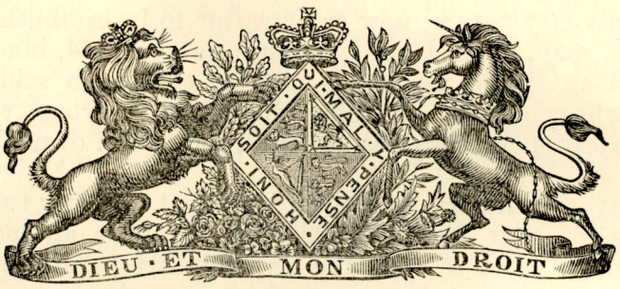
New South Wales.



ANNO QUINQUAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

* *

No. XXII.

An Act to consolidate and amend the law relating to Apprentices. [Assented to, 1st June, 1894.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Apprentices Act, 1894," and shall come into operation on the first day of July, one thousand eight hundred and ninety-four. Short title.

2. The Acts specified in the First Schedule hereto are to the extent mentioned in that Schedule, as well as all other statutory provisions inconsistent herewith, hereby repealed: Provided that such repeal shall not affect any indenture or assignment of apprenticeship entered into, executed, or made, or any summons, complaint, application, order, direction, certificate, warrant, or other proceeding, matter, or thing commenced, had, or issued in New South Wales before the passing of this Act. Repeal of Acts.

3. The word "Master" as used in this Act shall mean any person carrying on any trade, art, business, or manual occupation upon his own account, or any Official or Company hereinafter specified, resident or established in New South Wales, save as is mentioned in the next succeeding section hereof, to whom or to which any child, male Meaning of word "Master."

male or female, shall be bound apprentice by indenture or by assignment of indenture, such as is prescribed by the eleventh and twelfth sections hereof. And the word "Master" as so used shall be taken to include the word "Mistress" as well and as fully as if the latter expression were repeated whenever the former occurs.

Meaning of word "Apprentice."

Exemptions.

4. The word "Apprentice" as used in this Act shall mean any such child as is referred to, and so bound as is expressed in the preceding section. And nothing herein contained shall extend to, or to the articled clerk of, any attorney or solicitor, or to the clerk or apprentice of any person engaged in the tuition of any professional or scientific branch of learning or pursuit.

Orphan apprentices.

5. The person who shall have the principal control or management of any orphan school or other public institution or department of an eleemosynary nature, now or hereafter to be established in New South Wales, may, by such an indenture as aforesaid, bind or cause to be bound any child under his care or control in said school or institution, who shall not be under the age of fourteen years, to be apprentice to any such master as aforesaid for a term of not more than seven years.

Magistrates in certain cases may execute the indenture.

6. Any Stipendiary or Police Magistrate, or any two Justices of the Peace, of New South Wales, may, by such an indenture as aforesaid, bind or cause to be bound any child who shall not be under the age of fourteen years, in respect of whose maintenance any order shall have been made under the provisions of any Act then in force in New South Wales enabling Justices to make orders for the maintenance of children deserted or left without adequate means of support, to be apprentice to any such master as aforesaid for a term of not more than seven years.

Where child has no parent or guardian magistrate to act.

7. Any father resident in New South Wales of any child above fourteen years of age, or if the father be dead, or the inmate of any prison, lunatic asylum, or benevolent institution of any kind, then the mother so resident, and not under any such disability, or if the child have neither such a father nor mother, but have a guardian, then such guardian, and if there be no such guardian, then any Stipendiary or Police Magistrate, or any two Justices of the Peace, may, by such an indenture as aforesaid, bind or cause to be bound any such child to any such master as aforesaid to be instructed by such master in any trade, art, business, or manual occupation for a term which shall not exceed seven years.

Master may take any apprentice coming within preceding sections.

8. Any such master as aforesaid resident in and exercising any trade, art, business, or manual occupation within New South Wales, may, by such indenture as aforesaid, take any apprentice coming within any of the preceding sections to be instructed in such trade, art, business, or occupation within such Colony for a term such as is thereby limited.

Government apprentices.

9. Any official in the service of the Government of New South Wales having the direction and control of persons engaged in any trade, art, or manual occupation exercised therein on behalf of that Government, may by such an indenture as aforesaid take and receive such and so many apprentices, each coming within any of the preceding sections, as he may require to serve under him and his successors in office in such service for a term such as is thereby limited.

Manager of company may receive apprentice.

10. The manager of any company established and registered in New South Wales having the direction and control of persons engaged in any trade, art, or manual occupation exercised therein on behalf of such company, may, by such an indenture as aforesaid, take and receive such and so many apprentices, each coming within any of the preceding sections, as he may require to serve under him and his successors in office for a term such as is thereby limited.

11. Before any such child as is referred to in any of the preceding sections hereof is bound or received as apprentice, he may be admitted as and become a probationer on such terms as may be agreed upon for a period of three months to the proposed master in the trade, art, business, or manual occupation as to which it is contemplated to bind him; and it shall be lawful either for the proposed master or proposed apprentice, or the parent or other person authorised, at the end of such period of three months to terminate such engagement, if any or either shall so desire and signify; but if no such desire be expressed, then an indenture of apprenticeship in writing or print, with a counterpart thereof, shall be entered into, signed, and sealed by the apprentice, as of the first part; by the parent as contemplated by the seventh section hereof, or by such person, guardian, Stipendiary or Police Magistrate, or Justices of the Peace, as is provided by the fifth, sixth, and seventh sections hereof according to the circumstances of each case, as of the second part; and by the intended master as of the third part; and such indenture shall specify the particular trade, art, business, or occupation in which the apprentice is to be instructed, and the period for which he is to serve, and shall be in the form as nearly as can be set out in the Second Schedule hereto. And every such indenture shall be binding both on the master and on the apprentice in like manner as it would have been if the apprentice had been of full age at the time of his entering into and signing and sealing the same.

Proposed apprentice to become a probationer for three months, then indenture of apprenticeship to be entered into.

12. Any master, or if he be then dead, the executor or administrator of the master of any such apprentice as aforesaid may, by indorsement in writing or print, or partly in the one and partly in the other, set out upon the indenture of apprenticeship, or on the counterpart thereof, or if both be lost, then by any other sufficient instrument in writing, under his hand and seal, but by and with the consent of a Stipendiary or Police Magistrate or of two Justices of the Peace of New South Wales, testified by his or their joining as a party or parties to such indorsement, and after reasonable notice to, and hearing such apprentice, and with the consent of such apprentice, assign that indenture and the services of the apprentice thereunder, to any fit person (who shall also join as a party to such indorsement) for the then remainder of the term mentioned in that indenture: Provided that such indorsement, or other instrument as aforesaid, shall be in the form as nearly as can be, and contain the declaration and acknowledgment set out in the Third Schedule hereto; and in such case such apprentice shall be deemed to be the apprentice of such assignee to all intents and purposes.

Master or Executor in certain cases may assign indenture of apprenticeship for remainder of term.

Proviso.

13. Provided always and notwithstanding any provision contained herein, or in any such indenture of apprenticeship or assignment thereof as aforesaid, the term of apprenticeship specified therein shall, if it be not sooner completed by flux of time, be taken to expire, and shall expire accordingly when the apprentice named therein shall attain the age of twenty-one years, or, shall marry with the consent of the person or persons appointed to give consent to the marriage of minors under the provisions of any Act for that purpose then in force in New South Wales.

Terms of apprenticeship expire in certain cases.

14. No such apprentice as aforesaid shall be bound to serve his master for more than forty-eight hours during any one week: Provided always that this restriction shall not apply to apprentices bound to farming occupations or to other servants in husbandry, or to domestic service.

Hours of labor.

15. In case of any difference or dispute between any such master and any such apprentice as aforesaid arising under any such indenture or assignment as aforesaid, the party feeling aggrieved may cause a summons to be issued forth of the Court of Petty Sessions of the district

Court may settle disputes arising between master and apprentice, and award costs, &c.

district in which the ground of such difference or dispute arose, specifying the wrong or injury complained of, and the redress sought; and calling upon the other party to show cause upon a given day before such Court why that party should not be ordered to give and make that redress. And thereupon the Stipendiary or Police Magistrate or any two Justices of the Peace presiding on such occasion shall have power and authority to hear and to give and make such order upon such difference or dispute as in his or their discretion, equity, and right shall require, including the power of imposing any fine not exceeding the sum of ten pounds upon such master, or upon such apprentice as the case may be, as a penalty for any proved misconduct or breach of contract on his part towards the other. Such Magistrate or Justices may also discharge such apprentice, if he or they shall think proper, by certificate under his or their hand or hands, from the service of such master and may cancel the indenture of apprenticeship or any assignment thereof, which certificate shall be a complete bar to any action that may be brought on such indenture or assignment. And the Magistrate or Justices may award such costs of the proceeding in favour of or against either party thereto, as he or they may consider reasonable, as well as award the payment of any wages that may then be owing by the master to the apprentice.

Apprentice absenting himself without leave may be compelled to serve the time lost by his absence, and for refusing to serve as required to be dealt with summarily.

16. If any such apprentice as aforesaid shall, before the expiration of his term of apprenticeship, absent himself without leave from his master's service for more than one week, such apprentice shall at any time wherever he shall be found, be compelled to serve such master for so long a time as he shall have so absented himself, unless he shall make reasonable satisfaction to his master for the loss the latter shall have sustained by such absence; and so from time to time as often as such apprentice shall so absent himself: And in case such apprentice shall refuse to serve as hereby required or to make such reasonable satisfaction as aforesaid, or cannot then be found, such master may complain on oath to any Justice of the Peace in New South Wales—which oath such Justice is hereby empowered to administer—and he may issue a warrant under his hand for apprehending such apprentice whenever he can be found, and bringing him before any two or more such Justices, or before a Stipendiary or Police Magistrate, who shall hear the complaint in a summary way, and determine what satisfaction shall be made to such master; and in case such apprentice shall not make or give security to make such satisfaction according to such determination, such Magistrate or Justices may commit such apprentice to any gaol or house of correction for any time not exceeding one month; the apprentice shall also be bound to serve his master for the period during which he so absented himself as aforesaid.

Penalty in cases where master transfers or discharges apprentice without his consent.

17. It shall not be lawful for any such master as aforesaid to put away or transfer any such apprentice as aforesaid to any other person, or in any way discharge such apprentice from his service without such consent as is specified in or under such certificate as is provided for by the twelfth and fifteenth sections hereof; and any master violating the provisions of this section shall be liable to a penalty of ten pounds, which may be imposed by any Stipendiary or Police Magistrate or two such Justices of the Peace as aforesaid.

Persons enticing, employing, or harboring apprentices liable to a fine of not exceeding £10.

18. If any person shall entice or take away or employ or harbor, or be aiding or concerned in enticing or taking away or employing or harboring any child who has been bound apprentice by any such indenture or assignment as aforesaid, while the same remains in force, he shall be liable to a fine or penalty of not more than ten pounds, which any Stipendiary or Police Magistrate or any two Justices of the Peace may award and impose in a summary way upon a summons issued for that purpose.

19.

19. If any such fine, penalty, costs, or wages as is or are contemplated by any section hereof shall not be duly paid according to the exigency thereof, the same may be levied by distress and sale of the goods and chattels of the master or apprentice or other person as the case may be upon whom it has been imposed; and when paid or recovered the amount of the fine or penalty shall be applied and disposed of at the discretion of the Stipendiary or Police Magistrate or Justices imposing it, either towards the funds of any charitable institution existing in the district wherever such master or apprentice shall reside, or to and for the use and benefit of the party personally as compensation for the wrong or injury which may have been sustained by him in the premises. And if such fine, penalty, costs, or wages is or are not so paid, or recovered, such Magistrate or Justices may commit the defaulter to any gaol, house of correction, prison, or reformatory for any time not exceeding fourteen days. Procedure under this Act.

20. Provided always that no imprisonment shall be inflicted under any section of this Act upon any apprentice under sixteen years of age, or upon any female apprentice. Exemptions to imprisonment.

21. Any apprentices placed out in accordance with the provisions of the fifth section of this Act may be liable to inspection by any officer authorised by the Colonial Secretary, and such officer shall act as guardian to the aforesaid apprentices, and he shall have full power to initiate and carry out legal proceedings on their behalf and otherwise provide that the conditions of all indentures and agreements made between such apprentices and their masters are faithfully carried out, and such officer shall report annually upon the operations of the Act, so far as he is herein empowered to exercise supervision thereunder, to the Colonial Secretary: Provided that nothing herein shall be taken to apply to any child apprenticed under the provisions of the Industrial Schools Act of 1866. Supervision of orphan apprentices.

22. Any person who shall think himself aggrieved by any order, fine, penalty, or punishment made or imposed under this Act may appeal against the same to the Court of Quarter Sessions for the district in which the same was so made or imposed according to the provisions of any Act then in force regulating appeals on summary proceedings before Justices; but no conviction, order, warrant, or other matter made or purporting to be made or done 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 it be therein alleged that the party has been convicted, and that there be a good and valid conviction to sustain the same. As to appeals.

SCHEDULES.

SCHEDULES.

FIRST SCHEDULE.

Date of Act.	Title of Act.	Extent of repeal.
9 Geo. IV, No. 8	An Act for enabling persons holding certain public offices in New South Wales to take apprentices to serve under them and their successors in office, and for regulating all matters relating to masters and apprentices.	The whole.
5 Wm. IV, No. 3	An Act for apprenticing the children of male and female orphan schools and other poor children in the Colony of New South Wales.	The whole.
8 Vic. No. 2	An Act to regulate and amend the law of orphan and other apprentices in the Colony of New South Wales.	The whole.
15 Vic. No. 2.....	An Act to make further provision for the apprenticing of the children in the male and female orphan schools, and other poor children.	The third section.

SECOND SCHEDULE.

THIS indenture, made the day of , one thousand eight hundred and , between , son of , of in the Colony of New South Wales, and hereinafter designated apprentice of the first part; of the second part (as consenting hereto); and , of , carrying on business as at , and hereinafter designated master of the third part: Witnesseth that the said puts himself apprentice to the said master to learn the trade, art, business, or occupation of and everything relating thereto, for the space of years, and for so many additional days as is hereinafter provided for—such term to be computed from the day of , one thousand eight hundred and . And the said apprentice hereby agrees and engages with the said master, and his executors and administrators, that during such term he will faithfully, diligently, and assiduously serve and obey all lawful commmands of his said master, and his said executors and administrators, or those he or they may please to set over him in the said trade, art, business, or occupation; that he will at no time absent himself therefrom without proper consent; and that he will not be accessory to, nor commit or permit any hurt or damage to his said master or his property, nor conceal any such hurt or damage if known to him, but shall do everything in his power to prevent the same; and that for every day's absence during the said term from attention to said trade, art, business, or occupation without such consent, he shall serve one day at the end of each year of his apprenticeship, and such year shall not be considered complete until the said additional day or days shall have been served. And the said master hereby agrees, engages, and binds himself with and to the said apprentice, and his executors and administrators, that he, the said master or his executors or administrators, shall, during the aforesaid term, duly teach and instruct the said apprentice, or cause him to be taught and instructed, in the trade, art, business, or occupation aforesaid, and do his utmost to make him skilled and expert therein; and shall also make payment to the said apprentice at the following rate of wages per , during which he shall diligently and faithfully labour in said trade, art, business, or occupation, that is to say:— shillings per for the first year; shillings per for the second year; shillings per for the third year; shillings per for the fourth year; shillings per for the fifth year; shillings per for the sixth year; and shillings per for the seventh year from the said day of , one thousand eight hundred and . The said apprentice further agrees with his said master that he will be responsible for all tools, patterns, and other property that may be in his charge or under his care; and that in the event of any such tools, patterns, and other property being damaged or lost through his neglect or default, it shall be lawful for his said master to deduct a fair charge for the same

same from the wages above mentioned. And that in all respects he will conform to the reasonable rules and regulations for the time being in force in the establishment of the said master. And the said and , each for himself, his executors and administrators, covenants and agrees with the other, and his executors and administrators, that he shall in all respects well and faithfully observe and perform all the covenants and agreements contained in these presents on his part to be observed and performed.

In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed, sealed, and delivered by the said
in the presence of

THIRD SCHEDULE.

Assignment of the within Indenture.

THE within named master
doth hereby, with the consent of
assign the within indenture and the services thereunder of the within named apprentice unto of his executors and administrators, for the unexpired portion of the within-named term of years: And the said doth hereby declare his acceptance of such apprentice, and acknowledges himself, and his executors and administrators, to be bound by the agreements, engagements, obligations, and covenants on the part of the master of such apprentice, to be done and performed as fully as if he himself had entered into same as a party under that indenture.

In witness whereof the parties hereto have set their hands and seals this day of one thousand eight hundred and

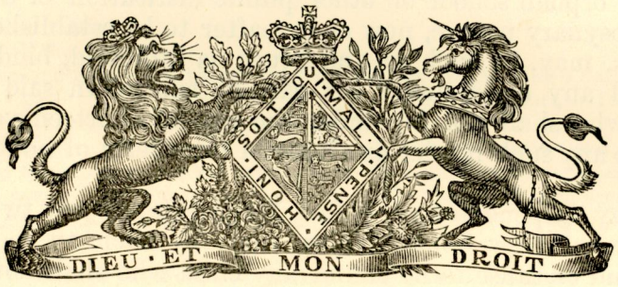
Signed, sealed, and delivered by the
said or his executors
or administrators.

