

ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

****

CAP. CXLI.

An Act to amend the Statute Law as between Master and Servant. [20th *August* 1867.]

WHEREAS it is expedient to alter in some respects the existing Enactments relative to the Determination of Questions arising between Employers and Employed under Contracts of Service:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The Master and Servant Act, 1867."

Definition of Terms.

2. In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be anything in the Subject or Context repugnant to such Construction:

The Word "Employer" shall include any Person, Firm, Corporation, or Company who has entered into a Contract of Service with any Servant, Workman, Artificer, Labourer, Apprentice, or other Person, and the Steward, Agent, Bailiff, Foreman, Manager,

Manager, or Factor of such Person, Firm, Corporation, or Company:

The Word "Employed" shall include any Servant, Workman, Artificer, Labourer, Apprentice, or other Person, whether under the Age of Twenty-one Years or above that Age, who has entered into a Contract of Service with any Employer:

The Words "Contract of Service" shall include any Contract, whether in Writing or by Parol, to serve for any Period of Time, or to execute any Work, and any Indenture or Contract of Apprenticeship, whether such Contract or Indenture has been or is made or executed before or after the passing of this Act:

The Word "Parties" shall include the Employer and Employed under any Contract of Service:

The Word "Writing" shall include "Printing:"

The Word "Property" shall include all Real and Personal Estate and Effects used and employed under or affected by any Contract of Service or Operations under the same:

The Word "Sheriff" applies to *Scotland* only, and shall include Sheriff Substitute:

The Words "County or Place" shall include County, Riding, Division, Liberty, City, Borough, or Place:

The Word "Magistrate" does not apply to *Scotland*, and means in *England*, except in the City of *London*, a Stipendiary Magistrate, and in the City of *London* means the Lord Mayor or an Alderman sitting at the Mansion House or at the Guildhall, and in *Ireland* shall apply only to the Metropolitan Police District of *Dublin*, and there shall mean One of the Divisional Magistrates for such District:

The Word "Justice" means Justice of the Peace:

The Words "Two Justices" mean Two or more Justices assembled and acting together:

The Words "Justice," "Two Justices," "Magistrate," and "Sheriff" respectively mean a Justice, Two Justices, a Magistrate, and a Sheriff having Jurisdiction in the County or Place where any Contract of Service is according to the Terms thereof to be executed, or where the Party against whom any Information, Complaint, or Proceeding is to be laid or taken under this Act happens to be.

Limitation of Scope of this Act, and Substitution thereof for existing Enactments.

3. Nothing in this Act shall apply to any Contract of Service other than a Contract within the Meaning of the Enactments described in the First Schedule to this Act, or some or One of them, or to any Employer or Employed other than the Parties to a Contract of Service to which this Act applies as aforesaid, or

to

to any Case, Matter, or Thing arising under or relating to any Contract of Service, or arising between Employer and Employed, other than Cases, Matters, and Things to which the said Enactments respectively apply; and in respect of all Contracts of Service, Employers, Employed, Cases, Matters, and Things to which this Act applies, the respective Provisions of this Act shall be deemed to be and are hereby substituted for such of the said Enactments, or so much or such Parts of the same, as would have applied thereto if this Act had not been passed; but any Proceedings at the passing of this Act pending under the said Enactments, or any of them, may be continued and prosecuted as if this Act had not been passed.

Complaint to be made before a Justice or Magistrate in England, Wales, and Ireland, and before a Justice or Sheriff in Scotland.

