 Vict. No. 5.

**16** So much of Section Twenty-four of the Act of the Parliament of *Tasmania* of the 27th *Victoria*, No. 5, as enacts that "whosoever, being legally liable, either as a master or mistress, to provide for any apprentice or servant necessary food, clothing, or lodging, shall wilfully and without lawful excuse refuse or neglect to provide the same, shall be guilty of a Misdemeanor," is hereby repealed.

## SCHEDULE.

AN Act passed in the Fifth year of the Reign of Queen Elizabeth, Chapter Four, and intituled "An Act touching dyvers Orders for Artificers, Labourers, Servantes of Husbandrye, and Apprentices."

So much of Section Two of an Act passed in the Twelfth year of King George the First, Chapter Thirty-four, and intituled "An Act to prevent unlawful combination of Workmen employed in the Woollen Manufactures, and for better payment of their Wages," as relates to departing from Service, and quitting or returning Work before it is finished.

Section Twenty of an Act passed in the Fifth year of King George the Third, Chapter Fifty-one, the title of which begins with the words "An Act for repealing several Laws relating to the Manufacture of Woollen Cloth in the County of York," and ends with the words "for preserving the credit of the said Manufacture at the foreign Market."

An Act passed in the Nineteenth year of King George the Third, Chapter Forty-nine, and intituled "An Act to prevent abuses in the payment of Wages to persons employed in the Bone and Thread Lace Manufactory."