Master.
Consenting party or parties.
Proposed assignee.

By Authority: CHARLES POTTER, Government Printer, Sydney, 1894.

[6*d*.]

New South Wales.



ANNO QUINQUAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

* *

No. XXII.

An Act to consolidate and amend the law relating to Apprentices. [Assented to, 1st June, 1894.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Apprentices Act, 1894," and shall come into operation on the first day of July, one thousand eight hundred and ninety-four. Short title.

2. The Acts specified in the First Schedule hereto are to the extent mentioned in that Schedule, as well as all other statutory provisions inconsistent herewith, hereby repealed: Provided that such repeal shall not affect any indenture or assignment of apprenticeship entered into, executed, or made, or any summons, complaint, application, order, direction, certificate, warrant, or other proceeding, matter, or thing commenced, had, or issued in New South Wales before the passing of this Act. Repeal of Acts.

3. The word "Master" as used in this Act shall mean any person carrying on any trade, art, business, or manual occupation upon his own account, or any Official or Company hereinafter specified, resident or established in New South Wales, save as is mentioned in the next succeeding section hereof, to whom or to which any child, Meaning of word "Master."

male

male or female, shall be bound apprentice by indenture or by assignment of indenture, such as is prescribed by the eleventh and twelfth sections hereof. And the word "Master" as so used shall be taken to include the word "Mistress" as well and as fully as if the latter expression were repeated whenever the former occurs.

Meaning of word "Apprentice."

Exemptions.

4. The word "Apprentice" as used in this Act shall mean any such child as is referred to, and so bound as is expressed in the preceding section. And nothing herein contained shall extend to, or to the articled clerk of, any attorney or solicitor, or to the clerk or apprentice of any person engaged in the tuition of any professional or scientific branch of learning or pursuit.

Orphan apprentices.

5. The person who shall have the principal control or management of any orphan school or other public institution or department of an eleemosynary nature, now or hereafter to be established in New South Wales, may, by such an indenture as aforesaid, bind or cause to be bound any child under his care or control in said school or institution, who shall not be under the age of fourteen years, to be apprentice to any such master as aforesaid for a term of not more than seven years.

Magistrates in certain cases may execute the indenture.

6. Any Stipendiary or Police Magistrate, or any two Justices of the Peace, of New South Wales, may, by such an indenture as aforesaid, bind or cause to be bound any child who shall not be under the age of fourteen years, in respect of whose maintenance any order shall have been made under the provisions of any Act then in force in New South Wales enabling Justices to make orders for the maintenance of children deserted or left without adequate means of support, to be apprentice to any such master as aforesaid for a term of not more than seven years.

Where child has no parent or guardian magistrate to act.

7. Any father resident in New South Wales of any child above fourteen years of age, or if the father be dead, or the inmate of any prison, lunatic asylum, or benevolent institution of any kind, then the mother so resident, and not under any such disability, or if the child have neither such a father nor mother, but have a guardian, then such guardian, and if there be no such guardian, then any Stipendiary or Police Magistrate, or any two Justices of the Peace, may, by such an indenture as aforesaid, bind or cause to be bound any such child to any such master as aforesaid to be instructed by such master in any trade, art, business, or manual occupation for a term which shall not exceed seven years.

Master may take any apprentice coming within preceding sections.

8. Any such master as aforesaid resident in and exercising any trade, art, business, or manual occupation within New South Wales, may, by such indenture as aforesaid, take any apprentice coming within any of the preceding sections to be instructed in such trade, art, business, or occupation within such Colony for a term such as is thereby limited.

Government apprentices.

9. Any official in the service of the Government of New South Wales having the direction and control of persons engaged in any trade, art, or manual occupation exercised therein on behalf of that Government, may by such an indenture as aforesaid take and receive such and so many apprentices, each coming within any of the preceding sections, as he may require to serve under him and his successors in office in such service for a term such as is thereby limited.

Manager of company may receive apprentice.

10. The manager of any company established and registered in New South Wales having the direction and control of persons engaged in any trade, art, or manual occupation exercised therein on behalf of such company, may, by such an indenture as aforesaid, take and receive such and so many apprentices, each coming within any of the preceding sections, as he may require to serve under him and his successors in office for a term such as is thereby limited.

11. Before any such child as is referred to in any of the preceding sections hereof is bound or received as apprentice, he may be admitted as and become a probationer on such terms as may be agreed upon for a period of three months to the proposed master in the trade, art, business, or manual occupation as to which it is contemplated to bind him; and it shall be lawful either for the proposed master or proposed apprentice, or the parent or other person authorised, at the end of such period of three months to terminate such engagement, if any or either shall so desire and signify; but if no such desire be expressed, then an indenture of apprenticeship in writing or print, with a counterpart thereof, shall be entered into, signed, and sealed by the apprentice, as of the first part; by the parent as contemplated by the seventh section hereof, or by such person, guardian, Stipendiary or Police Magistrate, or Justices of the Peace, as is provided by the fifth, sixth, and seventh sections hereof according to the circumstances of each case, as of the second part; and by the intended master as of the third part; and such indenture shall specify the particular trade, art, business, or occupation in which the apprentice is to be instructed, and the period for which he is to serve, and shall be in the form as nearly as can be set out in the Second Schedule hereto. And every such indenture shall be binding both on the master and on the apprentice in like manner as it would have been if the apprentice had been of full age at the time of his entering into and signing and sealing the same.

Proposed apprentice to become a probationer for three months, then indenture of apprenticeship to be entered into.

12. Any master, or if he be then dead, the executor or administrator of the master of any such apprentice as aforesaid may, by indorsement in writing or print, or partly in the one and partly in the other, set out upon the indenture of apprenticeship, or on the counterpart thereof, or if both be lost, then by any other sufficient instrument in writing, under his hand and seal, but by and with the consent of a Stipendiary or Police Magistrate or of two Justices of the Peace of New South Wales, testified by his or their joining as a party or parties to such indorsement, and after reasonable notice to, and hearing such apprentice, and with the consent of such apprentice, assign that indenture and the services of the apprentice thereunder, to any fit person (who shall also join as a party to such indorsement) for the then remainder of the term mentioned in that indenture: Provided that such indorsement, or other instrument as aforesaid, shall be in the form as nearly as can be, and contain the declaration and acknowledgment set out in the Third Schedule hereto; and in such case such apprentice shall be deemed to be the apprentice of such assignee to all intents and purposes.

Master or Executor in certain cases may assign indenture of apprenticeship for remainder of term.

Proviso.

13. Provided always and notwithstanding any provision contained herein, or in any such indenture of apprenticeship or assignment thereof as aforesaid, the term of apprenticeship specified therein shall, if it be not sooner completed by flux of time, be taken to expire, and shall expire accordingly when the apprentice named therein shall attain the age of twenty-one years, or, shall marry with the consent of the person or persons appointed to give consent to the marriage of minors under the provisions of any Act for that purpose then in force in New South Wales.

Terms of apprenticeship expire in certain cases.

14. No such apprentice as aforesaid shall be bound to serve his master for more than forty-eight hours during any one week: Provided always that this restriction shall not apply to apprentices bound to farming occupations or to other servants in husbandry, or to domestic service.

Hours of labor.

15. In case of any difference or dispute between any such master and any such apprentice as aforesaid arising under any such indenture or assignment as aforesaid, the party feeling aggrieved may cause a summons to be issued forth of the Court of Petty Sessions of the district

Court may settle disputes arising between master and apprentice, and award costs, &c.

district in which the ground of such difference or dispute arose, specifying the wrong or injury complained of, and the redress sought; and calling upon the other party to show cause upon a given day before such Court why that party should not be ordered to give and make that redress. And thereupon the Stipendiary or Police Magistrate or any two Justices of the Peace presiding on such occasion shall have power and authority to hear and to give and make such order upon such difference or dispute as in his or their discretion, equity, and right shall require, including the power of imposing any fine not exceeding the sum of ten pounds upon such master, or upon such apprentice as the case may be, as a penalty for any proved misconduct or breach of contract on his part towards the other. Such Magistrate or Justices may also discharge such apprentice, if he or they shall think proper, by certificate under his or their hand or hands, from the service of such master and may cancel the indenture of apprenticeship or any assignment thereof, which certificate shall be a complete bar to any action that may be brought on such indenture or assignment. And the Magistrate or Justices may award such costs of the proceeding in favour of or against either party thereto, as he or they may consider reasonable, as well as award the payment of any wages that may then be owing by the master to the apprentice.

Apprentice absenting himself without leave may be compelled to serve the time lost by his absence, and for refusing to serve as required to be dealt with summarily.

16. If any such apprentice as aforesaid shall, before the expiration of his term of apprenticeship, absent himself without leave from his master's service for more than one week, such apprentice shall at any time wherever he shall be found, be compelled to serve such master for so long a time as he shall have so absented himself, unless he shall make reasonable satisfaction to his master for the loss the latter shall have sustained by such absence; and so from time to time as often as such apprentice shall so absent himself: And in case such apprentice shall refuse to serve as hereby required or to make such reasonable satisfaction as aforesaid, or cannot then be found, such master may complain on oath to any Justice of the Peace in New South Wales—which oath such Justice is hereby empowered to administer—and he may issue a warrant under his hand for apprehending such apprentice whenever he can be found, and bringing him before any two or more such Justices, or before a Stipendiary or Police Magistrate, who shall hear the complaint in a summary way, and determine what satisfaction shall be made to such master; and in case such apprentice shall not make or give security to make such satisfaction according to such determination, such Magistrate or Justices may commit such apprentice to any gaol or house of correction for any time not exceeding one month; the apprentice shall also be bound to serve his master for the period during which he so absented himself as aforesaid.

Penalty in cases where master transfers or discharges apprentice without his consent.

17. It shall not be lawful for any such master as aforesaid to put away or transfer any such apprentice as aforesaid to any other person, or in any way discharge such apprentice from his service without such consent as is specified in or under such certificate as is provided for by the twelfth and fifteenth sections hereof; and any master violating the provisions of this section shall be liable to a penalty of ten pounds, which may be imposed by any Stipendiary or Police Magistrate or two such Justices of the Peace as aforesaid.

Persons enticing, employing, or harboring apprentices liable to a fine of not exceeding £10.

18. If any person shall entice or take away or employ or harbor, or be aiding or concerned in enticing or taking away or employing or harboring any child who has been bound apprentice by any such indenture or assignment as aforesaid, while the same remains in force, he shall be liable to a fine or penalty of not more than ten pounds, which any Stipendiary or Police Magistrate or any two Justices of the Peace may award and impose in a summary way upon a summons issued for that purpose.

19.

19. If any such fine, penalty, costs, or wages as is or are contemplated by any section hereof shall not be duly paid according to the exigency thereof, the same may be levied by distress and sale of the goods and chattels of the master or apprentice or other person as the case may be upon whom it has been imposed; and when paid or recovered the amount of the fine or penalty shall be applied and disposed of at the discretion of the Stipendiary or Police Magistrate or Justices imposing it, either towards the funds of any charitable institution existing in the district wherever such master or apprentice shall reside, or to and for the use and benefit of the party personally as compensation for the wrong or injury which may have been sustained by him in the premises. And if such fine, penalty, costs, or wages is or are not so paid, or recovered, such Magistrate or Justices may commit the defaulter to any gaol, house of correction, prison, or reformatory for any time not exceeding fourteen days. Procedure under this Act.

20. Provided always that no imprisonment shall be inflicted under any section of this Act upon any apprentice under sixteen years of age, or upon any female apprentice. Exemptions to imprisonment.

21. Any apprentices placed out in accordance with the provisions of the fifth section of this Act may be liable to inspection by any officer authorised by the Colonial Secretary, and such officer shall act as guardian to the aforesaid apprentices, and he shall have full power to initiate and carry out legal proceedings on their behalf and otherwise provide that the conditions of all indentures and agreements made between such apprentices and their masters are faithfully carried out, and such officer shall report annually upon the operations of the Act, so far as he is herein empowered to exercise supervision thereunder, to the Colonial Secretary: Provided that nothing herein shall be taken to apply to any child apprenticed under the provisions of the Industrial Schools Act of 1866. Supervision of orphan apprentices.

22. Any person who shall think himself aggrieved by any order, fine, penalty, or punishment made or imposed under this Act may appeal against the same to the Court of Quarter Sessions for the district in which the same was so made or imposed according to the provisions of any Act then in force regulating appeals on summary proceedings before Justices; but no conviction, order, warrant, or other matter made or purporting to be made or done 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 it be therein alleged that the party has been convicted, and that there be a good and valid conviction to sustain the same. As to appeals.

SCHEDULES.

SCHEDULES.

FIRST SCHEDULE.

Date of Act.	Title of Act.	Extent of repeal.
9 Geo. IV, No. 8	An Act for enabling persons holding certain public offices in New South Wales to take apprentices to serve under them and their successors in office, and for regulating all matters relating to masters and apprentices.	The whole.
5 Wm. IV, No. 3	An Act for apprenticing the children of male and female orphan schools and other poor children in the Colony of New South Wales.	The whole.
8 Vic. No. 2	An Act to regulate and amend the law of orphan and other apprentices in the Colony of New South Wales.	The whole.
15 Vic. No. 2.....	An Act to make further provision for the apprenticing of the children in the male and female orphan schools, and other poor children.	The third section.

SECOND SCHEDULE.

THIS indenture, made the day of , one thousand eight hundred and , between , son of , of in the Colony of New South Wales, and hereinafter designated apprentice of the first part; of the second part (as consenting hereto); and , of , carrying on business as at , and hereinafter designated master of the third part: Witnesseth that the said puts himself apprentice to the said master to learn the trade, art, business, or occupation of and everything relating thereto, for the space of years, and for so many additional days as is hereinafter provided for—such term to be computed from the day of , one thousand eight hundred and . And the said apprentice hereby agrees and engages with the said master, and his executors and administrators, that during such term he will faithfully, diligently, and assiduously serve and obey all lawful commmands of his said master, and his said executors and administrators, or those he or they may please to set over him in the said trade, art, business, or occupation; that he will at no time absent himself therefrom without proper consent; and that he will not be accessory to, nor commit or permit any hurt or damage to his said master or his property, nor conceal any such hurt or damage if known to him, but shall do everything in his power to prevent the same; and that for every day's absence during the said term from attention to said trade, art, business, or occupation without such consent, he shall serve one day at the end of each year of his apprenticeship, and such year shall not be considered complete until the said additional day or days shall have been served. And the said master hereby agrees, engages, and binds himself with and to the said apprentice, and his executors and administrators, that he, the said master or his executors or administrators, shall, during the aforesaid term, duly teach and instruct the said apprentice, or cause him to be taught and instructed, in the trade, art, business, or occupation aforesaid, and do his utmost to make him skilled and expert therein; and shall also make payment to the said apprentice at the following rate of wages per , during which he shall diligently and faithfully labour in said trade, art, business, or occupation, that is to say:— shillings per for the first year; shillings per for the second year; shillings per for the third year; shillings per for the fourth year; shillings per for the fifth year; shillings per for the sixth year; and shillings per for the seventh year from the said day of , one thousand eight hundred and . The said apprentice further agrees with his said master that he will be responsible for all tools, patterns, and other property that may be in his charge or under his care; and that in the event of any such tools, patterns, and other property being damaged or lost through his neglect or default, it shall be lawful for his said master to deduct a fair charge for the same

same from the wages above mentioned. And that in all respects he will conform to the reasonable rules and regulations for the time being in force in the establishment of the said master. And the said and , each for himself, his executors and administrators, covenants and agrees with the other, and his executors and administrators, that he shall in all respects well and faithfully observe and perform all the covenants and agreements contained in these presents on his part to be observed and performed.

In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed, sealed, and delivered by the said
in the presence of

THIRD SCHEDULE.

Assignment of the within Indenture.

THE within named master
doth hereby, with the consent of
assign the within indenture and the services thereunder of the within named apprentice unto of his executors and administrators, for the unexpired portion of the within-named term of years: And the said doth hereby declare his acceptance of such apprentice, and acknowledges himself, and his executors and administrators, to be bound by the agreements, engagements, obligations, and covenants on the part of the master of such apprentice, to be done and performed as fully as if he himself had entered into same as a party under that indenture.

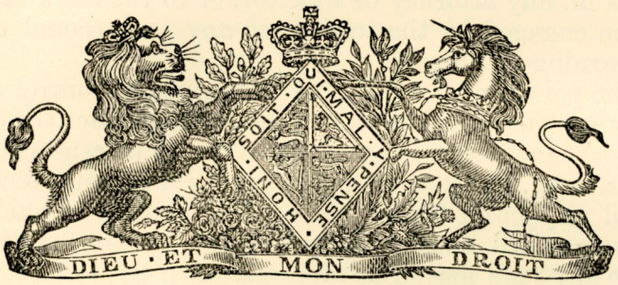
In witness whereof the parties hereto have set their hands and seals this day of one thousand eight hundred and

Signed, sealed, and delivered by the
said or his executors
or administrators.

