



ANNO DECIMO-SEXTO

## VICTORIÆ REGINÆ,

No. 23.

*By His Excellency SIR WILLIAM THOMAS DENISON, Knight,  
Lieutenant-Governor of the Island of Van Diemen's Land  
and its Dependencies, with the Advice and Consent of the  
Legislative Council.*

**AN ACT to repeal the Act of Council of this Island  
intituled An Act to consolidate the Laws relating  
to Apprentices and Servants and to substitute other  
Provision in lieu thereof. [20th October, 1852.]**

**W**HEREAS an Act of Council or Ordinance of this Island was passed in the fourth year of the reign of Her present Majesty Queen VICTORIA intituled *An Act to consolidate the Laws relating to Apprentices and Servants*—AND WHEREAS it is expedient that the said recited Act should be repealed and such other provision be substituted in lieu thereof as hereinafter enacted—**BE IT THEREFORE ENACTED** by His Excellency SIR WILLIAM THOMAS DENISON Knight Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council of the said Island that from and after the passing of this Act the said recited Act of Council of this Island intituled *An Act to consolidate the Laws relating to Apprentices and Servants* shall be and the same is hereby repealed excepting always as to all or any offences committed or matters or things done before the passing of this Act all which offences matters and things shall be dealt with as if this present Act had not been passed.

PREAMBLE.

4 Vict. No. 12.

Repeals 4 Vict.  
No. 12. (Appren-  
tices and Servants  
Act.)

**II. AND BE IT ENACTED** that from and after the passing of this Act if any artificer manufacturer journeyman workman labourer or other servant hired or engaged by or on behalf of any person for any time or term whatsoever shall fail refuse or neglect to proceed to and enter upon such service or employment pursuant to such hiring or engagement or if any artificer manufacturer journeyman workman labourer or other servant so hired or engaged as aforesaid or employed in any manner howsoever either as a menial or house servant or in any other capacity whatsoever shall during any part of such time or term for

Punishment of  
artificers &c. hired  
for a time or term  
or employed in any  
capacity for breach  
of contract &c.

16 VICT. No. 23.

which he shall have been so hired or engaged or during such employment absent himself from the lawful and usual service or employment of the person by or on behalf of whom he shall have been so hired engaged or employed as aforesaid or shall fail refuse or neglect to work in the trade calling or employment for which he shall have been so hired engaged or employed as aforesaid in a diligent and careful manner after having been thereunto required by the person by or on behalf of whom he shall have been so hired engaged or employed or shall return his or her work or desert or quit the same before such work shall be completely finished without the consent of the person by or on behalf of whom he shall have been so hired engaged or employed or shall be guilty of any other misconduct during the time or term of such hiring or engagement or during such employment it shall be lawful for any Justice of the Peace in and for this Island and its Dependencies upon complaint thereof upon oath made by the person by or on behalf of whom such party so offending shall have been so hired engaged or employed or by any person on behalf of such person (which oath such Justice is hereby authorised and empowered to administer) to issue his warrant for the apprehension and bringing of the party so offending before any two Justices of the Peace in and for this Island and its Dependencies and such last-named Justices are hereby authorised and empowered to hear and determine the matter of such complaint and upon the conviction by such Justices of any such party so offending of any such offence as aforesaid it shall be lawful for such Justices to commit such party so offending and convicted as aforesaid to some Gaol or House of Correction there to remain and be kept to hard labour for any term not exceeding two calendar months or to order that such party so offending and convicted as aforesaid shall forfeit all or any part of the wages or monies which shall or may at the time of such conviction be due and owing to such party so offending and convicted as aforesaid from or by the person by or on behalf of whom he shall have been so hired engaged or employed as aforesaid or so to commit such party so offending and convicted as aforesaid and also to order any such forfeiture of any such wages or monies as aforesaid as in the discretion of such Justices shall appear reasonable and proper.

Punishment of  
labourers who con-  
tract to perform  
work for breach of  
contract &c.

