

Laws of Her Majesty's Province of Newfoundland, passed in the year 1858.

21 Victoria – Chapter 9

**An Act to provide for the Performance of Contracts between Masters and Servants in this colony.
(Passed 10th May, 1858.)**

Whereas it is expedient to make provision for the enforcing of the performance of Contracts between Masters and Servants in this Colony:

Be it therefore enacted, by the Governor, Legislative Council, and Assembly, in Legislative Session convened, That from and after the passing of this Act, when any person who shall have entered into a contract or agreement in writing, which shall be signed by both parties or their agent, and of which there shall be two parts so signed, one to be in the possession of the employer and the other in the possession of the servant for the performance of any duty, within this Colony, as fisherman, shoreman, shareman, sealer, or any other kind of service, whether agricultural, mechanical, or otherwise, shall fail or refuse to perform such contract or agreement, it shall be lawful for any Justice of the Peace, upon complaint on oath of the employer of any such person, or his agent, to issue his warrant and cause such person to be apprehended and brought before Imp, and in case such person shall refuse to perform such contract or agreement, without shewing sufficient excuse or cause therefore, it shall be lawful for such Justice to commit such person to prison for a period not exceeding Thirty Days; Provided that should such person at any time before the expiration of the time for which he shall be committed, consent to perform such contract or agreement, and that the master consents to receive him back into, his service, the said Justice shall forthwith discharge such person out of custody.

II. Any fisherman, shareman, shoreman, mechanical or other servant, who shall absent himself from his employer's service, without leave, or refuse or neglect to perform his duty without sufficient cause, shall, for every day's absence, refusal, or neglect, forfeit and pay to his employer, who may deduct the same from his wages if he shall see fit, a sum equal to twice the rateable proportion of his wages stated in his agreement, for such time as he shall be absent, or refuse or neglect to perform his service in addition to any special damage and expenses, which the employer shall have sustained by reason of such absence, refusal, or neglect, and which such employer may also deduct in manner aforesaid.

III. Any employer who shall, without any reasonable cause, refuse or neglect to pay any fisherman, shareman, or other servant, the amount or balance of his wages within three days after the same shall have been earned and become due, according to his agreement, (the same having been demanded) shall forfeit and pay to such servant the wages current at the time for the number of days he may be kept out of his wages or balance, in addition to any special damage and expenses which such servant shall sustain by such refusal or neglect, to be recovered before any Justice of the Peace.

IV. That should the employer of any such person neglect or refuse to perform his part of such contract or agreement, it shall be lawful for any Justice of the Peace of this Island, and such Justice of the Peace is hereby required; upon complaint made upon oath by such person, to issue his summons,

and cause such employer or agent to be brought before him, and in case such employer or agent shall refuse to perform such contract or agreement without shewing a sufficient excuse therefor, it shall be lawful for such Justice to impose upon such employer a penalty not exceeding Five Pounds, to be levied on the goods and chattels of such employer, by warrant, under the hand and seal of such Justice; and in case such warrant shall not be satisfied, then it shall be lawful for the said Justice to issue his warrant and apprehend said employer, and commit him to prison for a period not exceeding Thirty Days.

V. That on the performance of such contract or agreement on the part of the servant, the balance of wages due thereon shall be paid in, lawful current money of this Colony to the person entitled thereto, any contract or agreement to the contrary notwithstanding.

VI. If any person shall harbor or employ the servant of another after notice of his being such servant, it shall be lawful for any Justice of the Peace of this Island, upon complaint upon oath, to issue his warrant for the apprehension of such harborer or employer, and upon conviction, the said Justice shall impose upon such harborer or employer a penalty of not less than Five Pounds or more than Ten Pounds, to be levied on the goods and chattels of such harborer or employer, in manner prescribed by the fourth section of this, Act; and upon failure to recover such, penalty, the said Justice shall commit the said harborer or employer to gaol in manner and for the time provided by the said section and the said Justice shall also make an order on such harborer or employer for the payment by him to the first employer of the wages earned by such servant during the time he was employed by the said harborer or employer, and which shall be recovered in the same manner and by the same process as is herein prescribed for the recovery of the penalty mentioned in this, section, together with costs.

VII. Any sealer who, by refusing to work, or otherwise without sufficient cause, shall wilfully compel any master of a sealing vessel, whilst at sea, to give up the voyage before the time stated in the agreement for its duration and termination, shall, on conviction in a summary manner before any Justice of the Peace, be imprisoned for a period, not exceeding one month.

VIII. All outfits and supplies advanced to any fisherman, shoreman, shareman or other servant, shall be charged and paid for at the reasonable and current prices for such outfits and supplies where the same shall be delivered.

IX. In case any employer shall, during the service of such person, sell any intoxicating liquor to him, such employer shall not be entitled, in any such case, to deduct out of the wages or earnings of such person, any charge or claim such employer may have or make for any liquor sold or delivered to such person at any time during his service; and that no person shall be entitled to recover, in any Court of Justice, any sum of money for any liquor supplied to any such person during his service.

X. Every vessel employed in the Seal or Labrador Fisheries of this Colony shall, before proceeding on any such voyage, be provided with a medicine chest, containing a sufficient supply of medicine; and the master of every such vessel shall, on clearing for such voyage, be compelled to produce to the Collector or Sub-Collector a certificate under the hand of some respectable medical practitioner or druggist, of such vessel being provided with a sufficient medicine chest as aforesaid, or otherwise satisfy such Collector or Sub-Collector of the fact.

XI. All penalties imposed under this Act shall be paid to the party proceeding for the same, and all proceedings under this Act shall be prosecuted and conducted in a summary manner, before any one or more Justice of the Peace, who shall have the power to compel the attendance of witnesses.