4. Wherever the Employer or Employed shall neglect or refuse to fulfil any Contract of Service, or the Employed shall neglect or refuse to enter or commence his Service according to the Contract, or shall absent himself from his Service, or wherever any Question, Difference, or Dispute shall arise as to the Rights or Liabilities of either of the Parties, or touching any Misusage, Misdemeanor, Misconduct, Ill-treatment, or Injury to the Person or Property of either of the Parties under any Contract of Service, the Party feeling aggrieved may lay an Information or Complaint in Writing before a Justice, Magistrate, or Sheriff, setting forth the Grounds of Complaint, and the Amount of Compensation, Damage, or other Remedy claimed for the Breach or Nonperformance of such Contract, or for any such Misusage, Misdemeanor, Misconduct, Ill-treatment, or Injury to the Person or Property of the Party so complaining; and upon such Information or Complaint being laid, the Justice, Magistrate, or Sheriff shall issue or cause to be issued a Summons or Citation to the Party so complained against, setting out the Grounds of Complaint, and the Amount claimed for Compensation, Damage, or other Remedy, as set forth in the said Information or Complaint, and requiring such Party to appear, at the Time and Place therein appointed, before Two Justices or before a Magistrate, or before the Sheriff, to answer the Matter of the Information or Complaint, so that the same may be then and there heard and determined.

Upon Complaint made, Summons or Citation to be issued.

Time for Appearance.

5. The Time to be appointed in the Summons or Citation for the Appearance of the Party complained against shall not be less than Two or more than Eight Days from the Date of the Summons or Citation, save that where the Appearance is to be before Justices in Petty Sessions, or before a Magistrate at a Police Court, the Time to be appointed shall be that of the Sitting of the Court of Petty Sessions or Police Court at or for the Place where the Summons

Summons or Citation is returnable, to be held next after such Two Days (whether within such Eight Days or not).

Mode and Time of Service.

6. Every such Summons or Citation shall be served on the Party complained against by being delivered to him or left at his usual Place of Abode or Business not less than Two Days before the Time appointed for his Appearance.

On Neglect or Refusal to obey Summons or Citation, Warrant to issue.

7. Wherever the Party complained against shall neglect or refuse to appear to any Summons or Citation as aforesaid according to the Provisions of this Act, a Justice, Magistrate, or Sheriff may, after due Proof on Oath of the Service of such Summons or Citation, issue a Warrant for the Apprehension of such Party in order to the hearing and determining of the Matter of the Information or Complaint.

In case of Intention to abscond, Security to be found for Appearance.

8. If at any Time after the laying of the Information or Complaint it appears to a Justice, Magistrate, or Sheriff that the Party complained against is about to abscond, the Justice, Magistrate, or Sheriff may issue a Summons or Citation requiring the Party complained against to appear before a Justice, Magistrate, or Sheriff at a Time and Place therein appointed (such Time being not later than Twenty-four Hours, exclusive of *Sunday*, from the Date of the last-mentioned Summons or Citation), and to find good and sufficient Security by Recognizance or Bond, with or without Sureties, to the Satisfaction of a Justice, Magistrate, or Sheriff, for his Appearance to answer the Information or Complaint; and if the Party complained against fails to appear at the Time and Place so appointed, a Justice, Magistrate, or Sheriff may issue a Warrant for his Apprehension; and if such Party on appearing to the last-mentioned Summons or Citation, or on being so apprehended, fails so to find Security, a Justice, Magistrate, or Sheriff may order him to be detained in safe Custody until the hearing of the Information or Complaint; but on his so finding Security he shall be set at liberty.

Compensation may be awarded under Order of Two Justices, &c. for Breach or Nonperformance of Contract of Service, or other Order may be made.

9. Upon the Hearing of any Information or Complaint under the Provisions of this Act Two Justices, or the Magistrate or Sheriff, after due Examination, and upon the Proof and Establishment of the Matter of such Information or Complaint, by an Order in Writing under their respective Hands, in their or his Discretion, as the Justice of the Case requires, either shall make an Abatement of the whole or Part of any Wages then already due to the Employed, or else shall direct the Fulfilment of the Contract of Service, with a Direction to the Party complained against to find forthwith good and sufficient Security, by Recognizance or Bond,

