

No. 2.

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

WHEREAS it hath been found, that the present law concerning the Preamble.
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 ap-
prentice shall render due obedience to his master, and attention to his
duties during the time of his apprenticeship: Be it enacted by His Ex- Apprentices
cellency the Governor of New South Wales, with the advice and consent may be taken;
of the Legislative Council thereof, That any householder, or any trades-
man, 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, pro-
vided the time of such apprenticeship shall not exceed seven years.

II. And be it enacted, That all apprentices legally bound by Apprentices
written indenture, by their parents or guardians, or other persons, (as not to leave
hereinafter is provided,) for a stated time, (not exceeding seven years,) until term of
in order to learn a trade or some useful business, shall not leave their apprenticeship accom-
masters or mistresses, until they shall have served out the time of such plished.
apprenticeship: Provided nevertheless, That no apprentice shall be Limiting term.
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.

III. And be it enacted, That whenever any young person is about
to be bound apprentice, who shall have no parent or guardian, it shall Where ap-
and may be lawful for any two magistrates of the district, in which the prentices have
said person so to bound, shall reside, to execute the indenture aforesaid, no parent or
in the room and stead of such parent or guardian; and in case of any such guardian.
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.

IV. And be it enacted, That it shall be lawful for any two or Punishment
more Justices of the Peace, upon application or complaint, made on of apprentices
oath, by any master or mistress, against any apprentice, touching or offending.
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 ap-
prentice.

V. And be it enacted, That if any apprentice shall absent himself Apprentices
or herself from his or her master's or mistress's service before the term of ap- absenting
prenticeship shall have expired, or before he or she shall have attained the themselves.
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

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.

Illusage of apprentices.

VI. 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 illusage as aforesaid, at the discretion of the Justices imposing the same.

Cancellation of indentures.

VII. 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 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.

VIII. 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.

IX. Provided always and be it enacted, That nothing herein contained shall be taken to extend to the articulated 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 *bona 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.

Exempts Attornies' Apprentices.

X. 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*
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'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.

ALEX. McLEAY,

SPEAKER.

Passed the Legislative Council this } In the name, and on the behalf
first day of August, one thousand } of Her Majesty, I assent to
eight hundred and forty-four. } this Act.

GEORGE GIPPS,

GOVERNOR.

WM. MACPHERSON,

CLERK OF THE COUNCIL.

No. 3.

An Act to continue for a further limited time, an Act, intituled, "An Act for preventing the extension of the disease commonly called the Influenza or Catarrh, in Sheep and Lambs, in the Colony of New South Wales."—
[1st August, 1844.]

WHEREAS an Act of the Governor and Council of New South Wales, was passed in the second year of the reign of Her present Majesty Queen Victoria, intituled, "An Act for preventing the extension of the disease commonly called the Influenza or Catarrh, in Sheep and Lambs, in the Colony of New South Wales," which said Act was, by a certain other Act of the said Governor and Council, passed in the third year of the reign of Her present Majesty Queen Victoria, intituled, "An Act to continue for a limited time, an Act, intituled, 'An Act for preventing the extension of the disease commonly called the Influenza or Catarrh, in Sheep and Lambs, in the Colony of New South Wales,'" continued until the ninth day of October, one thousand eight hundred and forty-two; and whereas the said first recited Act was, by a certain other Act of the said Governor and Council, passed in the fifth year of the reign of Her said Majesty, Queen Victoria, intituled, "An Act to further continue for a limited time, an Act, intituled, 'An Act for preventing the extension of the disease commonly called the Influenza or Catarrh, in Sheep and Lambs, in the Colony of New South Wales,'" continued until the ninth day of October, one thousand eight hundred and forty-four; and whereas it is expedient further to continue the same for a limited time: Be it therefore enacted by His Excellency the Governor of New South Wales, with the advice and consent of the Legislative Council thereof, That the said first recited Act shall be, and the same is hereby continued in force from and after the said ninth day of October, one thousand eight hundred and forty-four, until the ninth day of October, one thousand eight hundred and forty-six.

ALEX. McLEAY,

SPEAKER.

Passed the Legislative Council this } In the name, and on the behalf
first day of August, one thousand } of Her Majesty, I assent to
eight hundred and forty-four. } this Act.

GEORGE GIPPS,

GOVERNOR.

WM. MACPHERSON,

CLERK OF THE COUNCIL