



ANNO SEPTIMO

VICTORIÆ REGINÆ,

No. 7.



*By His Excellency SIR JOHN EARDLEY EARDLEY-WILMOT,
Baronet, Lieutenant-Governor of the Island of Van Diemen's
Land and its Dependencies.*

*AN ACT to regulate the Hiring of Convicts holding
Probation Passes and for other Purposes connected
therewith.*

WHEREAS under the general plan of Convict Discipline prescribed by Her Majesty's Secretary of State for the Colonies Convicts holding a Probation Pass may with the consent of the Lieutenant-Governor of this Island engage in any private service for wages but such Convicts are incompetent to maintain any suit or action against any person whatsoever and it is expedient that provision should be made for compelling payment by the employers of such Convicts of the wages and for regulating the contracts of hiring of such Convicts—BE IT THEREFORE ENACTED by His Excellency SIR JOHN EARDLEY EARDLEY-WILMOT Baronet 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 passing of this Act it shall be lawful for the Lieutenant-Governor of this Island by any proclamation or proclamations to be by him from time to time in that behalf issued to nominate and appoint one or more person or persons in whose name or names contracts for the hiring of any Convict or Convicts holding a Probation Pass shall be made and in like manner from time to time to nominate and appoint any other person or persons in lieu and instead of the person or persons so nominated and appointed as aforesaid.

Convicts may engage in private service.

Payment of wages how to be enforced.

Appointment of persons to make contracts.

Contracts to be made and actions to be brought in the names of such persons.

II. AND BE IT FURTHER ENACTED that it shall be lawful for the person or persons who shall be so nominated and appointed as aforesaid with the sanction of the Lieutenant-Governor of this Island to make and enter into any contract in his or their own name or names for the service of any Convict holding a Probation Pass with any person or persons who shall be willing to engage and employ in his service any such Convict so holding a Probation Pass as aforesaid and to commence and prosecute any action suit or other proceeding at law against the person or persons with whom such contract shall be made in the Supreme Court of this Island or any of the Courts of Requests thereof for any breach of the said contract—PROVIDED that such contract be in writing and signed by the person employing such Convict as aforesaid and the person so nominated and appointed as aforesaid.

Proofs.

III. AND BE IT FURTHER ENACTED that upon the trial of any suit or action for the breach of any contract which shall be made under the authority of this Act it shall not be necessary for the Plaintiff or Defendant to prove the sanction of the Lieutenant-Governor of this Island to such contract unless notice be given by the party intending to dispute such sanction of such his intention and in that case the onus of proof shall be upon the party giving such notice as aforesaid and any certificate by the Lieutenant-Governor indorsed upon such contract shall be evidence of the sanction by the Lieutenant-Governor of such contract upon proof of the handwriting of the said Lieutenant-Governor.

Party a competent witness.

IV. AND BE IT ENACTED that upon the trial of any suit or action for the breach of any such contract as aforesaid the person whose services are the subject of such contract shall be a competent witness for the Plaintiff or Defendant in such suit or action.

Construction of term Lieutenant-Governor.

V. AND BE IT FURTHER ENACTED that the term Lieutenant-Governor used in this Act shall be deemed and taken to mean the Lieutenant-Governor or other Officer for the time being administering the Government of this Island.

E. EARDLEY-WILMOT.

Passed the Legislative Council, this twentieth day of November, one thousand eight hundred and forty-three,

ADAM TURNBULL, *Clerk of the Council.*