

LABOR ACT

Provisional Act to Regulate the Relations between the Proprietors of Landed

Estates and Rural Population of Free Laborers.

I, Peter Hansen, Knight Commander of the Order of Dannebrog, the King's Commissioner for, and officiating Governor-General of the Danish West India Islands, Make known: That, whereas the ordinance dated 29th July, 1848, by which yearly contracts for labor on landed estates were introduced, has not been duly acted upon: whereas the interest of the proprietors of estates, as well as of the laborers, requires that their mutual obligations should be defined: and whereas on inquiry into the practice of the Island, and into the printed contracts and agreements hitherto made, it appears expedient to establish uniform rules throughout the Island, for the guidance of all parties concerned, it is enacted and ordained:

1st. All engagements of laborers now domiciled on landed estates and receiving wages in money, or in kind, for cultivating and working such estates, are to be continued as directed by the ordinance of 29th July, 1848, until the first day of October of the present year: and all similar engagements shall, in future, be made, or shall be considered as having been made, for a term of twelve months, viz: from the first of October till the first of October, year after year. Engagements made by heads of families are to include their children between five and fifteen years of age, and other relatives depending on them and staying with them.

2d. No laborer engaged as aforesaid, in the cultivation of the soil, shall be discharged or dismissed from, or shall be permitted to dissolve, his or her engagement before the expiration of the same on the first of October of the present, or of any following year, except in the instances hereafter enumerated.

A. By mutual agreement of master and laborer, before a magistrate.

B. By order of a magistrate on just and equitable cause being shown by the parties interested.

Legal marriage, and the natural tie between mothers and their children, shall be deemed by the magistrate just and legal cause of removal from one estate to another. The husband shall have a right to be removed to his wife, the wife to her husband, and children under fifteen years of age to their mother, provided no objection to employing such individuals shall be made by the owner of the estate to which the removal is to take place.

3d. No engagement of a laborer shall be lawful in future, unless made in the presence of witnesses, and entered in the day-book of the estate.

4th. Notice to quit service shall be given by the employer, as well as by the laborer, at no other period but once a year, in the month of August, not before the first, nor after the last day of the said month; an entry thereof shall be made in the day-book, and an acknowledgment in writing shall be given to the laborer.

The laborer shall have given, or received, legal notice of removal from the estate where he serves, before any one can engage his services; otherwise the new contract to be void, and the party engaging in tampering with a laborer employed by others, will be dealt with according to law.

In case any owner or manager of an estate should dismiss a laborer during the year without sufficient cause, or should refuse to receive him at the time stipulated, or refuse to grant him a passport when due notice of removal has been given, the owner or manager is to pay full damages to the laborer, and to be sentenced to a fine not exceeding \$20.

5th. Laborers employed or rated as first, second, or third class laborers, shall perform all the work in the field, or about the works, or otherwise concerning the estate, which it hitherto has been customary for such laborers to perform, according to the season. They shall attend faithfully to their work, and willingly obey the directions given by the employer, or the person appointed by him. No laborer shall presume to dictate what work he or she is to do, or refuse the work he may be ordered to perform, unless expressly engaged for some particular work only. If a laborer thinks himself aggrieved, he shall not therefore leave the work, but in due time apply for redress to the owner of the estate, or to the magistrate. It is the duty of all laborers on all occasions, and at all times, to protect the property of his employer, to prevent mischief to the estate, to apprehend evil-doers, and not to give countenance to, or conceal, unlawful practices.

6th. The working days to be as usual only five days in the week, and the same days as hitherto. The ordinary work of estates is to commence at sunrise, and to be finished at sunset, every day, leaving one hour for breakfast, and two hours at noon from twelve to two o'clock.

Planters who prefer to begin the work at seven o'clock in the morning, making no separate breakfast time, are at liberty to adopt this plan, either during the year, or when out of crop.

The laborers shall be present in due time at the place where they are to work. The list to be called and answered regularly. Whoever does not answer the list when called, is too late.

7th. No throwing of grass, or of wood, shall be exacted during extra hours, all former agreements to the contrary notwithstanding; but during crop the laborers are expected to bring home a bundle of long tops from the field where they are at work.

Cartmen and crook-people, when breaking off, shall attend properly to their stock as hitherto usual.

