



ANNO QUINTO

VICTORIÆ REGINÆ.

No. 10.

AN ACT for the summary determination of Disputes between Masters and Servants.

*Repealed by
H. 9. 1847.*

WHEREAS it is expedient that all disputes between masters and servants should be settled with the least expense and delay and that all contracts or agreements between masters and servants should be duly fulfilled or enforced by law—

Be it therefore Enacted by His Excellency George Grey Esquire Governor and Commander-in-Chief of Her Majesty's Province of South Australia by and with the advice and consent of the Legislative Council thereof as follows that is to say—

I. That all disputes differences and demands between masters and servants arising out of their connexion as such shall be cognizable in a summary manner before any Resident Magistrate or two of Her Majesty's Justices of the Peace for the said Province or for any district of the same who are hereby authorized and empowered upon complaint to them made to summon the parties to hear and examine upon oath and to decide and determine all such disputes and differences to make such orders consequent upon such decisions and determinations adjudge such satisfaction and give such costs and damages to the party aggrieved as in their discretion shall seem reasonable and to issue their warrants to levy such costs and damages by distress and sale of the goods and chattels of the party complained against who shall refuse to make such satisfaction or pay such costs and damages by them so adjudged and for want of a sufficient distress to commit such party to the common gaol or house of correction for any time not exceeding the space of three months or until satisfaction shall be made by the party so offending but not exceeding the said space.

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II. That

II. That if any servant shall have entered into any contract or agreement written or verbal to serve any master for a period of not less than one month and shall refuse or neglect to perform his duties under such contract or agreement or shall desert or absent himself from such service without leave or just cause shewn it shall be lawful for such master to bring such servant before any Resident Magistrate or two of Her Majesty's Justices of the Peace for the said Province or for any district thereof and such servant shall or may on conviction be adjudged to forfeit such part of the wages due to him at the date of such conviction but not exceeding the amount due for three months as to the convicting Justices may seem reasonable and may further be committed to prison for a period not exceeding sixty days: Provided that if such servant shall express contrition and promise to duly fulfil his engagement thereafter and it shall appear to such Magistrate or Justice that the ground of complaint had arisen from misunderstanding it shall be lawful for such Magistrate or Justices to adjudge such servant to pay a fine not exceeding one month's wages payable to his said master out of the wages due or to become due to such servant and to liberate such servant on his engagement to return to his service and duly fulfil his agreement: Provided always that in case such servant shall again fail to fulfil his agreement it shall be lawful for the master to renew his said complaint and for the said Magistrate or Justices to proceed therein as in the case of the original complaint.

III. That on the complaint of any servant of the non-fulfilment of any such contract or agreement or of any ill-usage on the part of the master it shall be lawful for any Resident Magistrate or Justice as aforesaid on proof to cancel such contract or agreement and such Resident Magistrate or Justice as aforesaid is hereby empowered to award to such servant such damages or amends as he may consider just not exceeding in amount three months' wages and to impose on the said master such additional fine or penalties as to the said Magistrate may seem just under the circumstances of the case not exceeding Twenty Pounds sterling which damages or amends and additional fine or penalty together with such costs as the Justice or Justices shall award shall be recoverable and levied by distress and sale of the goods of the said master and for the levy of which distress the said Justice or Justices shall issue his or their warrant and the fine or penalty so levied shall be paid to the Colonial Treasurer for the general purposes of the Province and support of the Government thereof.

IV. That if any party shall feel aggrieved by the decision of any Magistrate or Justice as aforesaid he may appeal from such decision to the General or Quarter 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 or of the district in which the judgment shall be pronounced within fourteen days after such judgment to be appealed from is pronounced.

V. The

V. That no contract or agreement between a master and servant shall be held to be valid and binding beyond twelve months from the date of the commencement thereof unless the same has been regularly committed to writing and it shall not be incumbent on any person master or servant to prove the due execution of any such written contract or agreement in any question between them under this Act unless the defendant shall aver that the mark or signature thereto set bearing to be his mark or signature is not of his handwriting or undertake to prove that he was fraudulently induced to sign the same or adhibit his mark thereto.

VI. That throughout this Act unless when otherwise required by the context the word "servant" shall extend to and include all agricultural and other laborers and workmen shepherds artizans domestic and other servants and all words in the singular number shall extend to the plural and every word importing the masculine gender only shall extend also to the feminine.

GEORGE GREY,
Governor of South Australia.

*Passed in the Legislative Council this Fifteenth }
day of November, One Thousand Eight }
Hundred and Forty-one.*

A. M. MUNDY,
Clerk of Council.