Bond, with or without Sureties, to the Satisfaction of a Justice, Magistrate, or Sheriff, for the Fulfilment of such Contract, or else shall annul the Contract, discharging the Parties from the same, and apportioning the Amount of Wages due up to the completed Period of such Contract, or else where no Amount of Compensation or Damage can be assessed, or where pecuniary Compensation will not in the Opinion of the Justices, Magistrate, or Sheriff meet the Circumstances of the Case, shall impose a Fine upon the Party complained against, not exceeding in Amount the Sum of Twenty Pounds, or else shall assess and determine the Amount of Compensation or Damage, together with the Costs, to be made to the Party complaining, inclusive of the Amount of any Wages abated, and direct the same to be paid accordingly; and if the Order shall direct the Fulfilment of the Contract, and direct the Party complained against to find good and sufficient Security as aforesaid, and the Party complained against neglect or refuse to comply with such Order, a Justice, Magistrate, or Sheriff may, if he shall think fit, by Warrant under his Hand, commit such Party to the Common Gaol or House of Correction within his Jurisdiction, there to be confined and kept until he shall so find Security, but nevertheless so that the Term of Imprisonment, whether under One or several successive Committals, shall not exceed in the whole the Period of Three Months: Provided always, that the Two Justices, Magistrate, or Sheriff may, if they or he think fit, assess and determine the Amount of Compensation or Damage to be paid to the Party complaining, and direct the same to be paid, whether the Contract is ordered by them or him to be annulled or not, or, in addition to the annulling of the Contract of Service and Discharge of the Parties from the same, may, if they or he think fit, impose the Fine as herein-before authorized, but they or he shall not under the Powers of this Act be authorized to annul, nor shall any Provisions of this Act have the Effect of annulling, any Indenture or Contract of Apprenticeship that they or he might not have annulled or that would not have been annulled if this Act had not been passed.

Enforcement of Recognizance or Bond for Fulfilment of Contract.

10. Where it is alleged by any Party to a Contract of Service that the Condition of a Recognizance or Bond entered into or given for the Fulfilment of the Contract under the Provisions of this Act has not been performed, Two Justices, or a Magistrate or Sheriff, being satisfied thereof, after hearing the Parties and the Sureties (if any), or in the Absence of any Party or Surety not appearing after Summons or Citation in that Behalf, may order that the Recognizance or Bond be enforced for the whole or Part of the Sum thereby secured, as to the Justices, Magistrate, or

Sheriff seems fit; and the Sum for which the same is so ordered to be enforced shall be recoverable accordingly in a summary Manner under the Acts described in the Second Schedule to this Act.

Recovery of Money by Distress or Poinding, and Imprisonment in default.

11. Where on the Hearing of an Information or Complaint under this Act an Order is made for the Payment of Money, and the same is not paid as directed, the same shall be recovered by Distress or Poinding of the Goods and Chattels of the Party failing to pay, and in default thereof by Imprisonment of such Party, according and subject to the Acts described in the Second Schedule to this Act; but no such Imprisonment shall be for more than Three Months, or be with Hard Labour.

Imprisonment to be in discharge of Compensation.

12. From and after the Expiration of the Term of any such Imprisonment as aforesaid, the Amount of Fine, Compensation, or Damages, together with the Costs, so assessed and directed to be paid by any such Order as aforesaid, shall be deemed and considered as liquidated and discharged, and such Order shall be annulled accordingly, and the said Parties exonerated from their respective Obligations under the same: Provided always, that no Wages or any Portion thereof which may be accruing due to the Employed under any Contract of Service after the Date of such Order shall be assessed to the Amount of Compensation or Damages and Costs directed to be paid by him under any such Order or Warrant of Distress or Poinding, or be seizable or arrestable under the same.

Wages exempt from Order, Distraint, Poinding, or Arrestment.

Application of Fines and Money recovered.

13. Where Justices, or a Magistrate or Sheriff, impose any Fine or enforce any Sum secured by a Recognizance or Bond under this Act, they or he may, if they or he think fit, direct that a Part, not exceeding One Half, of such Fine or Sum, when recovered, be applied to compensate an Employer or Employed for any Wrong or Damage sustained by him by reason of the Act or Thing in respect of which the Fine was imposed, or by reason of the Non-fulfilment of the Contract of Service.