Master.
Consenting party or parties.
Proposed assignee.

By Authority: CHARLES POTTER, Government Printer, Sydney, 1894.

[6*d*.]



I Certify that this PUBLIC BILL, *which originated in the* LEGISLATIVE ASSEMBLY, *has finally passed the* LEGISLATIVE COUNCIL *and the* LEGISLATIVE ASSEMBLY *of* NEW SOUTH WALES.

Legislative Assembly Chamber,
Sydney, 22 *May*, 1894.

F. W. WEBB,
Clerk of the Legislative Assembly.

New South Wales.

ANNO QUINQUAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

* * *

No. XXII.

An Act to consolidate and amend the law relating to Apprentices. [Assented to, 1st June, 1894.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Apprentices Act, 1894," and shall come into operation on the first day of July, one thousand eight hundred and ninety-four.

Repeal of Acts.

2. The Acts specified in the First Schedule hereto are to the extent mentioned in that Schedule, as well as all other statutory provisions inconsistent herewith, hereby repealed: Provided that such repeal shall not affect any indenture or assignment of apprenticeship entered into, executed, or made, or any summons, complaint, application, order, direction, certificate, warrant, or other proceeding, matter, or thing commenced, had, or issued in New South Wales before the passing of this Act.

Meaning of word "Master."

3. The word "Master" as used in this Act shall mean any person carrying on any trade, art, business, or manual occupation upon his own account, or any Official or Company hereinafter specified, resident or established in New South Wales, save as is mentioned in the next succeeding section hereof, to whom or to which any child,

male

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

NINIAN MELVILLE,
Chairman of Committees of the Legislative Assembly.

male or female, shall be bound apprentice by indenture or by assignment of indenture, such as is prescribed by the eleventh and twelfth sections hereof. And the word "Master" as so used shall be taken to include the word "Mistress" as well and as fully as if the latter expression were repeated whenever the former occurs.

Meaning of word "Apprentice."

Exemptions.

4. The word "Apprentice" as used in this Act shall mean any such child as is referred to, and so bound as is expressed in the preceding section. And nothing herein contained shall extend to, or to the articled clerk of, any attorney or solicitor, or to the clerk or apprentice of any person engaged in the tuition of any professional or scientific branch of learning or pursuit.

Orphan apprentices.

5. The person who shall have the principal control or management of any orphan school or other public institution or department of an eleemosynary nature, now or hereafter to be established in New South Wales, may, by such an indenture as aforesaid, bind or cause to be bound any child under his care or control in said school or institution, who shall not be under the age of fourteen years, to be apprentice to any such master as aforesaid for a term of not more than seven years.

Magistrates in certain cases may execute the indenture.

6. Any Stipendiary or Police Magistrate, or any two Justices of the Peace, of New South Wales, may, by such an indenture as aforesaid, bind or cause to be bound any child who shall not be under the age of fourteen years, in respect of whose maintenance any order shall have been made under the provisions of any Act then in force in New South Wales enabling Justices to make orders for the maintenance of children deserted or left without adequate means of support, to be apprentice to any such master as aforesaid for a term of not more than seven years.

Where child has no parent or guardian magistrate to act.

7. Any father resident in New South Wales of any child above fourteen years of age, or if the father be dead, or the inmate of any prison, lunatic asylum, or benevolent institution of any kind, then the mother so resident, and not under any such disability, or if the child have neither such a father nor mother, but have a guardian, then such guardian, and if there be no such guardian, then any Stipendiary or Police Magistrate, or any two Justices of the Peace, may, by such an indenture as aforesaid, bind or cause to be bound any such child to any such master as aforesaid to be instructed by such master in any trade, art, business, or manual occupation for a term which shall not exceed seven years.

Master may take any apprentice coming within preceding sections.

8. Any such master as aforesaid resident in and exercising any trade, art, business, or manual occupation within New South Wales, may, by such indenture as aforesaid, take any apprentice coming within any of the preceding sections to be instructed in such trade, art, business, or occupation within such Colony for a term such as is thereby limited.

Government apprentices.

9. Any official in the service of the Government of New South Wales having the direction and control of persons engaged in any trade, art, or manual occupation exercised therein on behalf of that Government, may by such an indenture as aforesaid take and receive such and so many apprentices, each coming within any of the preceding sections, as he may require to serve under him and his successors in office in such service for a term such as is thereby limited.

Manager of company may receive apprentice.

10. The manager of any company established and registered in New South Wales having the direction and control of persons engaged in any trade, art, or manual occupation exercised therein on behalf of such company, may, by such an indenture as aforesaid, take and receive such and so many apprentices, each coming within any of the preceding sections, as he may require to serve under him and his successors in office for a term such as is thereby limited.

11. Before any such child as is referred to in any of the preceding sections hereof is bound or received as apprentice, he may be admitted as and become a probationer on such terms as may be agreed upon for a period of three months to the proposed master in the trade, art, business, or manual occupation as to which it is contemplated to bind him; and it shall be lawful either for the proposed master or proposed apprentice, or the parent or other person authorised, at the end of such period of three months to terminate such engagement, if any or either shall so desire and signify; but if no such desire be expressed, then an indenture of apprenticeship in writing or print, with a counterpart thereof, shall be entered into, signed, and sealed by the apprentice, as of the first part; by the parent as contemplated by the seventh section hereof, or by such person, guardian, Stipendiary or Police Magistrate, or Justices of the Peace, as is provided by the fifth, sixth, and seventh sections hereof according to the circumstances of each case, as of the second part; and by the intended master as of the third part; and such indenture shall specify the particular trade, art, business, or occupation in which the apprentice is to be instructed, and the period for which he is to serve, and shall be in the form as nearly as can be set out in the Second Schedule hereto. And every such indenture shall be binding both on the master and on the apprentice in like manner as it would have been if the apprentice had been of full age at the time of his entering into and signing and sealing the same.

Proposed apprentice to become a probationer for three months, then indenture of apprenticeship to be entered into.

12. Any master, or if he be then dead, the executor or administrator of the master of any such apprentice as aforesaid may, by indorsement in writing or print, or partly in the one and partly in the other, set out upon the indenture of apprenticeship, or on the counterpart thereof, or if both be lost, then by any other sufficient instrument in writing, under his hand and seal, but by and with the consent of a Stipendiary or Police Magistrate or of two Justices of the Peace of New South Wales, testified by his or their joining as a party or parties to such indorsement, and after reasonable notice to, and hearing such apprentice, and with the consent of such apprentice, assign that indenture and the services of the apprentice thereunder, to any fit person (who shall also join as a party to such indorsement) for the then remainder of the term mentioned in that indenture: Provided that such indorsement, or other instrument as aforesaid, shall be in the form as nearly as can be, and contain the declaration and acknowledgment set out in the Third Schedule hereto; and in such case such apprentice shall be deemed to be the apprentice of such assignee to all intents and purposes.

Master or Executor in certain cases may assign indenture of apprenticeship for remainder of term.

Proviso.

13. Provided always and notwithstanding any provision contained herein, or in any such indenture of apprenticeship or assignment thereof as aforesaid, the term of apprenticeship specified therein shall, if it be not sooner completed by flux of time, be taken to expire, and shall expire accordingly when the apprentice named therein shall attain the age of twenty-one years, or, shall marry with the consent of the person or persons appointed to give consent to the marriage of minors under the provisions of any Act for that purpose then in force in New South Wales.

Terms of apprenticeship expire in certain cases.

14. No such apprentice as aforesaid shall be bound to serve his master for more than forty-eight hours during any one week: Provided always that this restriction shall not apply to apprentices bound to farming occupations or to other servants in husbandry, or to domestic service.

Hours of labor.

15. In case of any difference or dispute between any such master and any such apprentice as aforesaid arising under any such indenture or assignment as aforesaid, the party feeling aggrieved may cause a summons to be issued forth of the Court of Petty Sessions of the district

Court may settle disputes arising between master and apprentice, and award costs, &c.

district in which the ground of such difference or dispute arose, specifying the wrong or injury complained of, and the redress sought; and calling upon the other party to show cause upon a given day before such Court why that party should not be ordered to give and make that redress. And thereupon the Stipendiary or Police Magistrate or any two Justices of the Peace presiding on such occasion shall have power and authority to hear and to give and make such order upon such difference or dispute as in his or their discretion, equity, and right shall require, including the power of imposing any fine not exceeding the sum of ten pounds upon such master, or upon such apprentice as the case may be, as a penalty for any proved misconduct or breach of contract on his part towards the other. Such Magistrate or Justices may also discharge such apprentice, if he or they shall think proper, by certificate under his or their hand or hands, from the service of such master and may cancel the indenture of apprenticeship or any assignment thereof, which certificate shall be a complete bar to any action that may be brought on such indenture or assignment. And the Magistrate or Justices may award such costs of the proceeding in favour of or against either party thereto, as he or they may consider reasonable, as well as award the payment of any wages that may then be owing by the master to the apprentice.

Apprentice absenting himself without leave may be compelled to serve the time lost by his absence, and for refusing to serve as required to be dealt with summarily.

16. If any such apprentice as aforesaid shall, before the expiration of his term of apprenticeship, absent himself without leave from his master's service for more than one week, such apprentice shall at any time wherever he shall be found, be compelled to serve such master for so long a time as he shall have so absented himself, unless he shall make reasonable satisfaction to his master for the loss the latter shall have sustained by such absence; and so from time to time as often as such apprentice shall so absent himself: And in case such apprentice shall refuse to serve as hereby required or to make such reasonable satisfaction as aforesaid, or cannot then be found, such master may complain on oath to any Justice of the Peace in New South Wales—which oath such Justice is hereby empowered to administer—and he may issue a warrant under his hand for apprehending such apprentice whenever he can be found, and bringing him before any two or more such Justices, or before a Stipendiary or Police Magistrate, who shall hear the complaint in a summary way, and determine what satisfaction shall be made to such master; and in case such apprentice shall not make or give security to make such satisfaction according to such determination, such Magistrate or Justices may commit such apprentice to any gaol or house of correction for any time not exceeding one month; the apprentice shall also be bound to serve his master for the period during which he so absented himself as aforesaid.

Penalty in cases where master transfers or discharges apprentice without his consent.

17. It shall not be lawful for any such master as aforesaid to put away or transfer any such apprentice as aforesaid to any other person, or in any way discharge such apprentice from his service without such consent as is specified in or under such certificate as is provided for by the twelfth and fifteenth sections hereof; and any master violating the provisions of this section shall be liable to a penalty of ten pounds, which may be imposed by any Stipendiary or Police Magistrate or two such Justices of the Peace as aforesaid.

Persons enticing, employing, or harboring apprentices liable to a fine of not exceeding £10.

18. If any person shall entice or take away or employ or harbor, or be aiding or concerned in enticing or taking away or employing or harboring any child who has been bound apprentice by any such indenture or assignment as aforesaid, while the same remains in force, he shall be liable to a fine or penalty of not more than ten pounds, which any Stipendiary or Police Magistrate or any two Justices of the Peace may award and impose in a summary way upon a summons issued for that purpose.

19.

19. If any such fine, penalty, costs, or wages as is or are contemplated by any section hereof shall not be duly paid according to the exigency thereof, the same may be levied by distress and sale of the goods and chattels of the master or apprentice or other person as the case may be upon whom it has been imposed; and when paid or recovered the amount of the fine or penalty shall be applied and disposed of at the discretion of the Stipendiary or Police Magistrate or Justices imposing it, either towards the funds of any charitable institution existing in the district wherever such master or apprentice shall reside, or to and for the use and benefit of the party personally as compensation for the wrong or injury which may have been sustained by him in the premises. And if such fine, penalty, costs, or wages is or are not so paid, or recovered, such Magistrate or Justices may commit the defaulter to any gaol, house of correction, prison, or reformatory for any time not exceeding fourteen days. Proceedure under this Act.

20. Provided always that no imprisonment shall be inflicted under any section of this Act upon any apprentice under sixteen years of age, or upon any female apprentice. Exemptions to imprisonment.

21. Any apprentices placed out in accordance with the provisions of the fifth section of this Act may be liable to inspection by any officer authorised by the Colonial Secretary, and such officer shall act as guardian to the aforesaid apprentices, and he shall have full power to initiate and carry out legal proceedings on their behalf and otherwise provide that the conditions of all indentures and agreements made between such apprentices and their masters are faithfully carried out, and such officer shall report annually upon the operations of the Act, so far as he is herein empowered to exercise supervision thereunder, to the Colonial Secretary: Provided that nothing herein shall be taken to apply to any child apprenticed under the provisions of the Industrial Schools Act of 1866. Supervision of orphan apprentices.

22. Any person who shall think himself aggrieved by any order, fine, penalty, or punishment made or imposed under this Act may appeal against the same to the Court of Quarter Sessions for the district in which the same was so made or imposed according to the provisions of any Act then in force regulating appeals on summary proceedings before Justices; but no conviction, order, warrant, or other matter made or purporting to be made or done 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 it be therein alleged that the party has been convicted, and that there be a good and valid conviction to sustain the same. As to appeals.

SCHEDULES.

SCHEDULES.

FIRST SCHEDULE.

Date of Act.	Title of Act.	Extent of repeal.
9 Geo. IV, No. 8	An Act for enabling persons holding certain public offices in New South Wales to take apprentices to serve under them and their successors in office, and for regulating all matters relating to masters and apprentices.	The whole.
5 Wm. IV, No. 3	An Act for apprenticing the children of male and female orphan schools and other poor children in the Colony of New South Wales.	The whole.
8 Vic. No. 2	An Act to regulate and amend the law of orphan and other apprentices in the Colony of New South Wales.	The whole.
15 Vic. No. 2.....	An Act to make further provision for the apprenticing of the children in the male and female orphan schools, and other poor children.	The third section.

SECOND SCHEDULE.

THIS indenture, made the day of , one thousand eight hundred and , between , son of , of in the Colony of New South Wales, and hereinafter designated apprentice of the first part; of the second part (as consenting hereto); and , of , carrying on business as at , and hereinafter designated master of the third part: Witnesseth that the said puts himself apprentice to the said master to learn the trade, art, business, or occupation of and everything relating thereto, for the space of years, and for so many additional days as is hereinafter provided for—such term to be computed from the day of , one thousand eight hundred and . And the said apprentice hereby agrees and engages with the said master, and his executors and administrators, that during such term he will faithfully, diligently, and assiduously serve and obey all lawful commmands of his said master, and his said executors and administrators, or those he or they may please to set over him in the said trade, art, business, or occupation; that he will at no time absent himself therefrom without proper consent; and that he will not be accessory to, nor commit or permit any hurt or damage to his said master or his property, nor conceal any such hurt or damage if known to him, but shall do everything in his power to prevent the same; and that for every day's absence during the said term from attention to said trade, art, business, or occupation without such consent, he shall serve one day at the end of each year of his apprenticeship, and such year shall not be considered complete until the said additional day or days shall have been served. And the said master hereby agrees, engages, and binds himself with and to the said apprentice, and his executors and administrators, that he, the said master or his executors or administrators, shall, during the aforesaid term, duly teach and instruct the said apprentice, or cause him to be taught and instructed, in the trade, art, business, or occupation aforesaid, and do his utmost to make him skilled and expert therein; and shall also make payment to the said apprentice at the following rate of wages per , during which he shall diligently and faithfully labour in said trade, art, business, or occupation, that is to say:— shillings per for the first year; shillings per for the second year; shillings per for the third year; shillings per for the fourth year; shillings per for the fifth year; shillings per for the sixth year; and shillings per for the seventh year from the said day of , one thousand eight hundred and . The said apprentice further agrees with his said master that he will be responsible for all tools, patterns, and other property that may be in his charge or under his care; and that in the event of any such tools, patterns, and other property being damaged or lost through his neglect or default, it shall be lawful for his said master to deduct a fair charge for the same

same from the wages above mentioned. And that in all respects he will conform to the reasonable rules and regulations for the time being in force in the establishment of the said master. And the said and , each for himself, his executors and administrators, covenants and agrees with the other, and his executors and administrators, that he shall in all respects well and faithfully observe and perform all the covenants and agreements contained in these presents on his part to be observed and performed.

In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed, sealed, and delivered by the said
in the presence of

THIRD SCHEDULE.

Assignment of the within Indenture.

THE within named master
doth hereby, with the consent of
assign the within indenture and the services thereunder of the within named apprentice unto of his executors and administrators, for the unexpired portion of the within-named term of years: And the said doth hereby declare his acceptance of such apprentice, and acknowledges himself, and his executors and administrators, to be bound by the agreements, engagements, obligations, and covenants on the part of the master of such apprentice, to be done and performed as fully as if he himself had entered into same as a party under that indenture.

In witness whereof the parties hereto have set their hands and seals this day of one thousand eight hundred and

Signed, sealed, and delivered by the said or his executors or administrators.