8th. During crop, the mill gang, crook gang, boilermen, firemen, still men and any other person employed about the mill and the boiling house, shall continue their work during breakfast and noon hours, as hitherto usual; and the boilermen, firemen, megass carriers, &c., also, during evening hours after sunset, when required, but all workmen employed as aforesaid, shall be paid an extra remuneration for the work done by them in extra hours.

The boiling house is to be cleared, the mill to be washed down, and the megass to be swept up, before the laborers leave the work as hitherto usual.

The mill is not to turn after six o'clock in the evening, and the boiling not to be continued after ten o'clock, except by special permission of the Governor-General, who then will determine, if any, what extra remuneration shall be paid to the laborers.

9th. The laborers are to receive, until otherwise ordered, the following remuneration:

A. The use of a house, or dwelling-rooms for themselves and their children, to be built and repaired by the estate, but to be kept in proper order by the laborers.

B. The use of a piece of provision ground, thirty feet square, as usual, for every first and second class laborer, or if it be standing ground, up to fifty feet in square. Third class laborers are not entitled to, but may be allowed, some provision ground.

C. Weekly wages at the rate of fifteen cents to every first class laborer, of ten cents to every second class laborer, and of five cents to every third class laborer, for every working day. When the usual allowance of meal and herrings has been agreed on in part of wages, full weekly allowance shall be taken for five cents a day, or twenty-five cents a week.

Nurses losing two hours every working day, shall be paid at the rate of four full working days in the week. The wages of minors to be paid as usual to their parents, or to the person in charge of them.

Laborers not calling at pay time personally, or by another authorized, to wait till next pay day, unless they were prevented by working for the estate.

No attachment of wages for private debts to be allowed, nor more than two thirds to be deducted for debts to the estate, unless otherwise ordered by the magistrate.

Extra provisions occasionally given during the ordinary working hours are not to be claimed as a right, nor to be bargained for.

10th. Work in extra hours during crop, is to be paid as follows:

To the mill gang, and to the crook gang, for working through the breakfast hour, one stiver, and for working through noon, two stivers per day.

Extra provision is not to be given, except at the option of the laborers in place of the money, or in part of it.

The boilermen, firemen, and megass carriers, are to receive for all days when the boiling is carried on until late hours, a maximum pay of twenty (20) cents per day. No bargaining for extra pay by the hour, is permitted.

Laborers working such extra hours only by turns, are not to have additional payment.

11th. Tradesmen on estates are considered as engaged to perform the same work as hitherto usual, assisting in the field, carting, potting sugar, &c. They shall be rated as first, second, and third class laborers, according to their proficiency; where no definite terms have been agreed on previously, the wages of first class tradesmen, having full work in their trade, are to be twenty (20) cents per day. Any existing contract with tradesmen is to continue until October next.

No tradesman is allowed to keep apprentices without the consent of the owner of the estate, such apprentices to be bound for no less a period than three years, and not to be removed without the permission of the magistrate.

12th. No laborer is obliged to work for others on Saturday; but if they choose to work for hire, it is proper that they should give their own estate the preference. For a full day's work on Saturday, there shall not be asked for nor given more than twenty (20) cents to a first class laborer, thirteen (13) cents to a second class laborer, seven (7) cents to a third class laborer.

Work on Saturday may, however, be ordered by the magistrate as a punishment to the laborer, for having absented himself from work during the week for one whole day or more, and for having been idle during the week, and then the laborer shall not receive more than his usual pay for a common day's work.

13th. All the male laborers, tradesmen included, above eighteen years of age, working on an estate, are bound to take the usual night watch by turns, but only once

in ten days, notice to be given before noon to break off from work in the afternoon with the nurses, and to come to work next day at eight o'clock. The watch to be delivered in the usual manner by nightfall and by sunrise.

The above rule shall not be compulsory, except where voluntary watchmen cannot be obtained at a hire the planters may be willing to give, to save the time lost by employing their ordinary laborers as watchmen.

Likewise the male laborers are bound once a month, on Sundays and holidays, to take the day watch about the yard, and to act as pasturemen, on receiving their usual pay for a week day's work; this rule applies also to the crook-boys.

All orders about the watches to be duly entered in the day book of the estate.