Punishment for aggravated Misconduct, &c.

14. Where on the Hearing of an Information or Complaint under this Act it appears to the Justices, Magistrate, or Sheriff that any Injury inflicted on the Person or Property of the Party complaining, or the Misconduct, Misdemeanor, or Ill-treatment complained of, has been of an aggravated Character, and that such Injury, Misconduct, Misdemeanor, or Ill-treatment has not arisen or been committed in the *bonâ fide* Exercise of a legal Right existing, or *bonâ fide* and reasonably supposed to exist, and further, that any pecuniary Compensation or other Remedy by this Act provided

provided will not meet the Circumstances of the Case, then the Justices, Magistrate, or Sheriff may, by Warrant, commit the Party complained against to the Common Gaol or House of Correction within their or his Jurisdiction, there to be (in the Discretion of the Justices, Magistrate, or Sheriff,) imprisoned, with or without Hard Labour, for any Term not exceeding Three Months.

Party convicted may appeal to the next General Quarter Sessions of the Peace.

15. Any Party convicted by Two Justices or the Magistrate under the Provisions of the last preceding Section may appeal against the Conviction upon finding good and sufficient Security, by Recognizance or Bond, with or without Sureties, to the Satisfaction of a Justice or Magistrate, to prosecute the said Appeal at the next General Court of Quarter Sessions of the Peace to be holden in and for the County or Place wherein such Conviction shall have been made, and to abide the Result of the said Appeal according to the usual Procedure of such Court, and to pay such Costs as that Court may direct, which Costs that Court is hereby empowered to award.

Parties to the Contract of Service to be competent Witnesses.

16. Upon the hearing and determining of any Information or Complaint between Employer and Employed, and on any Appeal, under the Provisions of this Act, the respective Parties to the Contract of Service, their Husbands or Wives, shall be deemed and considered as competent Witnesses for all the Purposes of this Act.

Wages not to be payable during Imprisonment.

17. No Wages shall become payable to or recoverable by any Party for or during the Term of his Imprisonment under any Warrant of Committal under this Act.

Nothing to prevent Proceedings by Civil Action or Suit.

18. Nothing in this Act shall prevent Employer or Employed from enforcing their respective Civil Rights and Remedies for any Breach or Nonperformance of the Contract of Service by any Action or Suit in the ordinary Courts of Law or Equity in any Case where Proceedings are not instituted under this Act; nor shall anything in this Act affect the Provisions of the Act of the Fifth Year of King *George* the Fourth (Chapter Ninety-six), "to consolidate and "amend the Laws relative to the Arbitration of Disputes between "Masters and Workmen," or of any Act extending or amending the same. 5 G. 4. c. 96.

Saving for Indictments, &c.

19. Nothing in this Act shall interfere with the usual and accustomed Mode of Procedure in any Court of Criminal Judicature for the Trial of indictable Offences relating to wilful and malicious Injuries to Persons or Property committed by Masters, Workmen, Servants, or others, either at Common Law or under the several

several Statutes made and now in force for the Punishment of such Offences, but so that no Person be twice prosecuted for the same Offence.

No Objection to be taken for Defect in Forms.

20. The several Forms in the Third Schedule to this Act contained, or Forms to the like Effect, shall be deemed valid and sufficient in Law, and no Objection shall be taken or allowed for any alleged Defect therein, either in Substance or in Form, and in *Scotland* any Complaint under the Provisions of this Act, if brought before the Sheriff, may be in the Form of a summary Petition, and followed by the usual Forms of Procedure applicable to summary Petitions in the Sheriff Court; and the Forms set forth in the Third Schedule (Part 2.—*Scotland*) to this Act annexed, or Forms to the like Effect, may be used, and shall be sufficient for the Purposes thereof.

