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# REGULATIONS

FOR

## HIRING PROBATION PASS-HOLDERS IN VAN DIEMEN'S LAND.

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CONVICT DEPARTMENT, *1st July*, 1844.

1.—Pass-holders are divided into three classes.

In respect to Pass-holders of the 1st Class, the consent of the Lieutenant-Governor must be obtained by the master previously to the completion of any engagement or contract with such Pass-holder. In the case of Pass-holders of the 2nd and 3rd Classes, there will be no interference previously to the contract being entered into, except that such persons as have not already had Convicts in their employment must obtain permission from this office to that effect.

2.—All contracts must be according to the accompanying form, and must be written or printed on foolscap paper. Blank forms, if required, may be obtained at the Depots, Gangs, and Factories, on payment of sixpence for each form.

3.—Every engagement will be for a fixed term of not less than a month, but may be terminated before the expiration of that period by ten days' previous notice in writing of an intention so to do, given either by the master to the Comptroller-General, or by the Comptroller-General on behalf of the Pass-holder to the master; which notice must specify the Depot, Barrack, or Factory to which such Pass-holder will, in accordance with the 6th Section of these regulations, be sent. It may be here observed, that the contract being made with the Comptroller-General, the Pass-holder has no power to break the engagement thus entered into by giving or receiving notice personally. The master may if he prefer it, pay a sum equal to ten days' wages to the Registrar of the Convict Department, in lieu of giving such notice. An engagement will also be annulled by any higher indulgence than a Probation Pass being granted to the Convict for whose services it may have been made. A summary power, moreover, rests with the Lieutenant-Governor to cancel any such contract or engagement at His Excellency's pleasure. Should a Pass-holder agree to remain in any service after the expiration of the term specified in the contract, a fresh contract must previously to that period be transmitted to this office for approval.

4.—No engagement to be annulled, as a matter of course, by any misconduct on the part of the Pass-holder; but in all cases where the master is desirous of cancelling the engagement, on account of mis-

conduct, the circumstance must be reported to the Comptroller-General, who will lay the case before the Lieutenant-Governor, and communicate His Excellency's decision to the master.

5.—No engagement is to be voidable, at the pleasure of the employer, on account of the inability of the Pass-holder for whose service it is entered into, to perform any particular description of work, of which such Pass-holder may have at the time of hiring professed to be capable: such cases must be reported, if the master be desirous of cancelling the contract, in the manner directed as to misconduct. Pass-holders will, however, be liable to be punished by a Magistrate for misconduct in so misrepresenting their capacities.

6.—Whenever such engagements are terminated, in the manner specified in the three preceding Sections, the male Pass-holders, if Probationers, are immediately to be sent by the masters under a pass to the nearest hiring Probation Depot, as the case may be,—if old Convicts, to the Prisoners' Barracks at Oatlands, Hobart Town, or Launceston, whichever may be most convenient to their residences.—Female Pass-holders are to be returned, under proper charge, to the Factory at Hobart Town or Launceston, whichever may be nearest.

7.—Pass-holders of the 3d, or highest Class will receive from their masters the whole amount of their wages; those of the 2nd Class two-thirds of that amount; and those of the 1st, or lowest Class, one-half of the amount.

8.—The proportion of wages thus kept back from Pass-holders of the 1st and 2nd Classes must be paid quarterly by their employers to the Registrar of the Convict Department, to be paid by him into the Savings' Bank at the Derwent Bank, Hobart Town, on account of such Pass-holders respectively. If the service be terminated before the end of a quarter, then whatever amount of such proportion may be due must be paid at the time of the Pass-holder's discharge.

9.—The wages payable to Pass-holders themselves may be paid either weekly, monthly, or quarterly, as agreed on; and the whole amount due must be paid to them at the time of their being discharged, or to the Registrar when the engagement is terminated whilst the Pass-holder is under magisterial sentence. In the event of this not being done, or of the regulated portion of wages as before mentioned not being paid to the Registrar, the employers will render themselves liable to be proceeded against legally for the same. No wages will, however, be demandable for any portion of the term of hiring during which the Pass-holder may have been under punishment.

10.—Masters paying Pass-holders of the 1st and 2nd Classes the proportion of wages required by Section 8 to be paid to the Registrar will, notwithstanding such payment to the Pass-holders themselves, be called upon to fulfil the regulations, by paying to the Registrar whatever proportion of wages should, according to their classes, be placed in the Savings' Bank, notwithstanding the amount so overpaid to them. But when a Pass-holder shall be indebted to any master for money so overpaid, or for articles supplied by him at the Pass-holder's request, such master may pay himself, by deducting the amount from the proportion of wages which, in accordance with the regulations, may be payable to the Pass-holder.

11.—It is to be understood that the sums so paid to the Registrar will be liable to deduction for any claims substantiated by the masters to the satisfaction of the Comptroller-General at the period of the Pass-holders' respectively becoming entitled to their savings.

12.—Masters will in every case be required to provide suitable lodgings and bedding for their servants without making any deduction from their wages on that account. They will also be required to

supply their servants with a sufficient quantity of wholesome provisions and soap, according to the following scale of daily Rations:—

1 lb. Meat	1 oz. Sugar
1½ lbs. Bread, <i>or</i>	1 oz. Roasted Wheat
1 lb. Bread and 2 lbs.	½ oz. Soap
Vegetables.	½ oz. Salt.

Pass-holders having received wages will be liable to be tried for misconduct should they neglect to provide themselves with proper clothing.