III. AND WHEREAS labourers frequently contract with persons for the performance of certain work and do leave or absent themselves from their contract or work before fulfilling or completing the same and do otherwise misconduct themselves during the continuance of such contract or work to the great annoyance and injury of the persons with whom they so contract—BE IT THEREFORE ENACTED that from and after the passing of this Act if any labourer who shall contract with any person for the performance of any work shall fail refuse or neglect to proceed to and enter upon the performance of such work pursuant to such contract or shall leave or absent himself from such work without the consent of the person with whom he shall have so contracted before the completion thereof pursuant to such contract or shall fail refuse or neglect to perform such work for which he shall have so contracted in a diligent and careful manner and pursuant to such contract or shall be guilty of any other misconduct during the continuance of such contract it shall be lawful for any Justice of the Peace in and

for this Island and its Dependencies upon complaint thereof upon oath made by the person with whom such labourer shall have so contracted or by any person on behalf of such person (which oath such Justice is hereby authorised and empowered to administer) to issue his warrant for the apprehension and bringing of the party so offending before any two Justices of the Peace in and for this Island and its Dependencies and such last-named Justices are hereby authorised and empowered to hear and determine the matter of such complaint and upon the conviction by such Justices of any such party so offending of any such offence as last aforesaid it shall be lawful for such Justices to commit such party so offending and convicted as last aforesaid to some Gaol or House of Correction there to remain and be kept to hard labour for any term not exceeding two calendar months or to order that such party so offending and convicted as last aforesaid shall forfeit all or any part of the monies which shall or may be due and owing or be coming to such party so offending and convicted as last aforesaid from the person with whom he shall have so contracted for in respect or by virtue of such contract or so to commit such party so offending and convicted as last aforesaid and also to order any such forfeiture of any such monies as last aforesaid as in the discretion of such Justices shall appear reasonable and proper.

IV. AND BE IT ENACTED that from and after the passing of this Act 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 without the leave of his master or employer absent himself from such master's or employer's service before the term of his apprenticeship or service shall be expired or shall be guilty of any other misconduct during the term of such apprenticeship or service it shall be lawful for any Justice of the Peace in and for this Island and its Dependencies upon complaint thereof upon oath made by such master or employer or by any person on his behalf (which oath such Justice is hereby authorised and empowered to administer) to issue his warrant for the apprehension and bringing of such apprentice or indented servant so offending as aforesaid before any two Justices of the Peace in and for this Island and its Dependencies and such last-named Justices are hereby authorised and empowered to hear and determine the matter of such complaint and upon the conviction by such Justices of any such apprentice or indented servant so offending of any such offence as aforesaid it shall be lawful for such Justices to commit such apprentice or indented servant so offending and convicted as aforesaid to some Gaol or House of Correction there to remain and be kept to hard labour for any term not exceeding one calendar month or to discharge such apprentice or indented servant so offending and convicted as aforesaid to the service of his master or employer or to discharge such apprentice or indented servant so offending and convicted as aforesaid from such service of his master or employer under and by virtue of such indenture deed or agreement in writing as aforesaid and to order the same to be cancelled or so to commit such apprentice or indented servant so offending and convicted as aforesaid

Punishment for apprentices and indented servants absented themselves &c. during apprenticeship or service.

and also to discharge him from such service under such indenture deed or agreement as aforesaid and order the same to be cancelled as aforesaid as in the discretion of such Justices shall seem reasonable and proper.

Apprentices and indentured servants so absenting themselves to serve extra time for such absence or make satisfaction.

Such extra time to be deemed part of original term of apprenticeship or service.

Punishment for refusing to serve extra time or to make satisfaction.

V. AND BE IT ENACTED that every such apprentice or indentured servant who shall so as aforesaid without the leave of his master or employer absent himself from such master's or employer's service 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 by such master or employer sustained by reason of such absence and so from time to time as often as any such apprentice or indentured servant shall without such leave as aforesaid so absent himself from such service as aforesaid and any such further time for which any such apprentice or indentured servant shall be so compelled to serve as aforesaid shall for the purposes of this Act be deemed and taken to be and shall be part and parcel of the original term of apprenticeship or service for which such apprentice or indentured servant shall have been so bound as aforesaid and in case any such apprentice or indentured servant shall refuse or fail to serve for such further time as hereby required or to make such satisfaction as aforesaid it shall if such apprentice or indentured servant so refusing or failing to serve or to make such satisfaction shall not then be in custody be lawful for any Justice of the Peace in and for this Island and its Dependencies upon complaint thereof upon oath made by the master or employer of such apprentice or indentured servant so offending or by any person on his behalf (which oath such Justice is hereby authorised and empowered to administer) to issue his warrant for the apprehension and bringing of such apprentice or indentured servant so offending as last aforesaid before any two Justices of the Peace in and for this Island and its Dependencies and upon any such apprentice or indentured servant so offending as last aforesaid being brought before any two Justices of the Peace by virtue of any such warrant as last aforesaid or otherwise such Justices are hereby authorised and empowered to hear and determine any complaint made by the master or employer of such apprentice or indentured servant against such apprentice or indentured servant for so refusing or failing to serve or to make such satisfaction as aforesaid and also to determine the satisfaction which shall be made by such apprentice or indentured servant and in case such apprentice or indentured servant shall refuse or fail to make such satisfaction pursuant to such determination of such Justices or to give security for the same it shall be lawful for such Justices to commit such apprentice or indentured servant to some Gaol or House of Correction there to remain and be kept to hard labour for any term not exceeding one calendar month.