Application of summary Procedure Acts.

21. The Enactments described in the Second Schedule to this Act, and all Enactments extending or amending the same, shall apply and be put in force to and in respect of Proceedings under this Act, except as far as any Provision of this Act is inconsistent therewith.

Orders under Act final.

22. Except as in this Act expressly otherwise provided, every Order or Determination of a Justice, Justices, a Magistrate, or a Sheriff, shall be final and conclusive, notwithstanding anything in any of the Enactments described in the First Schedule to this Act.

Restriction on Certiorari.

23. No Writ of Certiorari or other Process shall issue to remove any Proceedings under this Act into any Superior Court.

Saving for special Jurisdictions.

24. Nothing in this Act shall take away or abridge any local or special Jurisdiction touching Apprentices.

Provision as to Ireland, &c.

25. Nothing in this Act shall extend or make applicable to or in *Ireland*, or to or in any Part of *Great Britain*, any of the Enactments described in the First Schedule to this Act not in force there independently of this Act.

Duration of Act.

26. This Act shall continue in force until the Expiration of One Year after the passing thereof, and to the End of the then next Session of Parliament, and no longer.

SCHE-

SCHEDULES.

THE FIRST SCHEDULE.

Enactments referred to.

7 Geo. 1. Stat. 1. c. 13. ss. 4. 6.—An Act for regulating the Journeymen Taylors within the Weekly Bills of Mortality.

9 Geo. 1. c. 27. s. 4.—An Act for preventing Journeymen Shoemakers selling, exchanging, or pawning Boots, Shoes, Slippers, cut Leather, or other Materials for making Boots, Shoes, or Slippers, and for better regulating the said Journeymen.

13 Geo. 2. c. 8. ss. 7, 8.—An Act to explain and amend an Act made in the First Year of the Reign of Her late Majesty Queen Anne, intituled An Act for the more effectual preventing the Abuses and Frauds of Persons employed in the working up the Woollen, Linen, Fustian, Cotton, and Iron Manufactures of this Kingdom; and for extending the said Act to the Manufactures of Leather.

20 Geo. 2. c. 19.—An Act for the better adjusting and more easy Recovery of the Wages of certain Servants; and for the better Regulation of such Servants and of certain Apprentices.

27 Geo. 2. c. 6.—An Act to repeal a Proviso in an Act made in the Twentieth Year of His present Majesty's Reign, intituled An Act for the better adjusting and more easy Recovery of the Wages of certain Servants, and for the better Regulation of such Servants and of certain Apprentices, which provides that the said Act shall not extend to the Stannaries in Devon and Cornwall.

31 Geo. 2. c. 11. s. 3.—An Act to amend an Act made in the Third Year of the Reign of King William and Queen Mary, intituled An Act for the better Explanation and supplying the Defects of the former Laws for the Settlement of the Poor, so far as the same relates to Apprentices gaining a Settlement by Indenture; and also to impower Justices of the Peace to determine Differences between Masters and Mistresses and their Servants in Husbandry, touching their Wages, though such Servants are hired for less Time than a Year.

6 Geo. 3. c. 25.—An Act for better regulating Apprentices, and Persons working under Contract.

17 Geo. 3. c. 56. ss. 8. 19.—An Act for amending and rendering more effectual the several Laws now in being, for the more effectual preventing Frauds and Abuses by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures; and also for making Provisions to prevent Frauds by Journeymen Dyers.

33 Geo. 3. c. 55. ss. 1, 2.—An Act to authorize Justices of the Peace to impose Fines upon Constables, Overseers, and other Peace or Parish Officers, for Neglect of Duty, and on Masters of Apprentices for Ill-usage of such their Apprentices; and also to make Provision for the Execution of Warrants of Distress granted by Magistrates.

39 & 40 Geo. 3. c. 77. s. 3.—An Act for the Security of Collieries and Mines, and for the better Regulation of Colliers and Miners.