13.—Medicine and Medical attendance when requisite must also be provided by the master; but when proper attention has been paid by the master to any Pass-holder who may fall sick in his service, the Comptroller-General will in cases of protracted illness, recommend that such servant may be received into hospital, and the agreement cancelled.

14.—Pass-holders are to be sent by their masters to the District Muster of Pass-holders on the first Sunday of each month, unless exempted by the Comptroller-General.

15.—Whenever there is a place of Worship within two miles of the usual place of work or residence of Pass-holders, they must attend Divine Service at least once every Sunday.

16.—Masters are required to send a written notice to the Comptroller-General of the date of arrival of Pass-holders at their residences to enter upon service, and also the date of departure from their services, immediately on either of such occurrences taking place; and a similar notice to the Police Magistrate of their several Districts.

17.—Pass-holders in private service are amenable to Convict Law only.

18.—It is to be expressly understood, that the Comptroller-General is not to be considered responsible for any loss or damage occasioned by acts either of omission or commission on the part of the Pass-holders; the remedy of their employers for the same being confined to the mode prescribed in Section 11.

19.—Until an engagement expires, or is terminated in one of the modes hereinbefore specified, the employer will be liable for wages according to the terms of the contract, notwithstanding he may have dismissed the Pass-holder from his service contrary to regulation.

20.—No contract will be invalid on account of any mistake which may be made in inserting the name, ship, number, or class of the Pass-holder for whose services it is entered into, or in omitting any of the three latter particulars, as any errors or omissions of this nature may be corrected by the Comptroller-General, or other proper Officer; provided that in case of any alteration in the class, notice in writing of the class to which the Pass-holder actually belongs be sent to the employer.

21.—Should a Pass-holder be no longer required by any master in whose service he may at the time be employed, and another master be willing to engage him, on the prescribed contract being previously transmitted to the Comptroller-General by the new master, accompanied by a written memorandum from the first employer expressing his consent to the transfer, the Pass-holder may be allowed to enter into such service pending His Excellency's approval.

22.—In like manner when any engagements are terminated by the prescribed notice, or payment in lieu thereof, the Pass-holders may be hired on their road to the Depot, Barrack, or Factory, as the case may be; provided the prescribed contract be transmitted by the hirer within one week to the Comptroller-General, as directed in the preceding Section, for His Excellency's approval.

M. FORSTER, *Comptroller-General.*

## FORM OF CONTRACT FOR HIRING PROBATION PASS-HOLDERS.

No. This Agreement made the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, between William Thomas Napier Champ of the City of Hobart Town, Esquire, being the person in this behalf nominated and appointed by His Excellency Sir John Eardley Eardley-Wilmot, Baronet, Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies, under and by virtue of the Act of this Island, intituled "An Act to regulate the hiring of Convicts holding Probation Passes, and for other purposes connected therewith," on behalf of the Pass-holder named in the margin of the first part; and

Name \_\_\_\_\_

Ship \_\_\_\_\_

Class \_\_\_\_\_ of \_\_\_\_\_ of the second part.

Whereas the said Pass-holder hath engaged with the said party hereto of the second part as a hired servant on wages for the term of \_\_\_\_\_ at the rate of \_\_\_\_\_ per annum and whereas the said William Thomas Napier Champ hath with the sanction of the Lieutenant-Governor agreed to permit the said Pass-holder to be employed in such service at such rate of wages; the said parties hereto do hereby severally promise and agree to be bound in all matters relating to such hiring by the Regulations for hiring Pass-holders in Van Diemen's Land, dated Convict Department, 1st July, 1844, and published in the *Hobart Town Gazette*.

In Witness whereof the said parties hereto have hereunto set their hands, the day and year first above written.

(Signature of Hirer.)

(Witness to Signature of Hirer.)

(Signature of W. T. N. Champ.)

## A TABLE

TO CALCULATE SERVANTS' WAGES,  
BY THE MONTH, WEEK, OR DAY, FROM £5 PER ANNUM TO £100.  
In this Table 28 days are allowed to the Month.

PER ANNUM.	PER MONTH.	PER WEEK.	PER DAY.
£ 5 .. is	£ s. d. 0 7 8	£ s. d. 0 1 11	£ s. d. 0 0 3½
6 .. "	0 9 2½	0 2 3½	0 0 4
7 .. "	0 10 9	0 2 8½	0 0 4½
8 .. "	0 12 3½	0 3 0½	0 0 5½
9 .. "	0 13 9½	0 3 5½	0 0 6
10 .. "	0 15 4	0 3 10	0 0 6½
11 .. "	0 16 10½	0 4 2½	0 0 7½
12 .. "	0 18 5	0 4 7½	0 0 8
13 .. "	0 19 11	0 4 11½	0 0 8½
14 .. "	1 1 5½	0 5 4½	0 0 9½
15 .. "	1 3 0½	0 5 9	0 0 9½
16 .. "	1 4 6½	0 6 1½	0 0 10½
17 .. "	1 6 1	0 6 6½	0 0 11½
18 .. "	1 7 7½	0 6 10½	0 0 11½
19 .. "	1 9 1½	0 7 3½	0 1 0½
20 .. "	1 10 8½	0 7 8	0 1 1½
30 .. "	2 6 0½	0 11 6	0 1 7½
40 .. "	3 1 4½	0 15 4	0 2 2½
50 .. "	3 16 8½	0 19 2½	0 2 9
60 .. "	4 12 0½	1 3 0½	0 3 3½
70 .. "	5 7 4½	1 6 10½	0 3 10
80 .. "	6 2 9	1 10 8½	0 4 4½
90 .. "	6 18 1	1 14 6½	0 4 11½
100 .. "	7 13 5	1 18 4½	0 5 5½

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