

The Master and Servant Act 1854, Tasmania

1854 – 1856

URL: http://www.austlii.edu.au/au/legis/tas/num_act/aatatlrmsaa18vn8660/

Details

The Master and Servant Act 1854 with the full title 'An Act to amend the Law relating to Masters, Servants, and Apprentices' (Act no.18 Vict. No.8) replaced and repealed the Servants and Apprentices' Act 1852 (16 Vict. No.23). This legislation was active until its replacement and repeal in 1856 by the Masters and Servant Act 1856 (Act no.19 Vict. No.28).

The Master and Servant Act 1854 made significant changes to its predecessor, the Servants and Apprentices' Act 1852 (Act no. 16 Vict. No. 23). This legislation included provision for solitary confinement in addition to hard labour as punishment for apprentices or employee's running away. It also sets out an additional list of offences including using foul language within earshot of an employer and their family which can result in the same punishment as running away. In the Servants and Apprentices' Act 1852 apprentices faced a maximum of 1 month of hard labour and or imprisonment if they ran away, under the Master and Servants Act 1854 apprentices face a 3 month maximum of hard labour and imprisonment. Most apprentices were children under the age of 18.

During imprisonment or hard labour employees forfeited any wages, and had to make up the time spent away from work upon release.

A warrant could be issued for the arrest of employees or apprentices on the word of their employers, in addition this legislation gave the court power to imprison any employee or apprentice for up to 7 days before a trial was held. Where the employee or apprentice's name was unknown, a description was to be provided to assist in their arrest.

Female apprentices and employees were also subject to these laws but could be fined 20 pounds instead of hard labour, and the legislation only allowed for them to be held in solitary confinement for 14 days, compared to the 30 day maximum for males. This legislation also specifies who can represent a female employee in court if she has been 'seduced' by her employer.

Employers found guilty of failure to pay wages could be brought to court – although not through a warrant – and forced to pay their employee up to 5 pounds compensation in addition to any wages. If an employer was found guilty of maltreatment they could face a fine of up to 20 pounds and the court could terminate any contract between the employer and employee. Contracts could also be terminated under this legislation by the husband of a female employee or parents of a child employee provided one month's notice was given.

More info

Chronology

- Apprentices and Servants 1840, Tasmania (1840 - 1852)
 - Servants and Apprentices' Act 1852, Tasmania (1852 - 1854)
- **The Master and Servant Act 1854, Tasmania (1854 – 1856)**
 - The Master and Servant Act 1856, Tasmania (1856 - 1986)

Related Entries

Related Glossary Terms

- [Apprenticeship \(1860s - 1960s\)](#)

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