Should a laborer, having been duly warned to take the watch, not attend, another laborer is to be hired in the place of the absentee, and at his expense, not, however, to exceed fifteen cents. The person who wilfully leaves the watch, or neglects it, is to be reported to the magistrate and punished as the case merits.

14th. Laborers wilfully abstaining from work on a working day, are to forfeit their wages for the day, and will have to pay over and above the forfeit, a fine which can be lawfully deducted in their wages, of seven (7) cents for a first class laborer, five (5) cents for a second class laborer, and two (2) cents for a third class laborer. In crop or grinding days, when employed about the works, in cutting canes, or in crook, an additional punishment will be awarded for wilful absence and neglect by the magistrate on complaint being made. Laborers abstaining from work for half a day, or breaking off from work before being dismissed, to forfeit their wages for one day.

Laborers not coming to work in due time to forfeit half a day's wages.

Parents keeping their children from work, shall be fined instead of the children.

No charge of house rent is to be made in future, on account of absence from work, or for the Saturday.

15th. Laborers wilfully abstaining from work for two or more days during the week, or habitually absenting themselves, or working badly and lazily shall be punished as the case merits, on complaint to the magistrate.

16th. Laborers assaulting any person in authority on the estate, or planning and conspiring to retard, or to stop the work of the estate, or uniting to abstain from work, or to break their engagements, shall be punished according to law, on investigation before a magistrate.

17th. Until measures can be adopted for securing medical attendance to the laborers, and for regulating the treatment of the sick and the infirm, it is ordered:

That infirm persons unfit for any work, shall, as hitherto, be maintained on the estates where they are domiciled, and to be attended to by their next relations.

That parents or children of such infirm persons shall not remove from the estate, leaving them behind, without making provision for them to the satisfaction of the owner, or of the magistrate.

That laborers unable to attend to work on account of illness, or on account of having sick children, shall make a report to the manager, or any other person in authority on the estate, who, if the case appears dangerous, and the sick person destitute, shall cause medical assistance to be given.

That all sick laborers willing to remain in the hospital during their illness, shall there be attended to, at the cost of the estate.

18th. If a laborer reported sick, shall be at any time found absent from the estate without leave, or is trespassing about the estate, or found occupied with work requiring health, he shall be considered skulking and wilfully absent from work.

When a laborer pretends illness, and is not apparently sick, it shall be his duty to prove his illness by medical certificate.

19th. Pregnant women shall be at liberty to work with the small gang as customary, and when confined, not to be called on to work for seven weeks after their confinement.

Young children shall be fed and attended to during the hours of work at some proper place, at the cost of the estate.

Nobody is allowed to stay from work on pretence of attending a sick person, except the wife and the mother in dangerous cases of illness.

20th. It is the duty of the managers to report to the police any contagious or suspicious cases of illness and death; especially when gross neglect is believed to have taken place, as when children have been neglected by their mothers, in order that the guilty person may be punished according to law.

21st. The driver or foreman on the estate, is to receive in wages four and a half dollars monthly, if no other terms have been agreed upon. The driver may be dismissed at any time during the year with the consent of the magistrate. It is the duty of the driver to see the work duly performed, to maintain order and peace on the estate during the work, and at other times, and to prevent and report all offences committed. Should any laborer insult, or use insulting language towards him during, or on account of the performance of his duties, such person is to be punished according to law.

22d. No laborer is allowed, without the especial permission of the owner or manager, to appropriate wood, grass, vegetables, fruits, and the like, belonging to the estate, nor to appropriate such produce from other estates, nor to cut canes, or to burn charcoal. Persons making themselves guilty of such offenses, shall be punished according to law, with fines or imprisonment with hard labor; and the possession of such articles not satisfactorily accounted for, shall be sufficient evidence of unlawful acquisition.

23d. All agreements contrary to the above rules, are to be null and void, and owners and managers of estates convicted of any practice tending wilfully to counteract or avoid these rules by direct or indirect means, shall be subject to a fine not exceeding \$200.

(Signed,)

P. HANSEN.

Government House, St. Croix, 26th January, 1849.

COLONIAL LAW -- 1852

SOURCE: St. Thomae Tidende, June 12, 1852 - Translation.