

(No. 62.)



1857.

T A S M A N I A.

P E T I T I O N.

MASTERS AND SERVANTS.

Presented by Mr. Rooke, and ordered by the House to be printed, 17 December,
1857.



*To the Honourable the Speaker and Members of the House of Assembly
of Tasmania, in Parliament assembled.*

The humble Petition of the undersigned Landholders, Householders,
Mechanics, Contractors, and other Employers of Labour resident in the
Districts of Westbury, Longford and Launceston.

RESPECTFULLY SHOWETH :

THAT whereas a new Masters and Servants Act has been brought under the consideration of your Honourable House : that its provisions do not secure to the Master that protection which the circumstances of the Colony demand.

That it is highly objectionable that the wages of Servants should be forfeited to the Master for misconduct or breach of agreement ; but that when any Servant who wilfully or negligently spoils, destroys, or abandons, or loses any property of his Master, it is but just that the amount in which he may be fined for such offence should be paid to his Master : and that, upon non-payment of any fine, imprisonment or some other punishment should be substituted.

That whereas the proposed Master and Servant Act provides that no Master may, without lawful cause, dismiss his Servant from his service or work before the termination of his service or completion of the work ; that the phrase "lawful cause" is so ambiguous that a Master may, by misinterpretation of it, render himself liable to a penalty of Ten Pounds. That the Master being liable, in case of conviction of misconduct or breach of agreement towards a Servant, to a penalty of twice the amount to which the Servant is liable for a similar offence, is harsh and unjust to the Master ; and that to permit the amount of fine which might, at any time, be inflicted upon a Master for misconduct or breach of agreement to be paid to the Servant, would be productive of the most pernicious, vexatious, and demoralising results, by tempting and inducing Servants to concoct charges against their Masters, and to commit the most foul perjuries for the sake of amounts of fine to which the Master would be liable.

That it is inexpedient and dangerous that any one Justice of the Peace should hear and determine any complaint under the Masters and Servants Act. That it is just and necessary that any Justice of the Peace should have power to issue a Warrant for the apprehension of any party failing to obey his Summons ; and that any Two Justices should be empowered to issue a Warrant under the Masters and Servants Act without a Summons having been previously issued.

That Sections Nos. 31, 32, 33, and 34, of the present Master and Servants Act have been found most useful and efficacious ; but that it is just and desirable that the penalty prescribed in Section 33 should apply equally to the Servant in case of producing a false discharge ; and that the words at the end of Section 31—viz. "That such certificate shall not be necessary in the case of any Servant employed for any period less than Fourteen days," be expunged.

That whereas by the proposed Master and Servants Act, in case a Servant liable to pay to a Master any sum of money by order of a Justice or Justices has left the Master's service before such sum has been satisfied, the Master may, at any time within three years after the date of such order, attach the wages or other moneys due, or to become due, by any future Master to such Servant. That from the circumstance of Labourers rarely having any property excepting clothes and tools, and from the utter impossibility of tracing the Servant after he has left the Master to whom he is indebted by the reason of his change of residence and name, or his probable departure from the Country ; as also by reason of his liability to successive fines for other convictions under the Masters and Servants Act,

or for felony or other offences, that the mode of recovery of moneys due to the Master as provided by the proposed Act is perfectly impracticable. And that any Act providing certain punishment to the Master should also provide an equally certain punishment to the Servant, upon conviction of a similar offence; and the amount of punishment to which the Master is liable should be the same as that to which the Servant is liable for similar offences.

That your Petitioners believing that should the proposed Masters and Servants Act become Law, that its effects would jeopardise the best interests of the Country, by compelling all large employers of labour greatly to curtail, or altogether to abandon, their operations in consequence of the vexatious annoyance, loss, and expense to which they would be subject, thereby entailing serious loss upon individuals and the Country generally; and by throwing labourers out of employment drive them out of the Country.

We, therefore, humbly and earnestly pray that your Honourable House will take into your favourable consideration this our humble Petition; and that your Honourable House will not repeal the present Masters and Servants Act, but amend it in accordance with the spirit of the suggestions in this our humble Petition.

And, as in duty bound, your Petitioners will ever pray.

John Millar	John Denley	Jeremiah Foley
Thomas Hendley	J. G. Paterson	Hugh Quigley, his × mark
William Beveridge	Ch. O'Meara	Cornelius M'Carthy, his × mark
William Jones	John Barker	Michael O'Mara
Robert Gibson	Andrew Balfour	John Meagher
John Yates	T. K. Archer, J.P.	James Cavanaugh, his × mark
Henry Crockford	John Hay	James M'Culloch
James Smith, his × mark.	James Robertson	William Beveridge
witness—John Millar	Thos. Duggan	Wm. G. Figgis
Edwin Meredith	George Gibson	M. Kinner Swanston
A. R. Walker	Chas. Clayton	Jno. Kinder Archer
Roddam H. Douglas	Richard Boucher	P. T. Walker
W. M. Dean, Senior	Jas. East	Albert Sams
W. M. Dean, Junior	James Hogg	Kate Sams
Montague Williams	G. Kirkham	Richard H. Wilmore
William J. Upton	J. Foley	W. H. Walker
Thos. Young	Joseph Nixon	F. Witmore
Joseph Pullers	George Scott	Richard Landale
William Smith	George Smith	Henry Williams
John Ireland	John Best	John Stubbs
Jesse Pullers	Wm. H. Oldaker	H. B. Little
Alfred Edwards	Henry Laird	Thomas Stenner
Peter Brown	John Isaac	George Bradmore
George Miles	James Richardson	George Sams
George Best	Jane Jordon	Henry Biddle
J. D. Grant	James Jordan	Martin Hardy
W. Motton	George Gregory	Mary Ann Wood
Thomas White	George Rouse	Peter Vallack
John Merchant	Joseph Pettam	Denzel Little
Daniel O'Meara	Christopher Breaden	John Symmons
Alexr. Stronach	William Orledge	Thomas Wildgust
A. Wren	Reuben Cousins, his × mark	Thomas Leith
James King	Patrick Haggerty, his × mark	Edward Gillam
James Halliday	James Haggerty, his × mark	Josph. Richards
Thos. W. Roberts	Martin M'Gee, his × mark	Thomas Jordan
C. H. Wright	Walter M'Gee, his × mark	Thomas Beswick
W. M. M'Creery	James Welsh, his × mark	William Wyatt
James Hogan	Henry Welch, his × mark	F. Pitt
C. C. Greenway	John Leith	William Allensby
William Goodwin	Duncan M'Pherson	E. R. Bower
James Clancy	James Robertson	Thomas Lawson
John Williams	John Sherzaker	Richard Symmons.
Shadrack Pinton, his × mark.	John Evans	
Witness—J. G. Paterson		