

Apprenticeship.

No. III.

An Act for apprenticing the Children of the Male and Female Orphan Schools and other Poor Children in the Colony of New South South Wales. [4th July, 1834.]

APPRENTICESHIP.

WHEREAS the Schools for the Education of Male and Female Preamble.

Orphans within this Colony and of other children admitted therein are now maintained and supported by His Majesty's Government at the public expense and it would be expedient and beneficial as well for the Children of the said Schools as for all such other Poor Children as shall from time to time be sent out from any part of the United Kingdom to this Colony at the expense of His Majesty's Government or of Parishes or Charitable Institutions to be established and provided for in the said Colony as should seem most for their benefit and future advantage that His Excellency the Governor of the said Colony shall have the power and authority to cause all such Children as aforesaid to be put out as Apprentices at fit and proper ages respectively to such Masters or Mistresses and such Trades as to the said Governor should seem proper Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council thereof That from and after the passing of this Act it shall and may be lawful for the Governor of the said Colony from time to time by any writing duly signed by him to authorize and empower any two or more fit and proper persons to bind any of the male or female children admitted in the said Orphan Schools and also all such other poor children as shall from time to time be sent out from any part of the United Kingdom to this Colony at the expense of His Majesty's Government or of Parishes or Charitable Institutions to be established and provided for as hereinbefore stated when they shall have respectively arrived at fit and proper ages to be apprentices to such masters or mistresses and such trades as shall be approved of by His Excellency the Governor such male child until he shall come to the age of twenty-one years and such female child until she shall come to the age of twenty-one years or the time of her marriage as hereafter mentioned and such binding shall be as effectual to all intents and purposes as if every such child were of full age and by indenture of covenant had bound him or herself Provided however that in case any such female apprentice shall previous to the expiration of her said apprenticeship marry with the consent and approbation of the Governor of the said Colony then her apprenticeship shall cease and determine.

Governor empowered to authorize any two or more persons to bind any male or female children of the Orphan Schools and also any poor children sent out from the United Kingdom to such trades and masters or mistresses as the Governor may approve.

Proviso.

2. And be it further enacted That when any such child shall be appointed to be bound apprentice pursuant to this Act or Ordinance indentures of apprenticeship shall be executed by the persons authorized and appointed by the Governor for that purpose as aforesaid of the one part and by the master or mistress to whom such child shall be appointed to be bound apprentice as aforesaid on the other part and shall contain a covenant on the part and behalf of such master or mistress that during the said term of apprenticeship the said master or mistress shall and will provide such apprentice with sufficient and suitable food clothing and bedding and that such apprentice shall attend Divine Service when practicable at least once on every Sunday and shall have particular attention paid to his or her morals and also that such master or mistress shall pay into the Savings' Bank of the said Colony in the name of such apprentice the

Indentures to be executed by the persons authorized by the Governor and by the person taking the apprentice and to contain a covenant for his proper maintenance.

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the yearly sum of two pounds if a male and thirty shillings if a female for each and every year during the last three years of the said apprenticeship when the time of such apprenticeship shall be for the term of seven years or upwards to be paid to him or her with the interest thereof at the expiration of his or her apprenticeship and such indentures shall also contain such other covenants and provisoes as are usually inserted in the indentures of parish apprentices in England.

Any master or mistress may with the consent of two Justices assign such apprentice to any other fit and proper person.

3. And be it further enacted That it shall and may be lawful for any master or mistress of such apprentice as aforesaid by indorsement on the indenture of apprenticeship or by any other instrument in writing by and with the consent of two Justices of the Peace of the said Colony under their hands to assign such apprentice to any fit and proper person who is willing to take such apprentice for the residue of the term mentioned in such indenture of apprenticeship Provided always that such person to whom such apprentice is intended to be assigned shall at the same time by indorsement on the counterpart of such indenture or by writing under his or her hand stating the said indenture of apprenticeship and the indorsement and consent aforesaid declare his or her acceptance of such apprentice and acknowledge himself or herself and his or her executors and administrators to be bound by the agreements and covenants mentioned on the part of the said master or mistress of such apprentice to be done and performed and in such case such apprentice shall be deemed and taken to be the apprentice of such subsequent master or mistress to whom such assignment shall be made to all intents and purposes whatsoever.