Master.
Consenting party or parties.
Proposed assignee.

In the name and on the behalf of Her Majesty I assent to this Act.

R. W. DUFF,
Governor.

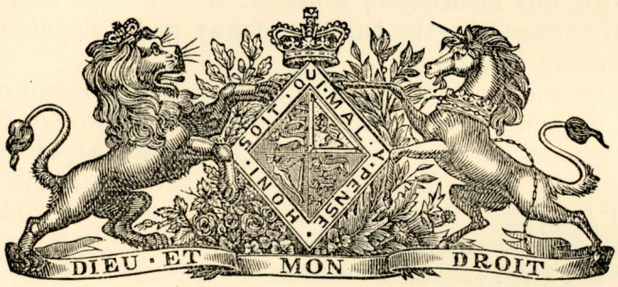
Government House,
Sydney, 1*st June,* 1894.

I Certify that this PUBLIC BILL, *which originated in the* LEGISLATIVE ASSEMBLY, *has finally passed the* LEGISLATIVE COUNCIL *and the* LEGISLATIVE ASSEMBLY *of* NEW SOUTH WALES.

Legislative Assembly Chamber,
Sydney, 22 *May,* 1894.

F. W. WEBB,
Clerk of the Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

* *

No. XXII.

An Act to consolidate and amend the law relating to Apprentices. [Assented to, 1st June, 1894.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Apprentices Act, 1894," and shall come into operation on the first day of July, one thousand eight hundred and ninety-four. Short title.

2. The Acts specified in the First Schedule hereto are to the extent mentioned in that Schedule, as well as all other statutory provisions inconsistent herewith, hereby repealed: Provided that such repeal shall not affect any indenture or assignment of apprenticeship entered into, executed, or made, or any summons, complaint, application, order, direction, certificate, warrant, or other proceeding, matter, or thing commenced, had, or issued in New South Wales before the passing of this Act. Repeal of Acts.

3. The word "Master" as used in this Act shall mean any person carrying on any trade, art, business, or manual occupation upon his own account, or any Official or Company hereinafter specified, resident or established in New South Wales, save as is mentioned in the next succeeding section hereof, to whom or to which any child, male Meaning of word "Master."

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

NINIAN MELVILLE,
Chairman of Committees of the Legislative Assembly.

male or female, shall be bound apprentice by indenture or by assignment of indenture, such as is prescribed by the eleventh and twelfth sections hereof. And the word "Master" as so used shall be taken to include the word "Mistress" as well and as fully as if the latter expression were repeated whenever the former occurs.

Meaning of word "Apprentice."

Exemptions.

4. The word "Apprentice" as used in this Act shall mean any such child as is referred to, and so bound as is expressed in the preceding section. And nothing herein contained shall extend to, or to the articled clerk of, any attorney or solicitor, or to the clerk or apprentice of any person engaged in the tuition of any professional or scientific branch of learning or pursuit.

Orphan apprentices.

5. The person who shall have the principal control or management of any orphan school or other public institution or department of an eleemosynary nature, now or hereafter to be established in New South Wales, may, by such an indenture as aforesaid, bind or cause to be bound any child under his care or control in said school or institution, who shall not be under the age of fourteen years, to be apprentice to any such master as aforesaid for a term of not more than seven years.

Magistrates in certain cases may execute the indenture.

6. Any Stipendiary or Police Magistrate, or any two Justices of the Peace, of New South Wales, may, by such an indenture as aforesaid, bind or cause to be bound any child who shall not be under the age of fourteen years, in respect of whose maintenance any order shall have been made under the provisions of any Act then in force in New South Wales enabling Justices to make orders for the maintenance of children deserted or left without adequate means of support, to be apprentice to any such master as aforesaid for a term of not more than seven years.

Where child has no parent or guardian magistrate to act.

7. Any father resident in New South Wales of any child above fourteen years of age, or if the father be dead, or the inmate of any prison, lunatic asylum, or benevolent institution of any kind, then the mother so resident, and not under any such disability, or if the child have neither such a father nor mother, but have a guardian, then such guardian, and if there be no such guardian, then any Stipendiary or Police Magistrate, or any two Justices of the Peace, may, by such an indenture as aforesaid, bind or cause to be bound any such child to any such master as aforesaid to be instructed by such master in any trade, art, business, or manual occupation for a term which shall not exceed seven years.

Master may take any apprentice coming within preceding sections.

8. Any such master as aforesaid resident in and exercising any trade, art, business, or manual occupation within New South Wales, may, by such indenture as aforesaid, take any apprentice coming within any of the preceding sections to be instructed in such trade, art, business, or occupation within such Colony for a term such as is thereby limited.

Government apprentices.

9. Any official in the service of the Government of New South Wales having the direction and control of persons engaged in any trade, art, or manual occupation exercised therein on behalf of that Government, may by such an indenture as aforesaid take and receive such and so many apprentices, each coming within any of the preceding sections, as he may require to serve under him and his successors in office in such service for a term such as is thereby limited.

Manager of company may receive apprentice.

10. The manager of any company established and registered in New South Wales having the direction and control of persons engaged in any trade, art, or manual occupation exercised therein on behalf of such company, may, by such an indenture as aforesaid, take and receive such and so many apprentices, each coming within any of the preceding sections, as he may require to serve under him and his successors in office for a term such as is thereby limited.

11. Before any such child as is referred to in any of the preceding sections hereof is bound or received as apprentice, he may be admitted as and become a probationer on such terms as may be agreed upon for a period of three months to the proposed master in the trade, art, business, or manual occupation as to which it is contemplated to bind him; and it shall be lawful either for the proposed master or proposed apprentice, or the parent or other person authorised, at the end of such period of three months to terminate such engagement, if any or either shall so desire and signify; but if no such desire be expressed, then an indenture of apprenticeship in writing or print, with a counterpart thereof, shall be entered into, signed, and sealed by the apprentice, as of the first part; by the parent as contemplated by the seventh section hereof, or by such person, guardian, Stipendiary or Police Magistrate, or Justices of the Peace, as is provided by the fifth, sixth, and seventh sections hereof according to the circumstances of each case, as of the second part; and by the intended master as of the third part; and such indenture shall specify the particular trade, art, business, or occupation in which the apprentice is to be instructed, and the period for which he is to serve, and shall be in the form as nearly as can be set out in the Second Schedule hereto. And every such indenture shall be binding both on the master and on the apprentice in like manner as it would have been if the apprentice had been of full age at the time of his entering into and signing and sealing the same.

Proposed apprentice to become a probationer for three months, then indenture of apprenticeship to be entered into.

12. Any master, or if he be then dead, the executor or administrator of the master of any such apprentice as aforesaid may, by indorsement in writing or print, or partly in the one and partly in the other, set out upon the indenture of apprenticeship, or on the counterpart thereof, or if both be lost, then by any other sufficient instrument in writing, under his hand and seal, but by and with the consent of a Stipendiary or Police Magistrate or of two Justices of the Peace of New South Wales, testified by his or their joining as a party or parties to such indorsement, and after reasonable notice to, and hearing such apprentice, and with the consent of such apprentice, assign that indenture and the services of the apprentice thereunder, to any fit person (who shall also join as a party to such indorsement) for the then remainder of the term mentioned in that indenture: Provided that such indorsement, or other instrument as aforesaid, shall be in the form as nearly as can be, and contain the declaration and acknowledgment set out in the Third Schedule hereto; and in such case such apprentice shall be deemed to be the apprentice of such assignee to all intents and purposes.

Master or Executor in certain cases may assign indenture of apprenticeship for remainder of term.

Proviso.

13. Provided always and notwithstanding any provision contained herein, or in any such indenture of apprenticeship or assignment thereof as aforesaid, the term of apprenticeship specified therein shall, if it be not sooner completed by flux of time, be taken to expire, and shall expire accordingly when the apprentice named therein shall attain the age of twenty-one years, or, shall marry with the consent of the person or persons appointed to give consent to the marriage of minors under the provisions of any Act for that purpose then in force in New South Wales.

Terms of apprenticeship expire in certain cases.

14. No such apprentice as aforesaid shall be bound to serve his master for more than forty-eight hours during any one week: Provided always that this restriction shall not apply to apprentices bound to farming occupations or to other servants in husbandry, or to domestic service.

Hours of labor.

15. In case of any difference or dispute between any such master and any such apprentice as aforesaid arising under any such indenture or assignment as aforesaid, the party feeling aggrieved may cause a summons to be issued forth of the Court of Petty Sessions of the district

Court may settle disputes arising between master and apprentice, and award costs, &c.

district in which the ground of such difference or dispute arose, specifying the wrong or injury complained of, and the redress sought; and calling upon the other party to show cause upon a given day before such Court why that party should not be ordered to give and make that redress. And thereupon the Stipendiary or Police Magistrate or any two Justices of the Peace presiding on such occasion shall have power and authority to hear and to give and make such order upon such difference or dispute as in his or their discretion, equity, and right shall require, including the power of imposing any fine not exceeding the sum of ten pounds upon such master, or upon such apprentice as the case may be, as a penalty for any proved misconduct or breach of contract on his part towards the other. Such Magistrate or Justices may also discharge such apprentice, if he or they shall think proper, by certificate under his or their hand or hands, from the service of such master and may cancel the indenture of apprenticeship or any assignment thereof, which certificate shall be a complete bar to any action that may be brought on such indenture or assignment. And the Magistrate or Justices may award such costs of the proceeding in favour of or against either party thereto, as he or they may consider reasonable, as well as award the payment of any wages that may then be owing by the master to the apprentice.

Apprentice absenting himself without leave may be compelled to serve the time lost by his absence, and for refusing to serve as required to be dealt with summarily.

16. If any such apprentice as aforesaid shall, before the expiration of his term of apprenticeship, absent himself without leave from his master's service for more than one week, such apprentice shall at any time wherever he shall be found, be compelled to serve such master for so long a time as he shall have so absented himself, unless he shall make reasonable satisfaction to his master for the loss the latter shall have sustained by such absence; and so from time to time as often as such apprentice shall so absent himself: And in case such apprentice shall refuse to serve as hereby required or to make such reasonable satisfaction as aforesaid, or cannot then be found, such master may complain on oath to any Justice of the Peace in New South Wales—which oath such Justice is hereby empowered to administer—and he may issue a warrant under his hand for apprehending such apprentice whenever he can be found, and bringing him before any two or more such Justices, or before a Stipendiary or Police Magistrate, who shall hear the complaint in a summary way, and determine what satisfaction shall be made to such master; and in case such apprentice shall not make or give security to make such satisfaction according to such determination, such Magistrate or Justices may commit such apprentice to any gaol or house of correction for any time not exceeding one month; the apprentice shall also be bound to serve his master for the period during which he so absented himself as aforesaid.

Penalty in cases where master transfers or discharges apprentice without his consent.

17. It shall not be lawful for any such master as aforesaid to put away or transfer any such apprentice as aforesaid to any other person, or in any way discharge such apprentice from his service without such consent as is specified in or under such certificate as is provided for by the twelfth and fifteenth sections hereof; and any master violating the provisions of this section shall be liable to a penalty of ten pounds, which may be imposed by any Stipendiary or Police Magistrate or two such Justices of the Peace as aforesaid.

Persons enticing, employing, or harboring apprentices liable to a fine of not exceeding £10.

18. If any person shall entice or take away or employ or harbor, or be aiding or concerned in enticing or taking away or employing or harboring any child who has been bound apprentice by any such indenture or assignment as aforesaid, while the same remains in force, he shall be liable to a fine or penalty of not more than ten pounds, which any Stipendiary or Police Magistrate or any two Justices of the Peace may award and impose in a summary way upon a summons issued for that purpose.

19.

19. If any such fine, penalty, costs, or wages as is or are contemplated by any section hereof shall not be duly paid according to the exigency thereof, the same may be levied by distress and sale of the goods and chattels of the master or apprentice or other person as the case may be upon whom it has been imposed; and when paid or recovered the amount of the fine or penalty shall be applied and disposed of at the discretion of the Stipendiary or Police Magistrate or Justices imposing it, either towards the funds of any charitable institution existing in the district wherever such master or apprentice shall reside, or to and for the use and benefit of the party personally as compensation for the wrong or injury which may have been sustained by him in the premises. And if such fine, penalty, costs, or wages is or are not so paid, or recovered, such Magistrate or Justices may commit the defaulter to any gaol, house of correction, prison, or reformatory for any time not exceeding fourteen days. Proceedure under this Act.

20. Provided always that no imprisonment shall be inflicted under any section of this Act upon any apprentice under sixteen years of age, or upon any female apprentice. Exemptions to imprisonment.

21. Any apprentices placed out in accordance with the provisions of the fifth section of this Act may be liable to inspection by any officer authorised by the Colonial Secretary, and such officer shall act as guardian to the aforesaid apprentices, and he shall have full power to initiate and carry out legal proceedings on their behalf and otherwise provide that the conditions of all indentures and agreements made between such apprentices and their masters are faithfully carried out, and such officer shall report annually upon the operations of the Act, so far as he is herein empowered to exercise supervision thereunder, to the Colonial Secretary: Provided that nothing herein shall be taken to apply to any child apprenticed under the provisions of the Industrial Schools Act of 1866. Supervision of orphan apprentices.

22. Any person who shall think himself aggrieved by any order, fine, penalty, or punishment made or imposed under this Act may appeal against the same to the Court of Quarter Sessions for the district in which the same was so made or imposed according to the provisions of any Act then in force regulating appeals on summary proceedings before Justices; but no conviction, order, warrant, or other matter made or purporting to be made or done 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 it be therein alleged that the party has been convicted, and that there be a good and valid conviction to sustain the same. As to appeals.

SCHEDULES.

SCHEDULES.

FIRST SCHEDULE.

Date of Act.	Title of Act.	Extent of repeal.
9 Geo. IV, No. 8	An Act for enabling persons holding certain public offices in New South Wales to take apprentices to serve under them and their successors in office, and for regulating all matters relating to masters and apprentices.	The whole.
5 Wm. IV, No. 3	An Act for apprenticing the children of male and female orphan schools and other poor children in the Colony of New South Wales.	The whole.
8 Vic. No. 2	An Act to regulate and amend the law of orphan and other apprentices in the Colony of New South Wales.	The whole.
15 Vic. No. 2.....	An Act to make further provision for the apprenticing of the children in the male and female orphan schools, and other poor children.	The third section.

SECOND SCHEDULE.

THIS indenture, made the day of , one thousand eight hundred and , between , son of , of in the Colony of New South Wales, and hereinafter designated apprentice of the first part; of the second part (as consenting hereto); and , of , carrying on business as at , and hereinafter designated master of the third part: Witnesseth that the said puts himself apprentice to the said master to learn the trade, art, business, or occupation of and everything relating thereto, for the space of years, and for so many additional days as is hereinafter provided for—such term to be computed from the day of , one thousand eight hundred and . And the said apprentice hereby agrees and engages with the said master, and his executors and administrators, that during such term he will faithfully, diligently, and assiduously serve and obey all lawful commmands of his said master, and his said executors and administrators, or those he or they may please to set over him in the said trade, art, business, or occupation; that he will at no time absent himself therefrom without proper consent; and that he will not be accessory to, nor commit or permit any hurt or damage to his said master or his property, nor conceal any such hurt or damage if known to him, but shall do everything in his power to prevent the same; and that for every day's absence during the said term from attention to said trade, art, business, or occupation without such consent, he shall serve one day at the end of each year of his apprenticeship, and such year shall not be considered complete until the said additional day or days shall have been served. And the said master hereby agrees, engages, and binds himself with and to the said apprentice, and his executors and administrators, that he, the said master or his executors or administrators, shall, during the aforesaid term, duly teach and instruct the said apprentice, or cause him to be taught and instructed, in the trade, art, business, or occupation aforesaid, and do his utmost to make him skilled and expert therein; and shall also make payment to the said apprentice at the following rate of wages per , during which he shall diligently and faithfully labour in said trade, art, business, or occupation, that is to say:— shillings per for the first year; shillings per for the second year; shillings per for the third year; shillings per for the fourth year; shillings per for the fifth year; shillings per for the sixth year; and shillings per for the seventh year from the said day of , one thousand eight hundred and . The said apprentice further agrees with his said master that he will be responsible for all tools, patterns, and other property that may be in his charge or under his care; and that in the event of any such tools, patterns, and other property being damaged or lost through his neglect or default, it shall be lawful for his said master to deduct a fair charge for the same

same from the wages above mentioned. And that in all respects he will conform to the reasonable rules and regulations for the time being in force in the establishment of the said master. And the said and , each for himself, his executors and administrators, covenants and agrees with the other, and his executors and administrators, that he shall in all respects well and faithfully observe and perform all the covenants and agreements contained in these presents on his part to be observed and performed.

In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed, sealed, and delivered by the said
in the presence of

THIRD SCHEDULE.

Assignment of the within Indenture.