Provides for complaints against his master by any artificer &c. in the second section mentioned.

VI. AND BE IT ENACTED that from and after the passing of this Act it shall be lawful for any Justice of the Peace in and for this Island and its Dependencies upon the complaint upon oath of any such artificer manufacturer journeyman workman labourer or other servant so hired or engaged by or on behalf of any person or so employed as in the Second Section of this Act mentioned (which oath such Justice is hereby authorised and empowered to administer) against any such person by or on

behalf of whom he shall have been so hired engaged or employed touching or concerning any misusage refusal of necessary provision non-payment of wages cruelty or other ill-treatment whatsoever of or towards such artificer manufacturer journeyman workman labourer or other servant as aforesaid to summon such person by or on behalf of whom he shall have been so hired engaged or employed to appear before any two Justices of the Peace in and for this Island and its Dependencies at a reasonable time to be named in such summons and such last-named Justices are hereby authorised and empowered to hear and determine the matter of such complaint and upon proof thereof and of the service of such summons upon oath made to the satisfaction of such Justices it shall be lawful for such Justices (whether such person by or on behalf of whom the complainant shall have been so hired engaged or employed shall appear before such Justices or not) to order the payment of such wages as shall appear to such Justices to be then due and owing to the complainant by such person by or on behalf of whom he shall have been so hired engaged or employed as aforesaid or to order and award such amends to be made to such complainant by such person by or on behalf of whom he shall have been so hired engaged or employed as aforesaid as such Justices shall think fair and just or so to order the payment of any such wages as aforesaid and also to order and award any such amends to be made as aforesaid as in the discretion of such Justices shall appear reasonable and proper and any such order for the payment of wages or any such order and award for amends or any such order and award for the payment of wages and for amends shall and may be carried into effect by distress and sale of the goods and chattels of such person by or on behalf of whom the complainant shall have been so hired engaged or employed as aforesaid —PROVIDED ALWAYS that in no case shall any such amends so to be ordered and awarded as aforesaid exceed the amount of wages for six months of such complainant.

Amends if awarded not to exceed six months wages.

VII. AND BE IT ENACTED that from and after the passing of this Act it shall be lawful for any Justice of the Peace in and for this Island and its Dependencies upon the complaint upon oath of any labourer who shall so contract with any person as in the Third Section of this Act mentioned (which oath such Justice is hereby authorised and empowered to administer) against any such person with whom he shall have so contracted touching or concerning any misusage refusal of necessary provision non-payment of any monies which shall be due and owing for or in respect or by virtue of such contract cruelty or other ill-treatment whatsoever of or towards such labourer who shall have so contracted as aforesaid to summon such person with whom he shall have so contracted to appear before any two Justices of the Peace in and for this Island and its Dependencies at a reasonable time to be named in such summons and such last-named Justices are hereby authorised and empowered to hear and determine the matter of such complaint and upon proof thereof and of the service of such summons upon oath made to the satisfaction of such Justices it shall be lawful for such Justices (whether such person with whom the complainant shall have so contracted shall appear before such Justices or not) to order the payment of such monies as shall appear to such Justices to be then due

Provides for complaints against his master by any labourer in the third section mentioned.

Amends if awarded not to exceed monies due under the contract for work.

and owing to the complainant by such person with whom he shall have so contracted for or in respect or by virtue of such contract or to order and award such amends to be made to such complainant by such person with whom he shall have so contracted as such Justices shall think fair and just or so to order the payment of any such monies as aforesaid and also to order and award any such amends to be made as aforesaid as in the discretion of such Justices shall appear reasonable and proper and any such order for the payment of any such monies or any such order and award for amends or any such order and award for the payment of any such monies and for amends shall and may be carried into effect by distress and sale of the goods and chattels of such person with whom the complainant shall have so contracted—PROVIDED ALWAYS that in no case shall any such amends so to be ordered and awarded as aforesaid exceed the total amount of the monies which would become due and payable to such complainant for or in respect or by virtue of such contract if completed.

