



ANNO QUADRAGESIMO PRIMO ET QUADRAGESIMO
SECUNDO

VICTORIÆ REGINÆ.

A.D. 1878.

No. 109.

An Act to amend the Law relating to Conspiracy, to the protection of property, and for other purposes.

[Assented to, 30th November, 1878.]

WHEREAS it is desirable to amend the Law relating to con- Preamble.
spiracy and the protection of property—Be it Enacted by
the Governor of the Province of South Australia, with the advice
and consent of the Legislative Council and House of Assembly of
the said Province, in this present Parliament assembled, as follows:

1. This Act may be for all purposes cited as the “Conspiracy and Short title.
Protection of Property Act, 1878.”

2. In the construction of and for the purposes of this Act, the Interpretation.
following words shall, unless such meaning would be inconsistent
with the context, have the several meanings assigned to them—

“Master” shall mean and include any person or persons or body
corporate who shall have entered into a contract to employ
any servant, workman, clerk, laborer, apprentice, or other
person, and also the attorney, agent, or any person having
the control or management of the business of such person,
persons, or body corporate:

“Servant” shall mean and include any servant, workman, clerk,
laborer, apprentice, or other person who shall have entered
into any contract to serve any master, either at salary, wages,
or any other remuneration, or by the performance of work at
a price by the piece or in gross.

3. No

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Amendment of law
as to conspiracy in
trades disputes.

3. No 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 master and servant, shall be punishable as a conspiracy, if such act, if committed by one person, would not be punishable by imprisonment: Provided, however, that nothing in this section contained shall affect the law relating to riot, unlawful assembly, breach of the peace, or sedition, or any offence against the Sovereign, or exempt from punishment any person guilty of a conspiracy for which any punishment is or may be awarded by any Act or Ordinance: And provided further, that when any person shall be 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 shall be sentenced to imprisonment, the term of such imprisonment shall not exceed three months, unless a longer term of imprisonment shall have been prescribed by the Act or Ordinance for the punishment of such act when committed by one person.

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

4. Any servant in the employ of the Government or of any person or persons, or body corporate, upon whom is or may be imposed by any Act or Ordinance the duty, or who may have otherwise assumed the duty of carrying on and conducting railways or tramways for passenger and goods traffic, or for either of such purposes, at any place within the said province, or who may have the duty imposed as aforesaid, or who may assume the duty of carrying on and conducting railways and tramways for passenger and goods traffic, or for either of such purposes at any place within the said province, or who may have the duty imposed as aforesaid, or who may assume the duty of supplying any city, town, village, or place, or any part of either, with gas or water, wilfully and maliciously breaks his contract of service or hiring with the Government or such person or persons, or body corporate, knowing, or having reasonable cause to believe, that the probable consequence of his so doing, either alone or in combination with others, will be to deprive any of the inhabitants of the said province, or of any city, town, village, place, or part, of either wholly or to a great extent of the use of such railway or tramway, or of their supply of gas or water, he shall, on conviction, 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 labor: Provided that no servant shall be liable to conviction under this section unless there shall be posted up at the railway, tramway-works, gasworks, or waterworks, as the case may be, a printed copy of this section in some conspicuous place, where the same may be conveniently read by the persons employed.

Breach of contract by
servant involving
probable injury to
persons or property.

5. Whenever and as often as any servant shall wilfully and maliciously break his contract of service, or hiring, knowing, or having reasonable cause to believe that the probable consequence 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 be liable either to pay a penalty not exceeding
Twenty

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Twenty Pounds, or to be imprisoned for a term not exceeding three months with or without hard labor.

6. Whenever and as often as a master being legally liable to provide for his servant necessary food, clothing, medical aid, or lodging, wilfully and without lawful excuse refuses or neglects to provide the same whereby the health of such servant is or is likely to be seriously or permanently injured, he shall on 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 labor.

Neglect by master to provide food, clothing &c., for servant.

7. Whenever and as often as any person who, with a view to compel any other person to do or abstain from doing 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 on 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 :

He shall, on conviction, be liable either to pay a penalty not exceeding Twenty Pounds, or be imprisoned for a term not exceeding three months, with or without hard labor: Provided, however, that for the purposes of this section attending at or near the house or place where a person resides or works or carries on business or happens to be on the approach to such house or place with the object merely of obtaining or giving information shall not be deemed to be a watching or besetting within the meaning of this Act: And provided further that nothing in this section contained shall be deemed to repeal Sections 323 and 324 of the Criminal Law Consolidation Act, 1876, or either of them.

8. All informations in respect of any offences under this Act may be heard and determined in a summary manner before any two Justices, and all proceedings upon such informations shall be conducted as appointed by the Ordinance No. 6 of 1850, intituled "An Ordinance to facilitate the performance of the duties of Justices of the Peace, out of Sessions, with respect to summary convictions and orders:" Provided that upon the hearing of any such information the person accused may, on appearing before the Justices, declare that he

Procedure before Court of summary jurisdiction.

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he objects to being tried for such offence in a summary way, and thereupon the Justices shall deal with the case in all respects as if the accused were charged with an indictable offence, and the offence may be prosecuted in the Supreme Court accordingly.

Appeal.

9. There shall be an appeal from any order or conviction of Justices under this Act, which appeal shall be to the Adelaide Local Court of Full Jurisdiction only, and the proceedings on such appeal shall be conducted in manner appointed by the said Ordinance No. 6 of 1850; but the said Local Court may make such order as to the payment of costs of appeal as they shall think fit, although such costs of appeal may exceed Ten Pounds.

Saving clause as to
sea service.

10. Nothing in this Act contained shall apply to seamen or apprentices to the sea service.

In the name and on behalf of Her Majesty, I hereby assent to
this Bill.

WM. F. DRUMMOND JERVOIS, Governor.