THE within named master
doth hereby, with the consent of
assign the within indenture and the services thereunder of the within named apprentice unto of his executors and administrators, for the unexpired portion of the within-named term of years: And the said doth hereby declare his acceptance of such apprentice, and acknowledges himself, and his executors and administrators, to be bound by the agreements, engagements, obligations, and covenants on the part of the master of such apprentice, to be done and performed as fully as if he himself had entered into same as a party under that indenture.

In witness whereof the parties hereto have set their hands and seals this day of one thousand eight hundred and

Signed, sealed, and delivered by the said or his executors or administrators.

Master.
Consenting party or parties.
Proposed assignee.

In the name and on the behalf of Her Majesty I assent to this Act.

R. W. DUFF,
Governor.

Government House,
Sydney, 1st June, 1894.

APPRENTICES BILL.

SCHEDULE of Amendments referred to in Message of 21st March, 1894.

Page 1, clause 1, line 5, *Omit* "1893" *insert* **"1894"**
Page 1, clause 1, line 7. *Omit* "three" *insert* **"four"**
Page 3, clause 11. *Omit* clause 11 *insert* new clause **11.**
Page 4, clause 14, line 15. *Omit* "by what is known as 'piecework,' or task work, or"
Page 5, clause 21. At end of clause *add* **"Provided that nothing herein shall be "taken to apply to any child apprenticed under the provisions of the "Industrial Schools Act of 1866."**

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 23 *May,* 1893.

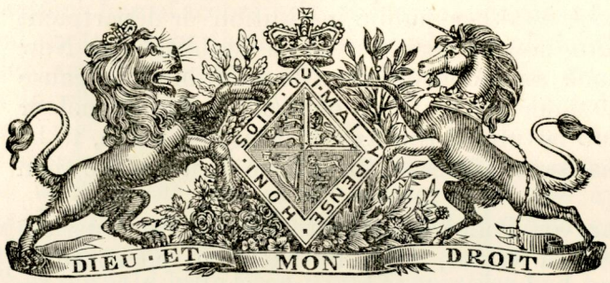
F. W. WEBB,
Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL *has this day agreed to this Bill with Amendments.*

Legislative Council Chamber,
Sydney, 21*st March,* 1894.

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

* *

No.

An Act to consolidate and amend the law relating to Apprentices.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Apprentices Act, ~~1893~~ **1894,**" and shall come into operation on the first day of July, one thousand eight hundred and ninety-~~three~~ **four.** Short title.

2. The Acts specified in the First Schedule hereto are to the extent mentioned in that Schedule, as well as all other statutory provisions inconsistent herewith, hereby repealed: Provided that such repeal shall not affect any indenture or assignment of apprenticeship entered into, executed, or made, or any summons, complaint, application, order, direction, certificate, warrant, or other proceeding, matter, or thing commenced, had, or issued in New South Wales before the passing of this Act. Repeal of Acts.

3. The word "Master" as used in this Act shall mean any person carrying on any trade, art, business, or manual occupation upon his own account, or any Official or Company hereinafter specified, resident or established in New South Wales, save as is mentioned in the next succeeding section hereof, to whom or to which any child, male Meaning of word "Master."

NOTE.—The words to be *omitted* are *ruled through*; those to be *inserted* are printed in **black letter.**

male or female, shall be bound apprentice by indenture or by assignment of indenture, such as is prescribed by the eleventh and twelfth sections hereof. And the word "Master" as so used shall be taken to include the word "Mistress" as well and as fully as if the latter expression were repeated whenever the former occurs.

Meaning of word "Apprentice."

4. The word "Apprentice" as used in this Act shall mean any such child as is referred to, and so bound as is expressed in the preceding section. And nothing herein contained shall extend to, or to the articled clerk of, any attorney or solicitor, or to the clerk or apprentice of any person engaged in the tuition of any professional or scientific branch of learning or pursuit.

Exemptions.

Orphan apprentices.

5. The person who shall have the principal control or management of any orphan school or other public institution or department of an eleemosynary nature, now or hereafter to be established in New South Wales, may, by such an indenture as aforesaid, bind or cause to be bound any child under his care or control in said school or institution, who shall not be under the age of fourteen years, to be apprentice to any such master as aforesaid for a term of not more than seven years.

Magistrates in certain cases may execute the indenture.

6. Any Stipendiary or Police Magistrate, or any two Justices of the Peace, of New South Wales, may, by such an indenture as aforesaid, bind or cause to be bound any child who shall not be under the age of fourteen years, in respect of whose maintenance any order shall have been made under the provisions of any Act then in force in New South Wales enabling Justices to make orders for the maintenance of children deserted or left without adequate means of support, to be apprentice to any such master as aforesaid for a term of not more than seven years.

Where child has no parent or guardian magistrate to act.

7. Any father resident in New South Wales of any child above fourteen years of age, or if the father be dead, or the inmate of any prison, lunatic asylum, or benevolent institution of any kind, then the mother so resident, and not under any such disability, or if the child have neither such a father nor mother, but have a guardian, then such guardian, and if there be no such guardian, then any Stipendiary or Police Magistrate, or any two Justices of the Peace, may, by such an indenture as aforesaid, bind or cause to be bound any such child to any such master as aforesaid to be instructed by such master in any trade, art, business, or manual occupation for a term which shall not exceed seven years.

Master may take any apprentice coming within preceding sections.

8. Any such master as aforesaid resident in and exercising any trade, art, business, or manual occupation within New South Wales, may, by such indenture as aforesaid, take any apprentice coming within any of the preceding sections to be instructed in such trade, art, business, or occupation within such Colony for a term such as is thereby limited.

Government apprentices.

9. Any official in the service of the Government of New South Wales having the direction and control of persons engaged in any trade, art, or manual occupation exercised therein on behalf of that Government, may by such an indenture as aforesaid take and receive such and so many apprentices, each coming within any of the preceding sections, as he may require to serve under him and his successors in office in such service for a term such as is thereby limited.

Manager of company may receive apprentice.

10. The manager of any company established and registered in New South Wales having the direction and control of persons engaged in any trade, art, or manual occupation exercised therein on behalf of such company, may, by such an indenture as aforesaid, take and receive such and so many apprentices, each coming within any of the preceding sections, as he may require to serve under him and his successors in office for a term such as is thereby limited.

11. Before any such child as is referred to in any of the preceding sections hereof is bound or received as apprentice, he may be admitted as and become a probationer for a period of three months to the proposed master in the trade, art, business, or manual occupation as to which it is contemplated to bind him; and it shall be lawful either for the proposed master or proposed apprentice at the end of such period of three months to terminate all engagement with the other, if either shall so desire and signify; but if no such desire be expressed, then an indenture of apprenticeship in writing or print, with a counterpart thereof, shall be entered into, signed, and sealed by the apprentice, as of the first part; by the parent as contemplated by the seventh section hereof, or by such person, guardian, Stipendiary or Police Magistrate, or Justices of the Peace, as is provided by the fifth, sixth, and seventh sections hereof according to the circumstances of each case, as of the second part; and by the intended master as of the third part; and such indenture shall specify the particular trade, art, business, or occupation in which the apprentice is to be instructed, and the period for which he is to serve, and shall be in the form as nearly as can be set out in the Second Schedule hereto. And every such indenture shall be binding both on the master and on the apprentice in like manner as it would have been if the apprentice had been of full age at the time of his entering into and signing and sealing the same.

Proposed apprentice to become a probationer for three months, then indenture of apprenticeship to be entered into.

12. Any master, or if he be then dead, the executor or administrator of the master of any such apprentice as aforesaid may, by indorsement in writing or print, or partly in the one and partly in the other, set out upon the indenture of apprenticeship, or on the counterpart thereof, or if both be lost, then by any other sufficient instrument in writing, under his hand and seal, but by and with the consent of a Stipendiary or Police Magistrate or of two Justices of the Peace of New South Wales, testified by his or their joining as a party or parties to such indorsement, and after reasonable notice to, and hearing such apprentice, and with the consent of such apprentice, assign that indenture and the services of the apprentice thereunder, to any fit person (who shall also join as a party to such indorsement) for the then remainder of the term mentioned in that indenture: Provided that such indorsement, or other instrument as aforesaid, shall

Master or Executor in certain cases may assign indenture of apprenticeship for remainder of term.

Proviso.

shall be in the form as nearly as can be, and contain the declaration and acknowledgment set out in the Third Schedule hereto; and in such case such apprentice shall be deemed to be the apprentice of such assignee to all intents and purposes.

Terms of apprenticeship expire in certain cases.

13. Provided always and notwithstanding any provision contained herein, or in any such indenture of apprenticeship or assigment thereof as aforesaid, the term of apprenticeship specified therein shall, if it be not sooner completed by flux of time, be taken to expire, and shall expire accordingly when the apprentice named therein shall attain the age of twenty-one years, or, shall marry with the consent of the person or persons appointed to give consent to the marriage of minors under the provisions of any Act for that purpose then in force in New South Wales.

Hours of labour.

14. No such apprentice as aforesaid shall be bound to serve his master ~~by what is known as "piecework," or task work, or~~ for more than forty-eight hours during any one week: Provided always that this restriction shall not apply to apprentices bound to farming occupations or to other servants in husbandry, or to domestic service.

Court may settle disputes arising between master and apprentice, and award costs, &c.

15. In case of any difference or dispute between any such master and any such apprentice as aforesaid arising under any such indenture or assignment as aforesaid, the party feeling aggrieved may cause a summons to be issued forth of the Court of Petty Sessions of the district in which the ground of such difference or dispute arose, specifying the wrong or injury complained of, and the redress sought; and calling upon the other party to show cause upon a given day before such Court why that party should not be ordered to give and make that redress. And thereupon the Stipendiary or Police Magistrate or any two Justices of the Peace presiding on such occasion shall have power and authority to hear and to give and make such order upon such difference or dispute as in his or their discretion, equity, and right shall require, including the power of imposing any fine not exceeding the sum of ten pounds upon such master, or upon such apprentice as the case may be, as a penalty for any proved misconduct or breach of contract on his part towards the other. Such Magistrate or Justices may also discharge such apprentice, if he or they shall think proper, by certificate under his or their hand or hands, from the service of such master and may cancel the indenture of apprenticeship or any assignment thereof, which certificate shall be a complete bar to any action that may be brought on such indenture or assignment. And the Magistrate or Justices may award such costs of the proceeding in favour of or against either party thereto, as he or they may consider reasonable, as well as award the payment of any wages that may then be owing by the master to the apprentice.

Apprentice absenting himself without leave may be compelled to serve the time lost by his absence, and for refusing to serve as required to be dealt with summarily.

16. If any such apprentice as aforesaid shall, before the expiration of his term of apprenticeship, absent himself without leave from his master's service for more than one week, such apprentice shall at any time wherever he shall be found, be compelled to serve such master for so long a time as he shall have so absented himself, unless he shall make reasonable satisfaction to his master for the loss the latter shall have sustained by such absence; and so from time to time as often as such apprentice shall so absent himself: And in case such apprentice shall refuse to serve as hereby required or to make such reasonable satisfaction as aforesaid, or cannot then be found, such master may complain on oath to any Justice of the Peace in New South Wales—which oath such Justice is hereby empowered to administer—and he may issue a warrant under his hand for apprehending such apprentice whenever he can be found, and bringing him before any two or more such Justices, or before a Stipendiary or Police Magistrate, who shall hear the complaint in a summary way, and determine what satisfaction shall be made to such master; and in case such apprentice shall not make or give security to make such satisfaction according to such determination, such Magistrate or Justices may commit such apprentice to any gaol or house of correction for any time

time not exceeding one month; the apprentice shall also be bound to serve his master for the period during which he so absented himself as aforesaid.

Penalty in cases where master transfers or discharges apprentice without his consent.

17. It shall not be lawful for any such master as aforesaid to put away or transfer any such apprentice as aforesaid to any other person, or in any way discharge such apprentice from his service without such consent as is specified in or under such certificate as is provided for by the twelfth and fifteenth sections hereof; and any master violating the provisions of this section shall be liable to a penalty of ten pounds, which may be imposed by any Stipendiary or Police Magistrate or two such Justices of the Peace as aforesaid.

Persons enticing, employing, or harboring apprentices liable to a fine of not exceeding £10.

18. If any person shall entice or take away or employ or harbor, or be aiding or concerned in enticing or taking away or employing or harboring any child who has been bound apprentice by any such indenture or assignment as aforesaid, while the same remains in force, he shall be liable to a fine or penalty of not more than ten pounds, which any Stipendiary or Police Magistrate or any two Justices of the Peace may award and impose in a summary way upon a summons issued for that purpose.

Proceedure under this Act.

19. If any such fine, penalty, costs, or wages as is or are contemplated by any section hereof shall not be duly paid according to the exigency thereof, the same may be levied by distress and sale of the goods and chattels of the master or apprentice or other person as the case may be upon whom it has been imposed; and when paid or recovered the amount of the fine or penalty shall be applied and disposed of at the discretion of the Stipendiary or Police Magistrate or Justices imposing it, either towards the funds of any charitable institution existing in the district wherever such master or apprentice shall reside, or to and for the use and benefit of the party personally as compensation for the wrong or injury which may have been sustained by him in the premises. And if such fine, penalty, costs, or wages is or are not so paid, or recovered, such Magistrate or Justices may commit the defaulter to any gaol, house of correction, prison, or reformatory for any time not exceeding fourteen days.

Exemptions to imprisonment.

20. Provided always that no imprisonment shall be inflicted under any section of this Act upon any apprentice under sixteen years of age, or upon any female apprentice.

Supervision of orphan apprentices.

21. Any apprentices placed out in accordance with the provisions of the fifth section of this Act may be liable to inspection by any officer authorised by the Colonial Secretary, and such officer shall act as guardian to the aforesaid apprentices, and he shall have full power to initiate and carry out legal proceedings on their behalf and otherwise provide that the conditions of all indentures and agreements made between such apprentices and their masters are faithfully carried out, and such officer shall report annually upon the operations of the Act, so far as he is herein empowered to exercise supervision thereunder, to the Colonial Secretary: **Provided that nothing herein shall be taken to apply to any child apprenticed under the provisions of the Industrial Schools Act of 1866.**

As to appeals.

22. Any person who shall think himself aggrieved by any order, fine, penalty, or punishment made or imposed under this Act may appeal against the same to the Court of Quarter Sessions for the district in which the same was so made or imposed according to the provisions of any Act then in force regulating appeals on summary proceedings before Justices; but no conviction, order, warrant, or other matter made or purporting to be made or done 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 it be therein alleged that the party has been convicted, and that there be a good and valid conviction to sustain the same.

SCHEDULES.

SCHEDULES.

FIRST SCHEDULE.

Date of Act.	Title of Act.	Extent of repeal.
9 Geo. IV, No. 8	An Act for enabling persons holding certain public offices in New South Wales to take apprentices to serve under them and their successors in office, and for regulating all matters relating to masters and apprentices.	The whole.
5 Wm. IV, No. 3	An Act for apprenticing the children of male and female orphan schools and other poor children in the Colony of New South Wales.	The whole.
8 Vic. No. 2	An Act to regulate and amend the law of orphan and other apprentices in the Colony of New South Wales.	The whole.
15 Vic. No. 2.....	An Act to make further provision for the apprenticing of the children in the male and female orphan schools, and other poor children.	The third section.

SECOND SCHEDULE.

This indenture, made the day of , one thousand eight hundred and , between , son of , of in the Colony of New South Wales, and hereinafter designated apprentice of the first part; of the second part (as consenting hereto); and , of , carrying on business as at , and hereinafter designated master of the third part: Witnesseth that the said puts himself apprentice to the said master to learn the trade, art, business, or occupation of and everything relating thereto, for the space of years, and for so many additional days as is hereinafter provided for—such term to be computed from the day of , one thousand eight hundred and . And the said apprentice hereby agrees and engages with the said master, and his executors and administrators, that during such term he will faithfully, diligently, and assiduously serve and obey all lawful commmands of his said master, and his said executors and administrators, or those he or they may please to set over him in the said trade, art, business, or occupation; that he will at no time absent himself therefrom without proper consent; and that he will not be accessory to, nor commit or permit any hurt or damage to his said master or his property, nor conceal any such hurt or damage if known to him, but shall do everything in his power to prevent the same; and that for every day's absence during the said term from attention to said trade, art, business, or occupation without such consent, he shall serve one day at the end of each year of his apprenticeship, and such year shall not be considered complete until the said additional day or days shall have been served. And the said master hereby agrees, engages, and binds himself with and to the said apprentice, and his executors and administrators, that he, the said master or his executors or administrators, shall, during the aforesaid term, duly teach and instruct the said apprentice, or cause him to be taught and instructed, in the trade, art, business, or occupation aforesaid, and do his utmost to make him skilled and expert therein; and shall also make payment to the said apprentice at the following rate of wages per , during which he shall diligently and faithfully labour in said trade, art, business, or occupation, that is to say:— shillings per for the first year; shillings per for the second year; shillings per for the third year; shillings per for the fourth year; shillings per for the fifth year; shillings per for the sixth year; and shillings per for the seventh year from the said day of , one thousand eight hundred and . The said apprentice further agrees with his said master that he will be responsible for all tools, patterns, and other property that may be in his charge or under his care; and that in the event of any such tools, patterns, and other property being damaged or lost through his neglect or default, it shall be lawful for his said master to deduct a fair charge for the same

same from the wages above mentioned. And that in all respects he will conform to the reasonable rules and regulations for the time being in force in the establishment of the said master. And the said and , each for himself, his executors and administrators, covenants and agrees with the other, and his executors and administrators, that he shall in all respects well and faithfully observe and perform all the covenants and agreements contained in these presents on his part to be observed and performed.