59 Geo. 3. c. 92. ss. 5, 6.—An Act to enable Justices of the Peace in Ireland to act as such, in certain Cases, out of the Limits of the Counties in which they actually are; to make Provision for the Execution of Warrants of Distress granted by them; and to authorize them to impose Fines upon Constables and other Officers for Neglect of Duty, and on Masters for Ill-usage of their Apprentices.

4 Geo. 4. c. 29.—An Act to increase the Power of Magistrates in Cases of Apprenticeships.

4 Geo. 4. c. 34.—An Act to enlarge the Powers of Justices in determining Complaints between Masters and Servants, and between Masters, Apprentices, Artificers, and others.

10 Geo. 4. c. 52.—An Act to extend the Powers of an Act of the Fourth Year of His present Majesty, for enlarging the Powers of Justices in determining Complaints between Masters and Servants to Persons engaged in the Manufacture of Silk.

5 & 6 Vict. c. 7.—An Act to explain the Acts for the better Regulation of certain Apprentices.

6 & 7 Vict. c. 40. s. 7.—An Act to amend the Laws for the Prevention of Frauds and Abuses by Persons employed in the Woollen, Worsted, Linen, Cotton, Flax, Mohair, and Silk Hosiery Manufactures; and for the further securing the Property of the Manufacturers and the Wages of the Workmen engaged therein.

14 & 15 Vict. c. 92. s. 16.—The Summary Jurisdiction (Ireland) Act, 1851.

THE

THE SECOND SCHEDULE.

Summary Procedure Acts applied.

England.

11 & 12 Vict. c. 43.—An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions, within England and Wales, with respect to summary Convictions and Orders.

28 & 29 Vict. c. 127.—The Small Penalties Act, 1865.

Scotland.

27 & 28 Vict. c. 53.—The Summary Procedure Act, 1864.

Ireland.

14 & 15 Vict. c. 93.—The Petty Sessions (Ireland) Act, 1851.

THE THIRD SCHEDULE.

Forms.

PART 1.—ENGLAND AND IRELAND.

(A.)

Information and Complaint.

} The Information and Complaint of *A.B.* of
to wit. } [*describe Place of Abode and Trade*] this Day made before me [*or us, One or more Justices or a Magistrate*] in and for the said [*County or Place*] against *C.D.* of [*describe Place of Abode and Trade*] for that [*here state the Matter of the Complaint, and the Amount claimed for Damages, or other Remedy, as in One of the Forms of Statements of Grounds of Complaint below*].

(Signed) *A.B.*

Exhibited to and before me the Day of 186 ,
at

J.S.

(B.)

Statements of the Matters or Grounds of Complaint for Insertion in the ordinary General Forms in Use by Justices.

(*a.*) *Neglecting to fulfil Contract.* That *A.B.* of (hereafter called the said Employed) being the Servant [*or* Workman, *or* Artificer, *or* Labourer, *or* Apprentice] of the said *C.D.* of (hereafter called the said Employer) in his Trade or Business

Business of a , under a certain Contract of Service [*or* Apprenticeship] for a Period now unexpired, [*or* to execute certain Work, namely, ,]* did on the Day of at in the said County, unlawfully neglect [*or* refuse], and has ever since neglected [*or* refused] to fulfil the said Contract [*or* to enter into *or* commence his Service according to the said Contract, *or* Apprenticeship, *or* has absented himself from the Service of the said Employer without just Cause or lawful Excuse]. [*Conclude as in Statement* (*e.*) *below.*]

(*b.*) *Dispute as to Rights.—Proceed to the Asterisk* * *in* (*a.*), *and then:* and that a certain Question, Difference, and Dispute has arisen between them as to the Right [*or* Liability] of the said Employed [*or* Employer] under the said Contract, namely, [*stating it*], which the said Employed [*or* Employer] claims should, *&c.* [*as the Fact is.*] [*Conclusion as* (*e.*) *below.*]

