



ANNO SEPTIMO

GULIELMI IV. REGIS.

No. 3.

*AN ACT for the summary determination of all disputes between
Master and Servant.*

WHEREAS it is expedient that all disputes and differences between Master and Servant should be settled with the least expence and delay, and that all agreements between Master and Servant should be strictly kept, or enforced by law;

BE IT THEREFORE ENACTED, by His Excellency JOHN HINDMARSH, Knight of the Royal Hanoverian Guelphic Order, Governor and Commander in Chief of His Majesty's Province of South Australia, by and with the advice of the Legislative Council of the said Province, as follows, that is to say:

I. THAT all disputes and differences between Master and Servant, arising out of their relative characters as such, shall be cognizable in a summary manner by His Majesty's Justices of the Peace, or Magistrates for the said Province, or for any of the several districts of the same, and any of the said Justices or Magistrates are hereby authorized and empowered to decide and determine all such disputes and differences as may be brought before him in all cases not herein specially provided for, and to make such order consequent upon such decision and determination as he shall think just and proper.

II. THAT

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II. THAT if a Servant who shall have begun to serve or work, or shall have entered into an agreement, either written or verbal, to serve or work for a master, shall neglect or refuse so to serve or work, or shall during the currency of the said agreement, absent himself from his service or work without leave obtained from his master, or without just cause shown, he may, for so doing, be brought before any one or more of His Majesty's Justices of the Peace for the said Province, and on conviction shall be committed to prison and there kept in solitary confinement or otherwise, at the discretion of the Magistrate committing, for any period not exceeding six calendar months, and shall, at the like discretion, forfeit the whole or such part of any pay or wages that may be due to him at the time of such neglect, refusal, or absence.

III. THAT every person employing a servant in the knowledge that such servant was at the time of such employment engaged or retained by any other employer, without the express permission of such employer, shall, for so doing, on conviction before any one or more of His Majesty's Justices of the Peace for the said Province, be fined in a sum not exceeding Fifty pounds sterling, nor less than Five pounds sterling; and in the sum of Five pounds sterling per diem for every day during which he shall continue to employ such Servant, from the day of such conviction, which sums shall be recoverable by distress, and one half thereof shall be paid to the person aggrieved, and the other half to the Treasurer of the said Province, for the general purposes of the said Province.

IV. THAT on the complaint of any Servant of the non-fulfilment of any contract or engagement, or of any ill usage on the part of the Master, it shall be lawful for any Magistrate of the said Province, on proof, to put an end to and cancel such contract and agreement, and the said Magistrate is hereby empowered to award to such Servant such damages as he may consider just, not exceeding in amount twelve month's wages, and to impose on the said Master such additional fine or penalty as to the said Magistrate may seem just, under the circumstances of the case, not exceeding Twenty pounds sterling, nor less than Fifty shillings sterling; which damages and additional fine or penalty, shall be recoverable and levied by distress; and the fine or penalty so levied shall be paid the Treasurer of the said Province for the general purposes thereof.

V. THAT if any party shall feel aggrieved by the decision of a Magistrate or Bench of Magistrates in Petty Sessions assembled, he may appeal from such decision to the Quarter or General Sessions next ensuing: PROVIDED ALWAYS, that no such appeal shall be allowed unless the party so appealing shall intimate his intention to the Clerk of the Bench of Magistrates of the said Province within
twenty-

twenty-four hours after the decision to be appealed from is pronounced.

VI. THAT in this Act, unless when otherwise required by the context, the word "Master" shall extend to and include employer, and the word "Servant" shall extend to and include all persons employed, and words in the singular number shall extend to the plural, and every word importing the masculine gender only, shall extend to a female as well as a male.

Passed the Council January 4,
1837.

GEO. STEVENSON,
Clerk of Council.)

By His Excellency's command,
ROBERT GOUGER,
Colonial Secretary.