Provides for complaints by apprentices and indented servants against masters or employers.

VIII. AND BE IT ENACTED that from and after the passing of this Act it shall be lawful for any Justice of the Peace in and for this Island and its Dependencies upon the complaint upon oath of any such apprentice or indented servant so bounden as in the Fourth Section of this Act mentioned (which oath such Justice is hereby authorised and empowered to administer) against his master or employer touching or concerning any misusage refusal of necessary provision cruelty or other ill-treatment whatsoever of or towards such apprentice or indented servant to summon such master or employer to appear before any two Justices of the Peace in and for this Island and its Dependencies at a reasonable time to be named in such summons and such last-named Justices are hereby authorised and empowered to hear and determine the matter of such complaint and upon proof thereof and of the service of such summons upon oath made to the satisfaction of such Justices it shall be lawful for such Justices (whether such master or employer shall appear before such Justices or not) to discharge such apprentice or indented servant so complaining from the service of such master or employer under and by virtue of any such indenture deed or agreement in writing as hereinbefore provided and to order the same to be cancelled.

If Justices order the deed to be cancelled under which apprentice or indented servant is bound same to be deemed void.

IX. AND BE IT ENACTED that in any case in which under and by virtue of any provision in this Act contained any two Justices of the Peace in and for this Island and its Dependencies shall discharge any such apprentice or indented servant so bounden by any indenture deed or agreement in writing as hereinbefore mentioned from the service of his master or employer and shall order such indenture deed or agreement in writing to be cancelled such indenture deed or agreement in writing shall thenceforth to all intents and purposes be deemed and taken to be and shall be cancelled and shall thenceforth be null and void and of no force or effect whatsoever.

Punishment for harbouring &c. artificers labourers

X. AND BE IT ENACTED that from and after the passing of this Act if any person shall knowingly and unlawfully harbour employ

receive or entertain any such artificer manufacturer journeyman ~~workman~~ apprentices &c. labourer or other servant so hired or engaged by or on behalf of any person during service or or so employed as in the Second Section of this Act mentioned or any apprenticeship. labourer who shall so contract with any person as in the Third Section of this Act mentioned during any part of the time or term of any such hiring engagement or employment or during the continuance of any such contract without the leave of the person by or on behalf of whom he shall have been so hired engaged or employed or with whom he shall have so contracted or shall knowingly and unlawfully harbour employ receive or entertain any such apprentice or indented servant who shall have so absented himself as in the Fourth Section of this Act mentioned every such offender being lawfully convicted thereof before any two Justices of the Peace in and for this Island and its Dependencies in the mode prescribed by the Act of this Island intituled *An Act to regulate Summary Proceedings before Justices of the Peace* shall for any such offence forfeit and pay a penalty or sum not exceeding Fifty Pounds whereof one moiety shall be received by the informer for his own use and the other moiety shall go and be applied in aid of the General Revenue of this Colony and if any person shall think himself aggrieved by such conviction such person shall be entitled to appeal therefrom in the manner prescribed by the said last-mentioned Act.

XI. AND WHEREAS it is expedient to facilitate in the manner hereinafter provided the mode of redress by female apprentices and servants under age who may be seduced by their master or employer whilst in the service of such master or employer—BE IT THEREFORE ENACTED that whenever any action shall be brought by any parent or person standing in the place of a parent or by any guardian or other person by law entitled to bring such action against the master or employer of any female apprentice or servant under age for the alleged seduction by such master or employer of such female apprentice or servant whilst in his service it shall not be necessary to aver that such female apprentice or servant was and continued to be the servant of such parent or of such person standing in the place of a parent or of such guardian or other person by law entitled to bring such action or to give evidence of any service or constructive service of any such female apprentice or servant with such parent or person standing in the place of a parent or with such guardian or other person by law entitled to bring such action but every such action shall and may be maintained without such averment or proof as aforesaid in as full and ample a manner to all intents and purposes as though such averment and proof were made and given any law or usage to the contrary in anywise notwithstanding.

