

No. XXIX.

An Act to amend the Assisted Immigration Act. [30th November, 1854.]

ASSISTED
IMMIGRATION.

WHIEREAS it is found to be necessary to amend in several particulars the Act of Council sixteen Victoria number forty-two Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof as follows:—

1. So much of the first section of the Act of Council passed in the sixteenth year of Her Majesty's reign numbered forty-two as purports to make the provisions thereof imperative is hereby repealed and in lieu thereof be it enacted That it shall be in the discretion of the Governor of this Colony and of Her Majesty's Secretary of State for the Colonies to cause the said provisions or any part thereof to be applied and enforced or not to be applied or enforced according as circumstances may from time to time seem to the said Governor or to the said Secretary of State to require.

Preamble.
Sect. 1 of 16 Vic. No. 42 to be acted upon or not as Governor or Secretary of State may deem expedient.

2. So much of the first section of the said recited Act as relates to unmarried females shall be and is hereby repealed.

Act not to apply to females.

3. All obligations by which employers of female Immigrants shall have bound themselves before the passing of this Act to pay to the Immigration Agent the respective balances of the passage money of such Immigrant shall be and are hereby cancelled and no such employer shall be entitled to deduct from the wages of any such Immigrant any larger sum than he shall already have actually paid for her to the said Immigration Agent anything to the contrary thereof in the agreement of the hiring of such Immigrant notwithstanding.

Notes already given by employers of female Immigrants for balances of passage money cancelled. No deductions to be made from wages except for sums already paid by employer.

4. The provisions in the third section of the said Act shall not apply to any Immigrant who shall within a period prescribed by the Immigration Agent of the Colony not exceeding seven days voluntarily take service with some employer in the Colony who shall be approved of by the said Immigration Agent and who shall forthwith pay to the said Agent one-half of the sum so set against the Immigrant's name and bind himself to pay the residue thereof to the said Immigration Agent for the time being within twelve calendar months or any shorter period of the date of such employment.

Sec. 3 of 16 Vic. No. 42 not to apply to Immigrants entering into voluntary engagements with masters who will repay the Government.

5. Any such voluntary engagement or any contract of service made and signed under the third section of the said recited Act or any indenture entered into under the ninth section thereof may be made

Contracts of service may be for less period than two years.

for

Assisted Immigration.

for a less period than two years if the employer shall consent thereto and the Immigrant bound thereby shall submit to proportionate deductions from his wages in repayment of the amount of passage money paid by such employer to the said Immigration Agent on his account.

Form of indenture amended.

6. And whereas it is necessary that the form of indenture required by the first section of the said recited Act should be amended so as to make it in accordance with the provisions hereof be it enacted That every such indenture shall be in the form or to the effect set forth in the Schedule hereto.

Immigrants and apprentices contracting or bound under Act entitled to all the rights and remedies of ordinary servants and apprentices.

7. Every Immigrant bound by any contract of service or indenture of apprenticeship under the provisions of the said recited Act or of this Act shall be entitled to all the same rights remedies and proceedings against his employer or master in respect of any violation of the provisions of such contract of service or indenture of apprenticeship or in respect of any misconduct of such employer or master as any ordinary servant or apprentice within the Colony.

Upon due dismissal or mutual abandonment of contract of service balance of passage money to be a debt due to the employer.

8. If any Immigrant who shall have engaged with or have been bound to any employer under the said recited Act or this Act shall so misconduct himself during the term of his engagement as to render himself liable according to the ordinary rules of law to be dismissed from his service or if the said Immigrant and employer shall mutually agree to terminate the engagement of service before the expiration thereof the balance of his passage money which shall not then have been repaid by him out of his wages shall be a debt due by him to his employer and may be recovered by such employer as money paid to his use.

Money due to the Government recoverable from persons unduly employing Assisted Immigrants.

9. If any person shall employ retain harbour or conceal any Immigrant of any of the classes or descriptions mentioned in the said recited Act who shall not have repaid or procured to be repaid the amount due for his passage money and shall not have taken service with an employer who shall have paid or secured payment thereof to the said Immigration Agent he shall be liable to pay to the said Immigration Agent the amount so due for such passage money and the same may be recovered in a summary way before any two Justices of the Peace Provided that if upon the hearing of any demand under this section the person so employing retaining harbouring or concealing any such Immigrant shall prove to the satisfaction of the Justices hearing the same that he has not been guilty of undue negligence such payment shall not be awarded.

Punishment 16 Vic. No. 42 sec. 11 for absconding from service to apply to persons wilfully evading the taking of service without repayment of passage money.

10. The provisions contained in the eleventh section of the said recited Act for the punishment of Immigrants who shall abscond from the service of employers whom they shall have contracted to serve shall apply to any Immigrant who not having paid or procured to be paid the amount due for his passage shall by absconding or otherwise wilfully evade the taking of service under the said recited Act or this Act.

SCHEDULE REFERRED TO.

WE whose names are severally hereunder written in consideration of a passage being provided for us and (as the case may be) our respective wives and families by Her Majesty's Emigration Commissioners at the expense of the Colony of New South Wales severally bind ourselves either to repay to the Immigration Agent of that Colony for the time being the sums set against our respective names in sterling British money within such period as the said Immigration Agent shall prescribe not exceeding seven days after our arrival in the said Colony or to take service with any employer in the said Colony with whom we may agree during that period and who shall be approved of by the said Immigration Agent and shall

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shall forthwith pay to him one-half of the sum set against our names respectively and shall bind himself to pay the residue thereof to the Immigration Agent for the time being in twelve calendar months or within any shorter period of the date of such employment And in default of our so making any such agreement with the consent of the said Immigration Agent and in the form prescribed by law or the regulations of the Government we hereby agree and bind ourselves to take such other employment and to accept such wages as the said Immigration Agent may procure for us respectively and we hereby respectively give him full power and authority with or without our future consent to sign on our behalf a contract of service with any employer whom he may select on our behalf for the term of two years or such shorter term as shall be agreed upon between the said Immigration Agent and such employer to be computed from the date of such contract it being always understood that any such employer shall be at liberty to deduct from any wages that may accrue or become due to us respectively during the said term at the rate of one-eighth (or a larger proportion in case the term of service shall be less than two years) of the sums so set against our respective names in each three calendar months of such service and further that at any time after the expiration of the first year thereof if such engagement shall be for more than one year we shall be respectively at liberty on giving our respective employers three calendar months' previous notice to put an end to such contract and service by paying up the balance of the said sums then due by us for our passage.
