

## No. II.

APPRENTICESHIP. An Act to regulate and amend the Law of Orphan and other Apprentices in the Colony of New South Wales. [1st August, 1844.]

Preamble.

**W**HEREAS it hath been found that the present law concerning the relation of master and apprentice is defective and it is expedient and necessary that the same should be amended in order to secure on the one side that the master shall perform his duty in the instruction and proper treatment of his apprentice and on the other side that the apprentice shall render due obedience to his master and attention to his duties during the time of his apprenticeship Be it enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That any householder or any tradesman or other person exercising any art mystery or manual occupation may take by indenture in writing any apprentice above the age of twelve years to be instructed in such trade art mystery or occupation provided the time of such apprenticeship shall not exceed seven years.

Apprentices may be taken.

Apprentices not to leave until term of apprenticeship accomplished.

Limiting term.

2. And be it enacted That all apprentices legally bound by written indenture by their parents or guardians or other persons (as hereinafter is provided) for a stated time (not exceeding seven years) in order to learn a trade or some useful business shall not leave their masters or mistresses until they shall have served out the time of such apprenticeship Provided nevertheless that no apprentice shall be deemed to be bound by any such indenture to serve after the age of twenty-one years any law usage or custom to the contrary notwithstanding.

Where apprentices have no parent or guardian.

3. And be it enacted That whenever any young person is about to be bound apprentice who shall have no parent or guardian it shall and may be lawful for any two Magistrates of the district in which the said person so to be bound shall reside to execute the indenture aforesaid in the room and stead of such parent or guardian and in case of any such person receiving eleemosynary support in any public establishment in said Colony it shall and may be lawful for the person or persons or any one or more of them who may have the control or inspection of the same to execute such indenture of apprenticeship in the room and stead of the parents of such person Provided that nothing herein contained shall alter the provisions of any Act now in force and specially providing for such cases.

*Apprenticeship.*

4. And be it enacted That it shall be lawful for any two or more Justices of the Peace upon application or complaint made on oath by any master or mistress against any apprentice touching or concerning any breach of duty disobedience or ill behaviour in his or her service (which oath such Justices are hereby empowered to administer) to hear examine and determine the same in a summary way and to punish the offender by commitment to solitary confinement in any gaol house of correction or solitary cell for any time not exceeding three days Provided always that such punishment shall in no case be inflicted upon any apprentice under fourteen years of age or upon any female apprentice.

Punishment of apprentices offending.

5. And be it enacted That if any apprentice shall absent himself or herself from his or her master's or mistress's service before the term of apprenticeship shall have expired or before he or she shall have attained the age of twenty-one years every such apprentice shall at any time or times thereafter whenever he shall be found be compelled to serve his or her master or mistress for so long a time as he shall have so absented himself or herself from such service unless he or she shall make reasonable satisfaction to his or her master or mistress for the loss he or she shall have sustained by such absence and so from time to time as often as any apprentice shall without leave of his or her master or mistress absent himself or herself from such service before the term of his or her contract shall be fulfilled and in case any such apprentice shall refuse to serve as hereby required or to make such reasonable satisfaction to his or her master or mistress such master or mistress may complain on oath to any Justice of the Peace which oath such Justice is hereby empowered to administer and to issue a warrant under his hand for apprehending any such apprentice to be brought before any two or more Justices of the Peace who shall hear the complaint in a summary way and determine what satisfaction shall be made to such master or mistress and in case such apprentice shall not give security to make such satisfaction according to such determination it shall and may be lawful for such Justice to commit every such apprentice to any gaol or house of correction for any time not exceeding three months besides serving the period of time for which such apprentice was absent.

Apprentices absenting themselves.

6. And be it enacted That if any master or mistress shall misuse or illtreat his or her apprentice or neglect to instruct properly his or her apprentice or otherwise to discharge his or her duty towards such apprentice upon complaint made on oath to any two or more Justices assembled in Petty Sessions it shall and may be lawful for such Justices to hear and determine the same in a summary way and to impose upon conviction any reasonable fine or fines not exceeding ten pounds upon such master or mistress as a punishment for such misuse illtreatment or neglect of duty as aforesaid and if not paid the same shall be levied by distress and sale of the goods and chattels of the person so offending rendering the surplus (if any) after deducting the amount of such fine and the charges of such distress and sale to such offender or offenders and such fine or fines which may be imposed upon any such master or mistress shall be applied and disposed of either towards any charitable institution in the district or place where such offender shall reside or to and for the use and benefit of such apprentice for or towards a recompense or compensation for the injury which may have been by him or her sustained by reason of such misuse as aforesaid at the discretion of the Justices imposing the same.

Illusage of apprentices.

7. And be it enacted That if it shall appear just and reasonable to any two or more Justices before whom any such complaint as aforesaid shall be heard and determined to cancel the indentures of apprenticeship it shall and may be lawful for such Justices to cancel such

Cancellation of indentures.

*Catarrh in Sheep.*

such indentures accordingly and to discharge such apprentice from all obligation to serve thereunder by certificate under their hands and seals which certificate shall be a full and sufficient bar to any action which may be brought on such indentures.

Appeal.

8. And be it enacted That any person who shall think himself or herself aggrieved by any fine penalty or punishment imposed or directed by and under this Act may appeal against the same to the Court of Quarter Sessions for the district or in case there be no Court of Quarter Sessions held in the district the Court of Quarter Sessions held nearest to such district according to the provisions of an Act of the Governor and Council passed in the fifth year of the reign of His late Majesty King William the Fourth intituled "*An Act to regulate summary proceedings before Justices of the Peace.*"

5 Wil. IV. No. 22.

Exemptions.

9. Provided always and be it enacted That nothing herein contained shall be taken to extend to the articled clerks of attorneys or solicitors or the clerks or apprentices of any person engaged in the tuition of any professional or scientific pursuit or to any apprentice on whose binding a greater sum than thirty pounds shall have been *bonâ fide* paid as the amount of fee or premium nor to any parties bound by any indenture of apprenticeship in which there may be a clause expressly exempting them from the operation of this Act.

Section 5 of 10 Geo. IV. No. 4 and section 6 of 5 Gul. IV. No. 3 repealed.

10. And be it enacted That so much of an Act passed in the tenth year of the reign of His late Majesty King George the Fourth intituled "*An Act to enable the Members of a certain Society denominated 'The Sydney Female School of Industry' to sue and be sued in the name of the Secretary for the time being thereof and also to enable the said Society to receive Apprentices*" and so much of another Act passed in the fifth year of the reign of King William the Fourth intituled "*An Act for apprenticing the Children of the Male and Female Orphan Schools and other poor Children in the Colony of 'New South Wales'*" as relates to the punishment of such apprentices shall be and the same are hereby repealed.