XII. AND BE IT ENACTED that if any such female apprentice or servant who shall be so seduced as aforesaid shall have no parent or person standing in the place of a parent or guardian or other person who by law can become the plaintiff in any such action against the master or employer of such female apprentice or servant it shall be lawful for the Supreme Court of Van Diemen's Land or for any Judge thereof upon application in that behalf made by such female apprentice

or servant or by any person for that purpose by such female apprentice or servant specially authorised to appoint some fit and proper person to sue on behalf of such female apprentice or servant as plaintiff in any such action and if upon any such application it shall also be made to appear to the satisfaction of the said Supreme Court or such Judge thereof that such female apprentice or servant is not possessed of property to the value of Five Pounds over and above the debts and liabilities of such female apprentice or servant it shall also be lawful for such Court or Judge to order that such person so appointed to sue as plaintiff as aforesaid shall be so admitted to sue *in forma pauperis* and in any such action as last aforesaid it shall not be necessary to aver that such female apprentice or servant was and continued to be the servant of such person so appointed to sue as plaintiff as aforesaid or to give evidence of any service or constructive service of any such female apprentice or servant with such person so appointed to sue as plaintiff as aforesaid but every such action shall and may be maintained without such averment or proof as aforesaid in as full and ample a manner to all intents and purposes as though such averment and proof were made and given any law or usage to the contrary in anywise notwithstanding.

Certain contracts for service made beyond the Colony to be valid as if made in the Colony.

XIII. AND BE IT ENACTED that if any person in any part of the United Kingdom of Great Britain and Ireland or any other part beyond the seas shall make or enter into any contract or agreement in writing for service in this Colony for any time or term certain as an 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 whatsoever and shall arrive in this Colony in pursuance of such contract or agreement such contract or agreement in writing shall be of the same force and effect as if the same had been made and entered into in this Colony and such person so making or entering into the same shall be subject and liable to the several provisions in this Act contained in the same manner to all intents and purposes as though such person were an artificer manufacturer journeyman workman labourer or other servant hired or engaged as in the Second Section of this Act mentioned.

Facilitates the proof of such contracts.

XIV. AND for facilitating the proof of any such contract or agreement in writing so made or entered into in any part of the United Kingdom of Great Britain and Ireland or other part beyond the seas — BE IT ENACTED that the production of any such contract or agreement in writing with evidence that the person alleged to have entered into the same arrived in this Colony subsequent to the date thereof and that such person bore had or was called or known by the name mentioned in such contract or agreement or had in any manner admitted his having made or entered into any such contract or agreement for any such service in this Colony with the employer named in such contract or agreement shall without proof of the execution of such contract or agreement be deemed and taken to be and shall be for the purposes of this Act sufficient *prima facie* evidence of such contract or agreement and of the identity of the person making or entering into the same with such person so having arrived as aforesaid any law or usage to the contrary in anywise notwithstanding.

16 VICT. No. 23.



XV. AND BE IT ENACTED that throughout this Act every Interpretation. word or term used in the singular number only and every word or term importing the masculine gender only shall respectively be held and construed to signify and include the plural number and feminine gender and *vice versa* unless such construction be in anywise repugnant to the spirit or context of the provisions of this Act.

XVI. AND BE IT ENACTED that in citing or referring to this Act in other Acts of Council and in legal instruments and proceedings it shall be sufficient to use the expression the "Servants and Apprentices' Act 1852."

RICHARD DRY, *Speaker.*

Passed the Legislative Council this nineteenth day of October, one thousand eight hundred and fifty-two.

FR. HARTWELL HENSLOWE,  
*Clerk of the Council.*

In the name and on the behalf of Her Majesty I assent to this Act.

*Government House, Hobart Town,  
20th October, 1852.*

W. DENISON,  
*Lieut.-Governor.*

1. The purpose of this document is to provide a comprehensive overview of the current state of the project and to identify the key areas that require further investigation and development.

2. The project has been initiated in response to the need for a more efficient and secure system for managing sensitive information. The initial phase of the project has focused on identifying the requirements and developing a detailed plan for the implementation of the system.

3. The project has been divided into several key areas of focus, including the development of the system architecture, the implementation of the system, and the testing and evaluation of the system. The project is currently in the implementation phase, and the results of the testing and evaluation will be reported in the next report.

4. The project has been a success in many ways, including the identification of the requirements, the development of a detailed plan, and the implementation of the system. However, there are still several areas that require further investigation and development, and the project will continue to be monitored and updated as needed.

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