In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed, sealed, and delivered by the said
in the presence of

THIRD SCHEDULE.

Assignment of the within Indenture.

THE within named master
doth hereby, with the consent of
assign the within indenture and the services thereunder of the within named apprentice unto of his executors and administrators, for the unexpired portion of the within-named term of years: And the said doth hereby declare his acceptance of such apprentice, and acknowledges himself, and his executors and administrators, to be bound by the agreements, engagements, obligations, and covenants on the part of the master of such apprentice, to be done and performed as fully as if he himself had entered into same as a party under that indenture.

In witness whereof the parties hereto have set their hands and seals this day of one thousand eight hundred and

Signed, sealed, and delivered by the
said or his executors
or administrators.

Master.
Consenting party or parties.
Proposed assignee.

Sydney: Charles Potter, Government Printer.—1894.

[6*d*.]

APPRENTICES BILL.

SCHEDULE of Amendments referred to in Message of 21*st March*, 1894.

Page 1, clause 1, line 5, *Omit* "1893" *insert* "**1894**"
Page 1, clause 1, line 7. *Omit* "three" *insert* "**four**"
Page 3, clause 11. *Omit* clause 11 *insert* new clause **11.**
Page 4, clause 14, line 15. *Omit* "by what is known as 'piecework,' or task work, or"
Page 5, clause 21. At end of clause *add* "**Provided that nothing herein shall be "taken to apply to any child apprenticed under the provisions of the "Industrial Schools Act of 1866.**"

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 23 *May,* 1893.

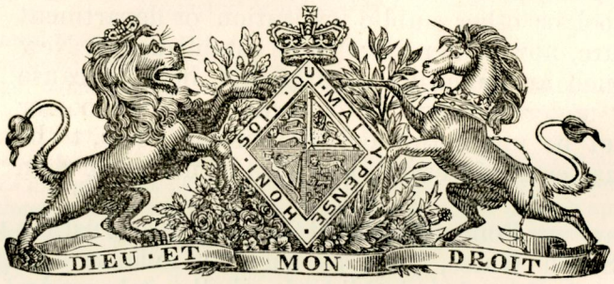
F. W. WEBB,
Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL *has this day agreed to this Bill with Amendments.*

Legislative Council Chamber,
Sydney, 21*st March,* 1894.

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

* *

No.

An Act to consolidate and amend the law relating to Apprentices.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Apprentices Act, ~~1893~~ **1894**," and shall come into operation on the first day of July, one thousand eight hundred and ninety-~~three~~ **four**. Short title.

2. The Acts specified in the First Schedule hereto are to the extent mentioned in that Schedule, as well as all other statutory provisions inconsistent herewith, hereby repealed: Provided that such repeal shall not affect any indenture or assignment of apprenticeship entered into, executed, or made, or any summons, complaint, application, order, direction, certificate, warrant, or other proceeding, matter, or thing commenced, had, or issued in New South Wales before the passing of this Act. Repeal of Acts.

3. The word "Master" as used in this Act shall mean any person carrying on any trade, art, business, or manual occupation upon his own account, or any Official or Company hereinafter specified, resident or established in New South Wales, save as is mentioned in the next succeeding section hereof, to whom or to which any child, male Meaning of word "Master."

NOTE.—The words to be *omitted* are *ruled through*; those to be *inserted* are printed in **black letter.**

male or female, shall be bound apprentice by indenture or by assignment of indenture, such as is prescribed by the eleventh and twelfth sections hereof. And the word "Master" as so used shall be taken to include the word "Mistress" as well and as fully as if the latter expression were repeated whenever the former occurs.

Meaning of word "Apprentice."

4. The word "Apprentice" as used in this Act shall mean any such child as is referred to, and so bound as is expressed in the preceding section. And nothing herein contained shall extend to, or to the articled clerk of, any attorney or solicitor, or to the clerk or apprentice of any person engaged in the tuition of any professional or scientific branch of learning or pursuit.

Exemptions.

Orphan apprentices.

5. The person who shall have the principal control or management of any orphan school or other public institution or department of an eleemosynary nature, now or hereafter to be established in New South Wales, may, by such an indenture as aforesaid, bind or cause to be bound any child under his care or control in said school or institution, who shall not be under the age of fourteen years, to be apprentice to any such master as aforesaid for a term of not more than seven years.

Magistrates in certain cases may execute the indenture.

6. Any Stipendiary or Police Magistrate, or any two Justices of the Peace, of New South Wales, may, by such an indenture as aforesaid, bind or cause to be bound any child who shall not be under the age of fourteen years, in respect of whose maintenance any order shall have been made under the provisions of any Act then in force in New South Wales enabling Justices to make orders for the maintenance of children deserted or left without adequate means of support, to be apprentice to any such master as aforesaid for a term of not more than seven years.

Where child has no parent or guardian magistrate to act.

7. Any father resident in New South Wales of any child above fourteen years of age, or if the father be dead, or the inmate of any prison, lunatic asylum, or benevolent institution of any kind, then the mother so resident, and not under any such disability, or if the child have neither such a father nor mother, but have a guardian, then such guardian, and if there be no such guardian, then any Stipendiary or Police Magistrate, or any two Justices of the Peace, may, by such an indenture as aforesaid, bind or cause to be bound any such child to any such master as aforesaid to be instructed by such master in any trade, art, business, or manual occupation for a term which shall not exceed seven years.

Master may take any apprentice coming within preceding sections.

8. Any such master as aforesaid resident in and exercising any trade, art, business, or manual occupation within New South Wales, may, by such indenture as aforesaid, take any apprentice coming within any of the preceding sections to be instructed in such trade, art, business, or occupation within such Colony for a term such as is thereby limited.

Government apprentices.

9. Any official in the service of the Government of New South Wales having the direction and control of persons engaged in any trade, art, or manual occupation exercised therein on behalf of that Government, may by such an indenture as aforesaid take and receive such and so many apprentices, each coming within any of the preceding sections, as he may require to serve under him and his successors in office in such service for a term such as is thereby limited.

Manager of company may receive apprentice.

10. The manager of any company established and registered in New South Wales having the direction and control of persons engaged in any trade, art, or manual occupation exercised therein on behalf of such company, may, by such an indenture as aforesaid, take and receive such and so many apprentices, each coming within any of the preceding sections, as he may require to serve under him and his successors in office for a term such as is thereby limited.

11. Before any such child as is referred to in any of the preceding sections hereof is bound or received as apprentice, he may be admitted as and become a probationer for a period of three months to the proposed master in the trade, art, business, or manual occupation as to which it is contemplated to bind him; and it shall be lawful either for the proposed master or proposed apprentice at the end of such period of three months to terminate such engagement if any or either shall so desire and signify; but if no such desire be expressed, then an indenture of apprenticeship in writing or print, with a counterpart thereof, shall be entered into, signed, and sealed by the apprentice, as of the first part; by the parent as contemplated by the seventh section hereof, or by such person, guardian, Stipendiary or Police Magistrate, or Justices of the Peace, as is provided by the fifth, sixth, and seventh sections hereof according to the circumstances of each case, as of the second part; and by the intended master as of the third part; and such indenture shall specify the particular trade, art, business, or occupation in which the apprentice is to be instructed, and the period for which he is to serve, and shall be in the form as nearly as can be set out in the Second Schedule hereto. And every such indenture shall be binding both on the master and on the apprentice in like manner as it would have been if the apprentice had been of full age at the time of his entering into and signing and sealing the same.

Proposed apprentice to become a probationer for three months, then indenture of apprenticeship to be entered into.

12. Any master, or if he be then dead, the executor or administrator of the master of any such apprentice as aforesaid may, by indorsement in writing or print, or partly in the one and partly in the other, set out upon the indenture of apprenticeship, or on the counterpart thereof, or if both be lost, then by any other sufficient instrument in writing, under his hand and seal, but by and with the consent of a Stipendiary or Police Magistrate or of two Justices of the Peace of New South Wales, testified by his or their joining as a party or parties to such indorsement, and after reasonable notice to, and hearing such apprentice, and with the consent of such apprentice, assign that indenture and the services of the apprentice thereunder, to any fit person (who shall also join as a party to such indorsement) for the then remainder of the term mentioned in that indenture: Provided that such indorsement, or other instrument as aforesaid, shall

Master or Executor in certain cases may assign indenture of apprenticeship for remainder of term.

Proviso.

shall be in the form as nearly as can be, and contain the declaration and acknowledgment set out in the Third Schedule hereto; and in such case such apprentice shall be deemed to be the apprentice of such assignee to all intents and purposes.

Terms of apprenticeship expire in certain cases.

13. Provided always and notwithstanding any provision contained herein, or in any such indenture of apprenticeship or assigment thereof as aforesaid, the term of apprenticeship specified therein shall, if it be not sooner completed by flux of time, be taken to expire, and shall expire accordingly when the apprentice named therein shall attain the age of twenty-one years, or, shall marry with the consent of the person or persons appointed to give consent to the marriage of minors under the provisions of any Act for that purpose then in force in New South Wales.

Hours of labour.

14. No such apprentice as aforesaid shall be bound to serve his master ~~by what is known as "piecework," or task work, or~~ for more than forty-eight hours during any one week: Provided always that this restriction shall not apply to apprentices bound to farming occupations or to other servants in husbandry, or to domestic service.

Court may settle disputes arising between master and apprentice, and award costs, &c.

15. In case of any difference or dispute between any such master and any such apprentice as aforesaid arising under any such indenture or assignment as aforesaid, the party feeling aggrieved may cause a summons to be issued forth of the Court of Petty Sessions of the district in which the ground of such difference or dispute arose, specifying the wrong or injury complained of, and the redress sought; and calling upon the other party to show cause upon a given day before such Court why that party should not be ordered to give and make that redress. And thereupon the Stipendiary or Police Magistrate or any two Justices of the Peace presiding on such occasion shall have power and authority to hear and to give and make such order upon such difference or dispute as in his or their discretion, equity, and right shall require, including the power of imposing any fine not exceeding the sum of ten pounds upon such master, or upon such apprentice as the case may be, as a penalty for any proved misconduct or breach of contract on his part towards the other. Such Magistrate or Justices may also discharge such apprentice, if he or they shall think proper, by certificate under his or their hand or hands, from the service of such master and may cancel the indenture of apprenticeship or any assignment thereof, which certificate shall be a complete bar to any action that may be brought on such indenture or assignment. And the Magistrate or Justices may award such costs of the proceeding in favour of or against either party thereto, as he or they may consider reasonable, as well as award the payment of any wages that may then be owing by the master to the apprentice.

Apprentice absenting himself without leave may be compelled to serve the time lost by his absence, and for refusing to serve as required to be dealt with summarily.

16. If any such apprentice as aforesaid shall, before the expiration of his term of apprenticeship, absent himself without leave from his master's service for more than one week, such apprentice shall at any time wherever he shall be found, be compelled to serve such master for so long a time as he shall have so absented himself, unless he shall make reasonable satisfaction to his master for the loss the latter shall have sustained by such absence; and so from time to time as often as such apprentice shall so absent himself: And in case such apprentice shall refuse to serve as hereby required or to make such reasonable satisfaction as aforesaid, or cannot then be found, such master may complain on oath to any Justice of the Peace in New South Wales—which oath such Justice is hereby empowered to administer—and he may issue a warrant under his hand for apprehending such apprentice whenever he can be found, and bringing him before any two or more such Justices, or before a Stipendiary or Police Magistrate, who shall hear the complaint in a summary way, and determine what satisfaction shall be made to such master; and in case such apprentice shall not make or give security to make such satisfaction according to such determination, such Magistrate or Justices may commit such apprentice to any gaol or house of correction for any

time

time not exceeding one month; the apprentice shall also be bound to serve his master for the period during which he so absented himself as aforesaid.

Penalty in cases where master transfers or discharges apprentice without his consent.

17. It shall not be lawful for any such master as aforesaid to put away or transfer any such apprentice as aforesaid to any other person, or in any way discharge such apprentice from his service without such consent as is specified in or under such certificate as is provided for by the twelfth and fifteenth sections hereof; and any master violating the provisions of this section shall be liable to a penalty of ten pounds, which may be imposed by any Stipendiary or Police Magistrate or two such Justices of the Peace as aforesaid.

Persons enticing, employing, or harboring apprentices liable to a fine of not exceeding £10.

18. If any person shall entice or take away or employ or harbor, or be aiding or concerned in enticing or taking away or employing or harboring any child who has been bound apprentice by any such indenture or assignment as aforesaid, while the same remains in force, he shall be liable to a fine or penalty of not more than ten pounds, which any Stipendiary or Police Magistrate or any two Justices of the Peace may award and impose in a summary way upon a summons issued for that purpose.

Proceedure under this Act.

19. If any such fine, penalty, costs, or wages as is or are contemplated by any section hereof shall not be duly paid according to the exigency thereof, the same may be levied by distress and sale of the goods and chattels of the master or apprentice or other person as the case may be upon whom it has been imposed; and when paid or recovered the amount of the fine or penalty shall be applied and disposed of at the discretion of the Stipendiary or Police Magistrate or Justices imposing it, either towards the funds of any charitable institution existing in the district wherever such master or apprentice shall reside, or to and for the use and benefit of the party personally as compensation for the wrong or injury which may have been sustained by him in the premises. And if such fine, penalty, costs, or wages is or are not so paid, or recovered, such Magistrate or Justices may commit the defaulter to any gaol, house of correction, prison, or reformatory for any time not exceeding fourteen days.

Exemptions to imprisonment.

20. Provided always that no imprisonment shall be inflicted under any section of this Act upon any apprentice under sixteen years of age, or upon any female apprentice.

Supervision of orphan apprentices.

21. Any apprentices placed out in accordance with the provisions of the fifth section of this Act may be liable to inspection by any officer authorised by the Colonial Secretary, and such officer shall act as guardian to the aforesaid apprentices, and he shall have full power to initiate and carry out legal proceedings on their behalf and otherwise provide that the conditions of all indentures and agreements made between such apprentices and their masters are faithfully carried out, and such officer shall report annually upon the operations of the Act, so far as he is herein empowered to exercise supervision thereunder, to the Colonial Secretary: **Provided that nothing herein shall be taken to apply to any child apprenticed under the provisions of the Industrial Schools Act of 1866.**

As to appeals.

22. Any person who shall think himself aggrieved by any order, fine, penalty, or punishment made or imposed under this Act may appeal against the same to the Court of Quarter Sessions for the district in which the same was so made or imposed according to the provisions of any Act then in force regulating appeals on summary proceedings before Justices; but no conviction, order, warrant, or other matter made or purporting to be made or done 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 it be therein alleged that the party has been convicted, and that there be a good and valid conviction to sustain the same.

SCHEDULES.

SCHEDULES.

FIRST SCHEDULE.

Date of Act.	Title of Act.	Extent of repeal.
9 Geo. IV, No. 8	An Act for enabling persons holding certain public offices in New South Wales to take apprentices to serve under them and their successors in office, and for regulating all matters relating to masters and apprentices.	The whole.
5 Wm. IV, No. 3	An Act for apprenticing the children of male and female orphan schools and other poor children in the Colony of New South Wales.	The whole.
8 Vic. No. 2	An Act to regulate and amend the law of orphan and other apprentices in the Colony of New South Wales.	The whole.
15 Vic. No. 2.....	An Act to make further provision for the apprenticing of the children in the male and female orphan schools, and other poor children.	The third section.

SECOND SCHEDULE.

THIS indenture, made the day of , one thousand eight hundred and , between , son of , of in the Colony of New South Wales, and hereinafter designated apprentice of the first part; of the second part (as consenting hereto); and , of , carrying on business as at , and hereinafter designated master of the third part: Witnesseth that the said puts himself apprentice to the said master to learn the trade, art, business, or occupation of and everything relating thereto, for the space of years, and for so many additional days as is hereinafter provided for—such term to be computed from the day of , one thousand eight hundred and . And the said apprentice hereby agrees and engages with the said master, and his executors and administrators, that during such term he will faithfully, diligently, and assiduously serve and obey all lawful commmands of his said master, and his said executors and administrators, or those he or they may please to set over him in the said trade, art, business, or occupation; that he will at no time absent himself therefrom without proper consent; and that he will not be accessory to, nor commit or permit any hurt or damage to his said master or his property, nor conceal any such hurt or damage if known to him, but shall do everything in his power to prevent the same; and that for every day's absence during the said term from attention to said trade, art, business, or occupation without such consent, he shall serve one day at the end of each year of his apprenticeship, and such year shall not be considered complete until the said additional day or days shall have been served. And the said master hereby agrees, engages, and binds himself with and to the said apprentice, and his executors and administrators, that he, the said master or his executors or administrators, shall, during the aforesaid term, duly teach and instruct the said apprentice, or cause him to be taught and instructed, in the trade, art, business, or occupation aforesaid, and do his utmost to make him skilled and expert therein; and shall also make payment to the said apprentice at the following rate of wages per , during which he shall diligently and faithfully labour in said trade, art, business, or occupation, that is to say:— shillings per for the first year; shillings per for the second year; shillings per for the third year; shillings per for the fourth year; shillings per for the fifth year; shillings per for the sixth year; and shillings per for the seventh year from the said day of , one thousand eight hundred and . The said apprentice further agrees with his said master that he will be responsible for all tools, patterns, and other property that may be in his charge or under his care; and that in the event of any such tools, patterns, and other property being damaged or lost through his neglect or default, it shall be lawful for his said master to deduct a fair charge for the same

same from the wages above mentioned. And that in all respects he will conform to the reasonable rules and regulations for the time being in force in the establishment of the said master. And the said and , each for himself, his executors and administrators, covenants and agrees with the other, and his executors and administrators, that he shall in all respects well and faithfully observe and perform all the covenants and agreements contained in these presents on his part to be observed and performed.