(*c.*) *Disputes as to Mis-usage, Misdemeanor, Misconduct, or Ill-treatment of either Party.—Proceed to the Asterisk* * *in* (*a.*), *and then:* and that a certain Question, Difference, and Dispute has arisen between them touching certain Ill-usage which the said Employed [*or* Employer] committed [*or* inflicted] upon the said Employer [*or* Employed]; [*or* touching a certain Misdemeanor which the said Employer committed], [*or* touching certain Misconduct which the said Employed was guilty of], [*or* touching certain Ill-treatment which the said Employed *or* Employer inflicted upon the said Employer *or* Employed], on the Day of at in the said County, namely, that he the said [*setting it out shortly*]. [*Conclusion as* (*e.*) *below.*]

(*d.*) *Dispute as to Injury to Person or Property of either Party.—Proceed to the Asterisk* * *in* (*a.*), *and then:* and that a certain Question, Difference, and Dispute has arisen between them touching a certain Injury which the said Employed [*or* Employer] inflicted to the Person of the said Employer [*or* Employed], [*or* to the Property of the said Employer *or* Employed], on the Day of at the Parish of in the said County. [*Conclusion as in* (*e.*) *below.*]

(*e.*) *Conclusion to either of the Forms* (*a.*) (*b.*) (*c.*) *and* (*d.*)—And the said Complainant, the Employer [*or* Employed] further says that the Amount of Compensation [*or* Damage] which he claims for the said Breach and Nonperformance of the said Contract [*or* for the said Mis-usage, *or* Misdemeanor, *or* Misconduct, *or* Ill-treatment, *or* Injury, *as the Case may be,*] is £ , and he prays that the said Employed [*or* Employer] may be summoned and adjudicated upon under Section of The Master and Servant Act, 1867.

(C.)

Forms of Adjudication upon Complaints, for Insertion in the ordinary General Forms of Conviction in England, and Orders in Ireland.

Do adjudge and order, in pursuance of The Master and Servant Act, 1867, that—

(*a.*) *Abatement of Wages.*—The Sum of , being the whole [*or* a Part] of the Wages now due to the said Employed, shall be abated therefrom. [*Costs as* (*f.*) *below.*]

(*b.*) *Order for Fulfilment of Contract.*—The said Employed [*or* Employer] shall fulfil the said Contract forthwith, [and, *if so*, that the said Employed, *or* Employer, shall forthwith find good and sufficient Security by Recognizance himself in the Sum of £ , and Two Sureties in the Sum of £ each, *or* One Surety in the Sum of £ , for the due Fulfilment of the said Contract]. [*Costs as* (*f.*) *below.*]

(*c.*) *Where Contract annulled, Wages apportioned and Fine imposed.*—The said Contract shall be annulled, and the said Parties thereto be forthwith discharged from the same, and we do apportion the Wages of to be due to the said Employed, to the completed Period of the said Contract. [*Costs as* (*f.*) *below.*]

(*d.*) *Where Fine imposed instead of Compensation.*—That the said Employer [*or* Employed] shall forfeit and pay the Fine or Sum of . [*Costs as* (*f.*) *below.*]

(*e.*) *Where Compensation, &c. assessed.*—Do assess, determine, and direct that the Sum of shall be paid by the said Employed [*or* Employer] to the said Employer [*or* Employed] as and for Compensation [*or* Damages] to him for the Breach and Nonperformance of the said Contract [*or, as the Case may be*]. [*Costs as* (*f.*) *below.*]

(*f.*) *Costs in all Cases.*—And that the said Employed [*or* Employer] shall pay to the said Employer [*or* Employed] the Sum of for his Costs incurred in this Behalf.

(D.)

