



## WESTERN AUSTRALIA.

ANNO TRICESIMO SECUNDO

## VICTORIÆ REGINÆ.

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NO. VIII.

AN ORDINANCE further to provide summary remedy  
between Masters and Servants.

[ 3rd August, 1868. ]

**W**HEREAS masters are exposed to heavy losses through the wilful and careless conduct of their servants, and it is expedient to afford them additional protection; And whereas the Laws between masters and servants require amendment in other respects; Be it therefore enacted by His Excellency the Governor of Western Australia and its dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

**1** IF any servant shall wilfully or negligently spoil or destroy any goods, wares, work or materials for work, committed to his charge, or shall wilfully or negligently injure or lose any cattle, sheep, or horses, or other property, belonging to or in the charge of his em-

Injuries or losses by servants punishable.

ployer, or shall neglect any cattle, sheep, or horses, so belonging and in his charge, whereby they become injured or destroyed by poisonous herbage, every such offender, being thereof convicted by or before any two or more Justices of the peace, shall forfeit and pay reasonable damages for such property so spoiled, destroyed, injured or lost, or destroyed by poisonous herbage, as aforesaid; and in default of satisfaction of such damages, shall be committed to gaol by such Justices, for any period not exceeding six calendar months, with or without hard labor, at the discretion of such Justices, and in addition thereto such Justices shall in their discretion punish the offender by abating the whole or any part of his wages, and shall discharge such servant from his contract of service or employment, if it be the desire of his master or employer: Provided that in all cases of mere negligent injury, or negligent destruction by poisonous herbage, under this clause, where any damages shall be assessed, against any such offender, the mode of satisfying the same shall be in the discretion of the assessing Justices, when it can be shown that any such offender has any means of satisfying such damages, otherwise than by undergoing such term of imprisonment.

Justices may abate wages.

Servants paid in checks, &c., which had been dishonored, to be entitled to recover the amount with reasonable damages.

2 WHEN any wages shall be paid to any servant by any cheque, draft, order or note in writing upon any bank or any person, and the same shall be dishonored, such servant, or, in the event of a negotiable instrument, any holder thereof thereby prejudiced shall be entitled to receive and may recover from the Master, Mistress or employer of such servant the principal due thereupon together with his damages, interest, and costs.

Servants entitled to certificate of discharge.

3 UPON the discharge of any servant, or upon the termination of his service, he may demand from his master, or his agent a certificate of such servant's period of service and date of discharge, signed by the master or his agent; and if such master or agent shall refuse on such demand to give such certificate, he shall forfeit a sum of not exceeding Five pounds; Provided that such certificate may be given by any Justice of the peace when the master or agent refuses to give it without reasonable cause; And if any person shall knowingly give any false certificate, contrary to the truth, such person shall forfeit any sum not exceeding Ten pounds.

Penalty on giving false certificate.

Justices may determine &c., &c.

4 IT shall be lawful for any two or more Justices of the peace in any case not hereinbefore, or in the said Ordinance No. 5 of 1842, specially provided for, to hear and determine in a summary way, any complaint, difference, or dispute whatever, which shall happen or arise between any servant and his master or employer, or his

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## *Masters and Servants.*

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overseer or agent, and to make such order or award against either party in such case, as to such Justices shall seem meet; and every such order and award to enforce by cancelling any indenture or agreement for service between the parties, or by imposing on either party a fine proportionable to the offence, but not exceeding the sum of Thirty pounds: Provided that no such indenture or agreement shall be cancelled against the consent of the party in whose favor such decision is given.

5 THIS and the said Ordinance, 6th Vict. No. 5 of 1842, shall be read together as one Ordinance. 6 Vict. 5 and this Ordinance read together.

6 THE word 'servant,' in this Ordinance, shall include all agricultural and pastoral and other laborers and workmen, shepherds, stockmen, horsemen, mechanics and artisans, domestic servants, and all other servants. Interpretation.

7 SECTIONS C, F, and H set forth in the schedule to The Shortening Ordinance, 1853, shall be incorporated with and taken to form a part of this Ordinance to all intents and purposes, and in as full and ample a manner, as if the said sections had been fully introduced and set forth in this Ordinance. Shortening Ordinance 16 Vict., No. 11.

8 THIS Ordinance may be cited as the "Masters and Servants amendment Ordinance, 1868." Short title.

J. S. HAMPTON,

GOVERNOR AND COMMANDER-IN-CHIEF.



*Passed the Legislative Council, }  
this 3rd day of August, 1868. }*

G. E. HAMPTON,

*Clerk of the Council.*