In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed, sealed, and delivered by the said
in the presence of

THIRD SCHEDULE.

Assignment of the within Indenture.

THE within named master
doth hereby, with the consent of
assign the within indenture and the services thereunder of the within named apprentice unto of his executors and administrators, for the unexpired portion of the within-named term of years: And the said doth hereby declare his acceptance of such apprentice, and acknowledges himself, and his executors and administrators, to be bound by the agreements, engagements, obligations, and covenants on the part of the master of such apprentice, to be done and performed as fully as if he himself had entered into same as a party under that indenture.

In witness whereof the parties hereto have set their hands and seals this day of one thousand eight hundred and

Signed, sealed, and delivered by the said or his executors or administrators.

Master.
Consenting party or parties.
Proposed assignee.

Sydney: Charles Potter, Government Printer.—1894.

[6*d*.]

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 23 *May,* 1893.

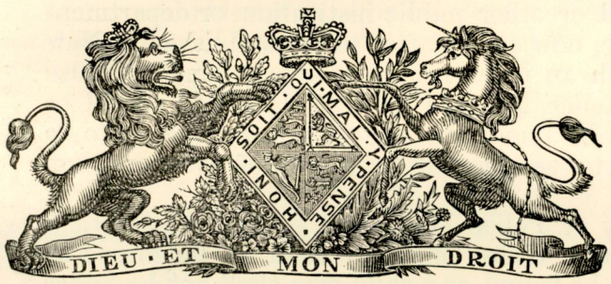
F. W. WEBB,
Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL *has this day agreed to this Bill with Amendments.*

Legislative Council Chamber,
Sydney, March, 1894.

Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

* *

No.

An Act to consolidate and amend the law relating to Apprentices.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Apprentices Act, ~~1893~~ **1894**," and shall come into operation on the first day of July, one thousand eight hundred and ninety-~~three~~ **four**. Short title.

2. The Acts specified in the First Schedule hereto are to the extent mentioned in that Schedule, as well as all other statutory provisions inconsistent herewith, hereby repealed: Provided that such repeal shall not affect any indenture or assignment of apprenticeship entered into, executed, or made, or any summons, complaint, application, order, direction, certificate, warrant, or other proceeding, matter, or thing commenced, had, or issued in New South Wales before the passing of this Act. Repeal of Acts.

3. The word "Master" as used in this Act shall mean any person carrying on any trade, art, business, or manual occupation upon his own account, or any Official or Company hereinafter specified, resident or established in New South Wales, save as is mentioned in the next succeeding section hereof, to whom or to which any child, Meaning of word "Master."

NOTE.—The words to be *omitted* are *ruled through;* those to be *inserted* are printed in **black letter.**

male or female, shall be bound apprentice by indenture or by assignment of indenture, such as is prescribed by the eleventh and twelfth sections hereof. And the word "Master" as so used shall be taken to include the word "Mistress" as well and as fully as if the latter expression were repeated whenever the former occurs.

Meaning of word "Apprentice."

4. The word "Apprentice" as used in this Act shall mean any such child as is referred to, and so bound as is expressed in the preceding section. And nothing herein contained shall extend to, or to the articled clerk of, any attorney or solicitor, or to the clerk or apprentice of any person engaged in the tuition of any professional or scientific branch of learning or pursuit.

Exemptions.

Orphan apprentices.

5. The person who shall have the principal control or management of any orphan school or other public institution or department of an eleemosynary nature, now or hereafter to be established in New South Wales, may, by such an indenture as aforesaid, bind or cause to be bound any child under his care or control in said school or institution, who shall not be under the age of fourteen years, to be apprentice to any such master as aforesaid for a term of not more than seven years.

Magistrates in certain cases may execute the indenture.

6. Any Stipendiary or Police Magistrate, or any two Justices of the Peace, of New South Wales, may, by such an indenture as aforesaid, bind or cause to be bound any child who shall not be under the age of fourteen years, in respect of whose maintenance any order shall have been made under the provisions of any Act then in force in New South Wales enabling Justices to make orders for the maintenance of children deserted or left without adequate means of support, to be apprentice to any such master as aforesaid for a term of not more than seven years.

Where child has no parent or guardian magistrate to act.

7. Any father resident in New South Wales of any child above fourteen years of age, or if the father be dead, or the inmate of any prison, lunatic asylum, or benevolent institution of any kind, then the mother so resident, and not under any such disability, or if the child have neither such a father nor mother, but have a guardian, then such guardian, and if there be no such guardian, then any Stipendiary or Police Magistrate, or any two Justices of the Peace, may, by such an indenture as aforesaid, bind or cause to be bound any such child to any such master as aforesaid to be instructed by such master in any trade, art, business, or manual occupation for a term which shall not exceed seven years.

Master may take any apprentice coming within preceding sections.

8. Any such master as aforesaid resident in and exercising any trade, art, business, or manual occupation within New South Wales, may, by such indenture as aforesaid, take any apprentice coming within any of the preceding sections to be instructed in such trade, art, business, or occupation within such Colony for a term such as is thereby limited.

Government apprentices.

9. Any official in the service of the Government of New South Wales having the direction and control of persons engaged in any trade, art, or manual occupation exercised therein on behalf of that Government, may by such an indenture as aforesaid take and receive such and so many apprentices, each coming within any of the preceding sections, as he may require to serve under him and his successors in office in such service for a term such as is thereby limited.

Manager of company may receive apprentice.

10. The manager of any company established and registered in New South Wales having the direction and control of persons engaged in any trade, art, or manual occupation exercised therein on behalf of such company, may, by such an indenture as aforesaid, take and receive such and so many apprentices, each coming within any of the preceding sections, as he may require to serve under him and his successors in office for a term such as is thereby limited.

11. Before any such child as is referred to in any of the preceding sections hereof is bound or received as apprentice, he shall be admitted as and become a probationer for a period of three months to the proposed master in the trade, art, business, or manual occupation as to which it is contemplated to bind him; and it shall be lawful either for the proposed master or proposed apprentice at the end of such period of three months to terminate all engagement with the other, if either shall so desire and signify; but if no such desire be expressed, then an indenture of apprenticeship in writing or print, with a counterpart thereof, shall be entered into, signed, and sealed by the apprentice, as of the first part; by the parent as contemplated by the seventh section hereof, or by such person, guardian, Stipendiary or Police Magistrate, or Justices of the Peace, as is provided by the fifth, sixth, and seventh sections hereof according to the circumstances as of the second part; and by the intended master as of the third part; and such indenture shall specify the particular trade, art, business, or occupation in which the apprentice is to be instructed, and the period for which he is to serve, and shall be in the form as nearly as can be, that is shown by, and shall contain the various covenants and stipulations as well on the part of the master as of the apprentice, which are specified in the Second Schedule hereto: And every such indenture shall be binding both on the master and on the apprentice in like manner as it would have been if the apprentice had been of full age at the time of his entering into and signing and sealing the same.

Proposed apprentice to become a probationer for three months, then indenture of apprenticeship to be entered into.

11. Before any such child as is referred to in any of the preceding sections hereof is bound or received as apprentice, he may be admitted as and become a probationer for a period of three months to the proposed master in the trade, art, business, or manual occupation as to which it is contemplated to bind him on such terms as may be agreed upon; and it shall be lawful either for the proposed master or proposed apprentice, or the parent or other person authorised, at the end of such period of three months to terminate such engagement, if any or either shall so desire and signify; but if no such desire be expressed, then an indenture of apprenticeship in writing or print, with a counterpart thereof, shall be entered into, signed, and sealed by the apprentice, as of the first part; by the parent as contemplated by the seventh section hereof, or by such person, guardian, Stipendiary or Police Magistrate, or Justices of the Peace, as is provided by the fifth, sixth, and seventh sections hereof according to the circumstances of each case, as of the second part; and by the intended master as of the third part; and such indenture shall specify the particular trade, art, business, or occupation in which the apprentice is to be instructed, and the period for which he is to serve, and shall be in the form as nearly as can be set out in the Second Schedule hereto. And every such indenture shall be binding both on the master and on the apprentice in like manner as it would have been if the apprentice had been of full age at the time of his entering into and signing and sealing the same.

Proposed apprentice to become a probationer for three months, then indenture of apprenticeship to be entered into.

12. Any master, or if he be then dead, the executor or administrator of the master of any such apprentice as aforesaid may, by indorsement in writing or print, or partly in the one and partly in the other, set out upon the indenture of apprenticeship, or on the counterpart thereof, or if both be lost, then by any other sufficient instrument in writing, under his hand and seal, but by and with the consent of a Stipendiary or Police Magistrate or of two Justices of the Peace of New South Wales, testified by his or their joining as a party or parties to such indorsement, and after reasonable notice to, and hearing such apprentice, and with the consent of such apprentice, assign that indenture and the services of the apprentice thereunder, to any fit person (who shall also join as a party to such indorsement) for the then remainder of the term mentioned in that indenture: Provided that such indorsement, or other instrument as aforesaid, shall

Master or Executor in certain cases may assign indenture of apprenticeship for remainder of term.

Proviso.

shall be in the form as nearly as can be, and contain the declaration and acknowledgment set out in the Third Schedule hereto; and in such case such apprentice shall be deemed to be the apprentice of such assignee to all intents and purposes.

Terms of apprenticeship expire in certain cases.

13. Provided always and notwithstanding any provision contained herein, or in any such indenture of apprenticeship or assignment thereof as aforesaid, the term of apprenticeship specified therein shall, if it be not sooner completed by flux of time, be taken to expire, and shall expire accordingly when the apprentice named therein shall attain the age of twenty-one years, or, shall marry with the consent of the person or persons appointed to give consent to the marriage of minors under the provisions of any Act for that purpose then in force in New South Wales.

Hours of labor.

14. No such apprentice as aforesaid shall be bound to serve his master ~~by what is known as "piecework," or task work, or~~ for more than forty-eight hours during any one week: Provided always that this restriction shall not apply to apprentices bound to farming occupations or to other servants in husbandry, or to domestic service.

Court may settle disputes arising between master and apprentice, and award costs, &c.

15. In case of any difference or dispute between any such master and any such apprentice as aforesaid arising under any such indenture or assignment as aforesaid, the party feeling aggrieved may cause a summons to be issued forth of the Court of Petty Sessions of the district in which the ground of such difference or dispute arose, specifying the wrong or injury complained of, and the redress sought; and calling upon the other party to show cause upon a given day before such Court why that party should not be ordered to give and make that redress. And thereupon the Stipendiary or Police Magistrate or any two Justices of the Peace presiding on such occasion shall have power and authority to hear and to give and make such order upon such difference or dispute as in his or their discretion, equity, and right shall require, including the power of imposing any fine not exceeding the sum of ten pounds upon such master, or upon such apprentice as the case may be, as a penalty for any proved misconduct or breach of contract on his part towards the other. Such Magistrate or Justices may also discharge such apprentice, if he or they shall think proper, by certificate under his or their hand or hands, from the service of such master and may cancel the indenture of apprenticeship or any assignment thereof, which certificate shall be a complete bar to any action that may be brought on such indenture or assignment. And the Magistrate or Justices may award such costs of the proceeding in favour of or against either party thereto, as he or they may consider reasonable, as well as award the payment of any wages that may then be owing by the master to the apprentice.

Apprentice absenting himself without leave may be compelled to serve the time lost by his absence, and for refusing to serve as required to be dealt with summarily.

16. If any such apprentice as aforesaid shall, before the expiration of his term of apprenticeship, absent himself without leave from his master's service for more than one week, such apprentice shall at any time wherever he shall be found, be compelled to serve such master for so long a time as he shall have so absented himself, unless he shall make reasonable satisfaction to his master for the loss the latter shall have sustained by such absence; and so from time to time as often as such apprentice shall so absent himself: And in case such apprentice shall refuse to serve as hereby required or to make such reasonable satisfaction as aforesaid, or cannot then be found, such master may complain on oath to any Justice of the Peace in New South Wales—which oath such Justice is hereby empowered to administer—and he may issue a warrant under his hand for apprehending such apprentice whenever he can be found, and bringing him before any two or more such Justices, or before a Stipendiary or Police Magistrate, who shall hear the complaint in a summary way, and determine what satisfaction shall be made to such master; and in case such apprentice shall not make or give security to make such satisfaction according to such determination, such Magistrate or Justices may commit such apprentice to any gaol or house of correction for any

time

time not exceeding one month; the apprentice shall also be bound to serve his master for the period during which he so absented himself as aforesaid.

Penalty in cases where master transfers or discharges apprentice without his consent.

17. It shall not be lawful for any such master as aforesaid to put away or transfer any such apprentice as aforesaid to any other person, or in any way discharge such apprentice from his service without such consent as is specified in or under such certificate as is provided for by the twelfth and fifteenth sections hereof; and any master violating the provisions of this section shall be liable to a penalty of ten pounds, which may be imposed by any Stipendiary or Police Magistrate or two such Justices of the Peace as aforesaid.

Persons enticing, employing, or harboring apprentices liable to a fine of not exceeding £10.

18. If any person shall entice or take away or employ or harbor, or be aiding or concerned in enticing or taking away or employing or harboring any child who has been bound apprentice by any such indenture or assignment as aforesaid, while the same remains in force, he shall be liable to a fine or penalty of not more than ten pounds, which any Stipendiary or Police Magistrate or any two Justices of the Peace may award and impose in a summary way upon a summons issued for that purpose.

Proceedure under this Act.

19. If any such fine, penalty, costs, or wages as is or are contemplated by any section hereof shall not be duly paid according to the exigency thereof, the same may be levied by distress and sale of the goods and chattels of the master or apprentice or other person as the case may be upon whom it has been imposed; and when paid or recovered the amount of the fine or penalty shall be applied and disposed of at the discretion of the Stipendiary or Police Magistrate or Justices imposing it, either towards the funds of any charitable institution existing in the district wherever such master or apprentice shall reside, or to and for the use and benefit of the party personally as compensation for the wrong or injury which may have been sustained by him in the premises. And if such fine, penalty, costs, or wages is or are not so paid, or recovered, such Magistrate or Justices may commit the defaulter to any gaol, house of correction, prison, or reformatory for any time not exceeding fourteen days.

Exemptions to imprisonment.

20. Provided always that no imprisonment shall be inflicted under any section of this Act upon any apprentice under sixteen years of age, or upon any female apprentice.

Supervision of orphan apprentices.

21. Any apprentices placed out in accordance with the provisions of the fifth section of this Act may be liable to inspection by any officer authorised by the Colonial Secretary, and such officer shall act as guardian to the aforesaid apprentices, and he shall have full power to initiate and carry out legal proceedings on their behalf and otherwise provide that the conditions of all indentures and agreements made between such apprentices and their masters are faithfully carried out, and such officer shall report annually upon the operations of the Act, so far as he is herein empowered to exercise supervision thereunder, to the Colonial Secretary: **Provided that nothing herein shall be taken to apply to any child apprenticed under the provisions of the Industrial Schools Act of 1866.**

As to appeals.

22. Any person who shall think himself aggrieved by any order, fine, penalty, or punishment made or imposed under this Act may appeal against the same to the Court of Quarter Sessions for the district in which the same was so made or imposed according to the provisions of any Act then in force regulating appeals on summary proceedings before Justices; but no conviction, order, warrant, or other matter made or purporting to be made or done 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 it be therein alleged that the party has been convicted, and that there be a good and valid conviction to sustain the same.

SCHEDULES.

SCHEDULES.

FIRST SCHEDULE.

Date of Act.	Title of Act.	Extent of repeal.
9 Geo. IV, No. 8	An Act for enabling persons holding certain public offices in New South Wales to take apprentices to serve under them and their successors in office, and for regulating all matters relating to masters and apprentices.	The whole.
5 Wm. IV, No. 3	An Act for apprenticing the children of male and female orphan schools and other poor children in the Colony of New South Wales.	The whole.
8 Vic. No. 2	An Act to regulate and amend the law of orphan and other apprentices in the Colony of New South Wales.	The whole.
15 Vic. No. 2.....	An Act to make further provision for the apprenticing of the children in the male and female orphan schools, and other poor children.	The third section.