(*a.*) *Statement of Complaint for Nonperformance of Condition of Recognizance given as Security for Fulfilment of Contract.—Proceed as in the Form* (*A.*) *and to the Asterisk* * *in the Statement* (*a.*), *and then:* and the said Employer [*or* Employed] having neglected and refused to fulfil the said Contract was duly summoned before *E.F., &c.* [*describe the Magistrate*] on the Day of and by him was, in pursuance of Section of The Master and Servant Act, 1867, ordered and directed to find Security for the Fulfilment of the said Contract, and in obedience thereto the said Employer [*or* Employed] duly entered into his own Recognizance in the Sum of £ , and *E.F.* and *F.G.* as his Sureties entered into a Recognizance in the Sum of £ each, conditioned that the said Employer [*or* Employed] should forthwith fulfil the said Contract; but the said Employed [*or* Employer] has not performed the said Condition, or in any way fulfilled the said Contract.

(*b.*) *Adjudication upon the last Complaint for Insertion in the usual General Form of Orders in Use in England and Ireland.—After reciting in the past Tense the Statement of Complaint* (*a.*): Do adjudge and order, in pursuance of Section of the said Act, that the said Recognizances be estreated, and that the said Employed [*or* Employer] shall forthwith pay the Sum of £ , and the said *E.F.* and *F.G.* the Sum of £ each, and further each of them the Sum of £ for the Costs of the said Employer [*or* Employed] in this Behalf, such Sums to be respectively applied according to Law.

(E.)

Forms of Adjudication in aggravated Cases for Insertion in the ordinary General Forms of Conviction in England and Orders in Ireland.

After reciting the Conviction on One of the Complaints in Form (*A.*) *applicable, say,* And it appearing to us [*or* me] that the said Injury so inflicted on the Person [*or* Property] of the said Employed [*or* Employer, *or* the said Misconduct, *or* Misdemeanor, *or* Ill-treatment complained of] was of an aggravated Character, and did not arise [*or* was not committed] in the bonâ fide Exercise of any legal Right existing, or bonâ fide and reasonably supposed to exist, and further that any pecuniary Compensation or other Remedy provided by The Master and Servant Act, 1867, will not meet

meet the Circumstances of the Case, do hereby, in pursuance of Section of that Act, adjudge the said Employed [*or* Employer] for his said Offence to be imprisoned in the House of Correction at in the said County [and there to be kept to Hard Labour] for the Space of .

PART 2.—SCOTLAND.

Forms of Procedure before the Sheriff in Scotland.

1.

Complaint.

Under The Master and Servant Act, 1867.

Unto the Sheriff.

A.B. [*describe Place of Abode and Trade*]

against

C.D. [*describe Place of Abode and Trade*].

The Complainer humbly showeth—

That the said *C.D.* [*here state the Matter of the Complaint, and the Amount claimed for Damages, as in Forms of Statements in Part* 1. (B.)].

May it therefore please your Lordship to grant Warrant to cite the said *C.D.*, Respondent, to appear before you to answer to this Complaint, and thereafter to proceed in the Matter in Terms of the said Act.

According to Justice,

A.B. [*Signature of Complainer.*]

2.

Warrant for Citation of Respondent.

The Sheriff grants Warrant to Officers of Court to serve a Copy of the foregoing Complaint and of this Deliverance upon *C.D.*, Respondent, and to cite him to appear personally to answer thereto at [*Court House or Place*] upon the Day of at Noon, with Certification, and also to cite Witnesses and Havers for both Parties for all Diets in the Cause.

[*Signature of Sheriff.*]

3.—Form

3.

Form of Citation.

To *C.D.* [*Designation.*]

Take notice that you are cited to appear personally at the Time and Place specified in the Warrant of Citation to answer the Complaint attached, in respect of which said Warrant is issued with Certification.

This I do on the Day of

[*Signature of Officer.*]

4.

Form of Execution of Complaint.

This Complaint served by me, Sheriff Officer, upon *C.D.*, Respondent [*state whether personally or otherwise*], in Presence of [*state Name and Designation of Witness*], this Day of Eighteen hundred and Years.

E.F., *Sheriff Officer.*

L.M., *Witness.*

LONDON:

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