

THE TRADESMEN (BREACHES OF TRUST) ACT

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THE TRADESMEN (BREACHES OF TRUST) ACT Cap 388.

[1861.]

1. This Act may be cited as the Tradesmen (Breaches of Trust) Act. Short title.

2. In this Act—

Interpretation.

“tradesman” shall signify and include handicraftsman, artificer, manufacturer, laundress, and workman, or person following any trade, business, or mystery whatsoever;

“materials” shall include goods, wares, articles, chattels, and things of any kind or description whatsoever;

“work” shall signify and include any work in any trade, handicraft, manufactory, or business whatsoever, and any repairing, fashioning, altering, or cleansing whatsoever.

3. If any tradesman shall contract with any person to perform any work for reward (whether the amount of such reward shall, at the time of the making of the contract, be fixed and agreed upon or not), and if, in pursuance or on the faith of such contract, such tradesman shall receive, as and by way of advance or in anticipation of such reward any sum or sums of money not exceeding in the whole the sum of twenty dollars; or if any sum or sums of money, not exceeding in the whole the sum of twenty dollars, shall be paid to such tradesman, for the purchase of materials necessary for such work, or for any other purpose in relation thereto; and if such tradesman shall, without any lawful excuse, neglect or refuse to perform such contract, either within the time specified for the completion of the same, or, in the absence of any

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agreement as to time, within such time as the Justices hearing any complaint to be brought under the provisions of this Act shall deem to be reasonable, and shall neglect or refuse, when so required, to repay to the person with whom he shall have so contracted, or to his agent lawfully authorized, such sum or sums of money as he shall have so received, such tradesman shall, on summary conviction in the parish where such contract shall have been made or such tradesman shall at the time of the complaint be resident, be adjudged to pay, in addition to the amount so received by him, a fine or penalty not exceeding ten dollars.

Tradesman neglecting to perform his contract.

4. If any tradesman having contracted as aforesaid shall receive any materials not exceeding in value the sum of ten dollars for the purpose of being wrought up or used in the work so agreed to be performed, and if such tradesman shall, without any lawful excuse, neglect or refuse to perform his contract within such specified or reasonable time as aforesaid, and shall neglect or refuse, when so required, to return to the person with whom he shall have so contracted, or to his agent lawfully authorized, the materials, or any part thereof, so delivered to him, such tradesman shall, on summary conviction as aforesaid, be adjudged to pay, in addition to the value of such materials, a fine or penalty not exceeding ten dollars.

Tradesman receiving goods to be repaired, etc.

5. If any goods, wares, articles or chattels of any description or value whatsoever shall be delivered to any tradesman or other person for the purpose of being repaired, fashioned, altered, or cleansed for reward (whether the amount of such reward shall be specified or not); and if such tradesman shall, without any lawful excuse, neglect or refuse to repair, fashion, alter or cleanse the same; and shall, after the expiration of such specified or reasonable time as aforesaid, neglect or refuse when so required, to return the same, or any part thereof, such tradesman or

other person shall, on summary conviction as aforesaid, forfeit and pay over and above the value of the goods, wares, articles, or chattels unlawfully detained, a fine or penalty not exceeding ten dollars.

6. If it shall appear, upon due proof to the Justices before whom any complaint under this Act shall be heard, that such tradesman or other person has sold, pawned, converted to his own use, or otherwise misappropriated any materials, goods, wares, articles, or chattels delivered to him for the purposes in this Act stated, such Justices may abstain from the infliction of any fine or penalty, and in lieu and stead thereof, may adjudge the offender to be forthwith imprisoned, with or without hard labour, for a period not exceeding ninety days.

Tradesman misappropriating goods given him to be repaired, etc.

7. If any fine or penalty imposed under the authority of this Act, together with costs, if adjudged, shall not be paid forthwith, or within such time, not exceeding thirty days, as the Justices shall appoint, it shall be lawful for such Justices to adjudge the offender to be imprisoned with or without hard labour, for a period not exceeding ninety days.

Enforcement of penalties.

8. The party aggrieved in any complaint to be determined by the Justices shall, on conviction of the offender, be entitled to receive, out of any fine or penalty imposed and paid, such sum of money as shall, in the opinion of the Justices, be adequate compensation for the injury which such aggrieved party shall prove to have been sustained by him.

Compensation to party aggrieved out of fine.

9. Nothing in this Act contained shall prejudice or affect the right of lien of any tradesman as at present existing.

Saving right of lien.

Proceedings
to be in
conformity
with
Justices of
the Peace
Jurisdiction
Act.

10. All proceedings under this Act shall be in conformity with the provisions of the Justices of the Peace Jurisdiction Act, except in so far as anything in this Act contained may be repugnant thereto.

The breach
of contract
may in
certain cases
be prose-
cuted as a
fraud.

11. Any breach of contract in any of the matters or respects hereinbefore provided, where the amount of the contract, or the amount of materials furnished or money advanced shall exceed the limit of twenty dollars, and be beyond the jurisdiction of the Justices, unless the informant and defendant shall consent to submit to such inferior jurisdiction, shall be prosecuted as a fraud and be punishable on indictment in the Resident Magistrate's Court by fine alone, or by fine and imprisonment, with or without hard labour, for a term not exceeding one year.