No person to whom any child shall be apprenticed or assigned shall dismiss or discharge such child from his or her service without such consent under a penalty of £10.

4. And be it further enacted That it shall not be lawful for any such person or persons to whom such child or children shall be apprenticed or assigned as aforesaid to put away or transfer any such apprentice to another or in any way discharge or dismiss from his or her service any such apprentice without such consent as aforesaid under the penalty of ten pounds.

One or more Justices may hear complaints made by apprentices against their masters or mistresses for misusage &c. and impose a fine not exceeding £10 or may discharge such apprentice as they see fit.

5. And be it further enacted That it shall and may be lawful to and for any one or more Justice or Justices of the Peace of the said Colony upon any complaint or application by or on behalf of any such apprentice as aforesaid touching or concerning any misusage refusal of necessary provisions clothing or bedding cruelty or other ill-treatment of or toward such apprentice by his or her master or mistress to summon such master or mistress to appear before such Justice or Justices at a reasonable time to be named in such summons and such Justice or Justices shall and may hear and determine the matter of such complaint and upon proof of any such ill-treatment as aforesaid duly made upon oath to his or their satisfaction (whether the master or mistress be present or not if the service of such summons shall also be proved upon oath) the said Justice or Justices may impose any reasonable fine or fines not exceeding the sum of ten pounds upon such master or mistress as a punishment for any such ill-treatment as aforesaid or such Justice or Justices may if they see proper discharge such apprentice by warrant and certificate under their hands and seals from such apprenticeship.

Justices may also hear complaints against apprentices for misbehaviour &c. and may punish the offender.

6. And be it further enacted That it shall and may be lawful to and for such Justice or Justices of the Peace upon application or complaint made on oath by any master or mistress against any such apprentice touching or concerning any misdemeanor miscarriage or misbehaviour in such his or her service to hear and determine the same and to punish the offender by commitment to any gaol or house of correction within the distance of fifteen miles of the place of conviction there to be kept in solitary confinement on bread and water for

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any time not exceeding fourteen days and such Justice or Justices respectively shall and may in his or their discretion and as the justice of the case may require either with or without such punishment discharge such apprentice from his or her apprenticeship in the like form and manner as hereinbefore directed Provided however that in all cases where any Justice or Justices of the Peace shall deem it proper to discharge any apprentice from his or her apprenticeship under the provisions of this Act such Justice or Justices shall forthwith cause such apprentice to be forwarded to the Male or Female Orphan School to be further disposed of as to the Governor shall seem meet.

7. And be it further enacted That no conviction order warrant No certiorari. or other matter made or purporting to be made by virtue of this Act shall be quashed for want of form or removed by *certiorari* or otherwise into the Supreme Court and no warrant of commitment shall be held void by reason of any defect therein provided that it be As to informality of warrant &c. therein alleged that the party has been convicted and that there be a good and valid conviction to sustain the same.

8. And be it further enacted That all fines recovered under Application of fines. this Act shall be paid to His Majesty and applied to the public uses of the Colony.

9. And be it further enacted That so much of an Act of the Repealing so much of the Act in Council 7 Geo. IV. No. 4 as relates to the apprenticing of children from the Orphan Schools. Governor and Council passed in the seventh year of the reign of His late Majesty King George the Fourth intituled "*An Act for vesting the Orphan School Estates in the Trustees of the Clergy and School Lands in the Colony of New South Wales and for duly governing the Children at School and in Apprenticeship*" as relates to the apprenticing of those children and to the determination of disputes and complaints relating thereto or in respect thereof shall be and the same is hereby repealed.