SECOND SCHEDULE.

THIS indenture, made the day of , one thousand eight hundred and , between , son of , of in the Colony of New South Wales, and hereinafter designated apprentice of the first part; of the second part (as consenting hereto); and , of , carrying on business as at , and hereinafter designated master of the third part: Witnesseth that the said puts himself apprentice to the said master to learn the trade, art, business, or occupation of and everything relating thereto, for the space of years, and for so many additional days as is hereinafter provided for—such term to be computed from the day of , one thousand eight hundred and . And the said apprentice hereby agrees and engages with the said master, and his executors and administrators, that during such term he will faithfully, diligently, and assiduously serve and obey all lawful commands of his said master, and his said executors and administrators, or those he or they may please to set over him in the said trade, art, business, or occupation; that he will at no time absent himself therefrom without proper consent; and that he will not be accessory to, nor commit or permit any hurt or damage to his said master or his property, nor conceal any such hurt or damage if known to him, but shall do everything in his power to prevent the same; and that for every day's absence during the said term from attention to said trade, art, business, or occupation without such consent, he shall serve one day at the end of each year of his apprenticeship, and such year shall not be considered complete until the said additional day or days shall have been served. And the said master hereby agrees, engages, and binds himself with and to the said apprentice, and his executors and administrators, that he, the said master or his executors or administrators, shall, during the aforesaid term, duly teach and instruct the said apprentice, or cause him to be taught and instructed, in the trade, art, business, or occupation aforesaid, and do his utmost to make him skilled and expert therein; and shall also make payment to the said apprentice at the following rate of wages per , during which he shall diligently and faithfully labour in said trade, art, business, or occupation, that is to say:— shillings per for the first year; shillings per for the second year; shillings per for the third year; shillings per for the fourth year; shillings per for the fifth year; shillings per for the sixth year; and shillings per for the seventh year from the said day of , one thousand eight hundred and . The said apprentice further agrees with his said master that he will be responsible for all tools, patterns, and other property that may be in his charge or under his care; and that in the event of any such tools, patterns, and other property being damaged or lost through his neglect or default, it shall be lawful for his said master to deduct a fair charge for the same

same from the wages above mentioned. And that in all respects he will conform to the reasonable rules and regulations for the time being in force in the establishment of the said master. And the said and , each for himself, his executors and administrators, covenants and agrees with the other, and his executors and administrators, that he shall in all respects well and faithfully observe and perform all the covenants and agreements contained in these presents on his part to be observed and performed.

In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed, sealed, and delivered by the said
in the presence of

THIRD SCHEDULE.

Assignment of the within Indenture.

THE within named master
doth hereby, with the consent of
assign the within indenture and the services thereunder of the within named apprentice unto of his executors and administrators, for the unexpired portion of the within-named term of years: And the said doth hereby declare his acceptance of such apprentice, and acknowledges himself, and his executors and administrators, to be bound by the agreements, engagements, obligations, and covenants on the part of the master of such apprentice, to be done and performed as fully as if he himself had entered into same as a party under that indenture.

In witness whereof the parties hereto have set their hands and seals this day of one thousand eight hundred and

Signed, sealed, and delivered by the
said or his executors
or administrators.

Master.
Consenting party or parties.
Proposed assignee.

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 23 *May,* 1893.

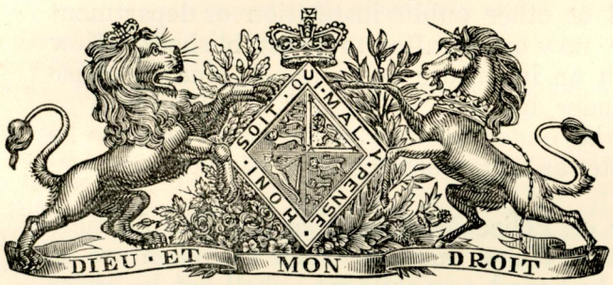
F. W. WEBB,
Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL *has this day agreed to this Bill with Amendments.*

Legislative Council Chamber,
Sydney, March, 1894.

Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

* *

No.

An Act to consolidate and amend the law relating to Apprentices.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Apprentices Act, ~~1893~~ **1894**," and shall come into operation on the first day of July, one thousand eight hundred and ninety-~~three~~ **four**. Short title.

2. The Acts specified in the First Schedule hereto are to the extent mentioned in that Schedule, as well as all other statutory provisions inconsistent herewith, hereby repealed: Provided that such repeal shall not affect any indenture or assignment of apprenticeship entered into, executed, or made, or any summons, complaint, application, order, direction, certificate, warrant, or other proceeding, matter, or thing commenced, had, or issued in New South Wales before the passing of this Act. Repeal of Acts.

3. The word "Master" as used in this Act shall mean any person carrying on any trade, art, business, or manual occupation upon his own account, or any Official or Company hereinafter specified, resident or established in New South Wales, save as is mentioned in the next succeeding section hereof, to whom or to which any child, Meaning of word "Master."

NOTE.—The words to be *omitted* are *ruled through*; those to be *inserted* are printed in **black letter.**

male or female, shall be bound apprentice by indenture or by assignment of indenture, such as is prescribed by the eleventh and twelfth sections hereof. And the word "Master" as so used shall be taken to include the word "Mistress" as well and as fully as if the latter expression were repeated whenever the former occurs.

Meaning of word "Apprentice."

4. The word "Apprentice" as used in this Act shall mean any such child as is referred to, and so bound as is expressed in the preceding section. And nothing herein contained shall extend to, or to the articled clerk of, any attorney or solicitor, or to the clerk or apprentice of any person engaged in the tuition of any professional or scientific branch of learning or pursuit.

Exemptions.

Orphan apprentices.

5. The person who shall have the principal control or management of any orphan school or other public institution or department of an eleemosynary nature, now or hereafter to be established in New South Wales, may, by such an indenture as aforesaid, bind or cause to be bound any child under his care or control in said school or institution, who shall not be under the age of fourteen years, to be apprentice to any such master as aforesaid for a term of not more than seven years.

Magistrates in certain cases may execute the indenture.

6. Any Stipendiary or Police Magistrate, or any two Justices of the Peace, of New South Wales, may, by such an indenture as aforesaid, bind or cause to be bound any child who shall not be under the age of fourteen years, in respect of whose maintenance any order shall have been made under the provisions of any Act then in force in New South Wales enabling Justices to make orders for the maintenance of children deserted or left without adequate means of support, to be apprentice to any such master as aforesaid for a term of not more than seven years.

Where child has no parent or guardian magistrate to act.

7. Any father resident in New South Wales of any child above fourteen years of age, or if the father be dead, or the inmate of any prison, lunatic asylum, or benevolent institution of any kind, then the mother so resident, and not under any such disability, or if the child have neither such a father nor mother, but have a guardian, then such guardian, and if there be no such guardian, then any Stipendiary or Police Magistrate, or any two Justices of the Peace, may, by such an indenture as aforesaid, bind or cause to be bound any such child to any such master as aforesaid to be instructed by such master in any trade, art, business, or manual occupation for a term which shall not exceed seven years.

Master may take any apprentice coming within preceding sections.

8. Any such master as aforesaid resident in and exercising any trade, art, business, or manual occupation within New South Wales, may, by such indenture as aforesaid, take any apprentice coming within any of the preceding sections to be instructed in such trade, art, business, or occupation within such Colony for a term such as is thereby limited.

Government apprentices.

9. Any official in the service of the Government of New South Wales having the direction and control of persons engaged in any trade, art, or manual occupation exercised therein on behalf of that Government, may by such an indenture as aforesaid take and receive such and so many apprentices, each coming within any of the preceding sections, as he may require to serve under him and his successors in office in such service for a term such as is thereby limited.

Manager of company may receive apprentice.

10. The manager of any company established and registered in New South Wales having the direction and control of persons engaged in any trade, art, or manual occupation exercised therein on behalf of such company, may, by such an indenture as aforesaid, take and receive such and so many apprentices, each coming within any of the preceding sections, as he may require to serve under him and his successors in office for a term such as is thereby limited.

11. Before any such child as is referred to in any of the preceding sections hereof is bound or received as apprentice, he shall be admitted as and become a probationer for a period of three months to the proposed master in the trade, art, business, or manual occupation as to which it is contemplated to bind him; and it shall be lawful either for the proposed master or proposed apprentice at the end of such period of three months to terminate all engagement with the other, if either shall so desire and signify; but if no such desire be expressed, then an indenture of apprenticeship in writing or print, be entered into, signed, and sealed with a counterpart thereof, shall be entered into, signed, and sealed by the apprentice, as of the first part; by the parent as contemplated by the seventh section hereof, or by such person, guardian, Stipendiary or Police Magistrate, or Justices of the Peace, as is provided by the fifth, sixth, and seventh sections hereof according to the circumstances of each case, as of the second part; and by the intended master as of the third part; and such indenture shall specify the particular trade, art, business, or occupation in which the apprentice is to be instructed, and the period for which he is to serve, and shall be in the form as nearly as can be, that is shown by, and shall contain the various covenants and stipulations as well on the part of the master as of the apprentice, which are specified in the Second Schedule hereto: And every such indenture shall be binding both on the master and on the apprentice in like manner as it would have been if the apprentice had been of full age at the time of his entering into and signing and sealing the same.

Proposed apprentice to become a probationer for three months, then indenture of apprenticeship to be entered into.

11. Before any such child as is referred to in any of the preceding sections hereof is bound or received as apprentice, he may be admitted as and become a probationer for a period of three months to the proposed master in the trade, art, business, or manual occupation as to which it is contemplated to bind him on such terms as may be agreed upon; and it shall be lawful either for the proposed master or proposed apprentice, or the parent or other person authorised, at the end of such period of three months to terminate such engagement, if any or either shall so desire and signify; but if no such desire be expressed, then an indenture of apprenticeship in writing or print, with a counterpart thereof, shall be entered into, signed, and sealed by the apprentice, as of the first part; by the parent as contemplated by the seventh section hereof, or by such person, guardian, Stipendiary or Police Magistrate, or Justices of the Peace, as is provided by the fifth, sixth, and seventh sections hereof according to the circumstances of each case, as of the second part; and by the intended master as of the third part; and such indenture shall specify the particular trade, art, business, or occupation in which the apprentice is to be instructed, and the period for which he is to serve, and shall be in the form as nearly as can be set out in the Second Schedule hereto. And every such indenture shall be binding both on the master and on the apprentice in like manner as it would have been if the apprentice had been of full age at the time of his entering into and signing and sealing the same.

Proposed apprentice to become a probationer for three months, then indenture of apprenticeship to be entered into.

12. Any master, or if he be then dead, the executor or administrator of the master of any such apprentice as aforesaid may, by indorsement in writing or print, or partly in the one and partly in the other, set out upon the indenture of apprenticeship, or on the counterpart thereof, or if both be lost, then by any other sufficient instrument in writing, under his hand and seal, but by and with the consent of a Stipendiary or Police Magistrate or of two Justices of the Peace of New South Wales, testified by his or their joining as a party or parties to such indorsement, and after reasonable notice to, and hearing such apprentice, and with the consent of such apprentice, assign that indenture and the services of the apprentice thereunder, to any fit person (who shall also join as a party to such indorsement) for the then remainder of the term mentioned in that indenture: Provided that such indorsement, or other instrument as aforesaid, shall

Master or Executor in certain cases may assign indenture of apprenticeship for remainder of term.

Proviso.

shall be in the form as nearly as can be, and contain the declaration and acknowledgment set out in the Third Schedule hereto; and in such case such apprentice shall be deemed to be the apprentice of such assignee to all intents and purposes.

Terms of apprenticeship expire in certain cases.

13. Provided always and notwithstanding any provision contained herein, or in any such indenture of apprenticeship or assignment thereof as aforesaid, the term of apprenticeship specified therein shall, if it be not sooner completed by flux of time, be taken to expire, and shall expire accordingly when the apprentice named therein shall attain the age of twenty-one years, or, shall marry with the consent of the person or persons appointed to give consent to the marriage of minors under the provisions of any Act for that purpose then in force in New South Wales.

Hours of labor.

14. No such apprentice as aforesaid shall be bound to serve his master ~~by what is known as "piecework," or task work, or~~ for more than forty-eight hours during any one week: Provided always that this restriction shall not apply to apprentices bound to farming occupations or to other servants in husbandry, or to domestic service.

Court may settle disputes arising between master and apprentice, and award costs, &c.

15. In case of any difference or dispute between any such master and any such apprentice as aforesaid arising under any such indenture or assignment as aforesaid, the party feeling aggrieved may cause a summons to be issued forth of the Court of Petty Sessions of the district in which the ground of such difference or dispute arose, specifying the wrong or injury complained of, and the redress sought; and calling upon the other party to show cause upon a given day before such Court why that party should not be ordered to give and make that redress. And thereupon the Stipendiary or Police Magistrate or any two Justices of the Peace presiding on such occasion shall have power and authority to hear and to give and make such order upon such difference or dispute as in his or their discretion, equity, and right shall require, including the power of imposing any fine not exceeding the sum of ten pounds upon such master, or upon such apprentice as the case may be, as a penalty for any proved misconduct or breach of contract on his part towards the other. Such Magistrate or Justices may also discharge such apprentice, if he or they shall think proper, by certificate under his or their hand or hands, from the service of such master and may cancel the indenture of apprenticeship or any assignment thereof, which certificate shall be a complete bar to any action that may be brought on such indenture or assignment. And the Magistrate or Justices may award such costs of the proceeding in favour of or against either party thereto, as he or they may consider reasonable, as well as award the payment of any wages that may then be owing by the master to the apprentice.

Apprentice absenting himself without leave may be compelled to serve the time lost by his absence, and for refusing to serve as required to be dealt with summarily.

16. If any such apprentice as aforesaid shall, before the expiration of his term of apprenticeship, absent himself without leave from his master's service for more than one week, such apprentice shall at any time wherever he shall be found, be compelled to serve such master for so long a time as he shall have so absented himself, unless he shall make reasonable satisfaction to his master for the loss the latter shall have sustained by such absence; and so from time to time as often as such apprentice shall so absent himself: And in case such apprentice shall refuse to serve as hereby required or to make such reasonable satisfaction as aforesaid, or cannot then be found, such master may complain on oath to any Justice of the Peace in New South Wales—which oath such Justice is hereby empowered to administer—and he may issue a warrant under his hand for apprehending such apprentice whenever he can be found, and bringing him before any two or more such Justices, or before a Stipendiary or Police Magistrate, who shall hear the complaint in a summary way, and determine what satisfaction shall be made to such master; and in case such apprentice shall not make or give security to make such satisfaction according to such determination, such Magistrate or Justices may commit such apprentice to any gaol or house of correction for any

time

time not exceeding one month; the apprentice shall also be bound to serve his master for the period during which he so absented himself as aforesaid.

Penalty in cases where master transfers or discharges apprentice without his consent.

17. It shall not be lawful for any such master as aforesaid to put away or transfer any such apprentice as aforesaid to any other person, or in any way discharge such apprentice from his service without such consent as is specified in or under such certificate as is provided for by the twelfth and fifteenth sections hereof; and any master violating the provisions of this section shall be liable to a penalty of ten pounds, which may be imposed by any Stipendiary or Police Magistrate or two such Justices of the Peace as aforesaid.

Persons enticing, employing, or harboring apprentices liable to a fine of not exceeding £10.

18. If any person shall entice or take away or employ or harbor, or be aiding or concerned in enticing or taking away or employing or harboring any child who has been bound apprentice by any such indenture or assignment as aforesaid, while the same remains in force, he shall be liable to a fine or penalty of not more than ten pounds, which any Stipendiary or Police Magistrate or any two Justices of the Peace may award and impose in a summary way upon a summons issued for that purpose.

Proceedure under this Act.

19. If any such fine, penalty, costs, or wages as is or are contemplated by any section hereof shall not be duly paid according to the exigency thereof, the same may be levied by distress and sale of the goods and chattels of the master or apprentice or other person as the case may be upon whom it has been imposed; and when paid or recovered the amount of the fine or penalty shall be applied and disposed of at the discretion of the Stipendiary or Police Magistrate or Justices imposing it, either towards the funds of any charitable institution existing in the district wherever such master or apprentice shall reside, or to and for the use and benefit of the party personally as compensation for the wrong or injury which may have been sustained by him in the premises. And if such fine, penalty, costs, or wages is or are not so paid, or recovered, such Magistrate or Justices may commit the defaulter to any gaol, house of correction, prison, or reformatory for any time not exceeding fourteen days.

Exemptions to imprisonment.

20. Provided always that no imprisonment shall be inflicted under any section of this Act upon any apprentice under sixteen years of age, or upon any female apprentice.

Supervision of orphan apprentices.

21. Any apprentices placed out in accordance with the provisions of the fifth section of this Act may be liable to inspection by any officer authorised by the Colonial Secretary, and such officer shall act as guardian to the aforesaid apprentices, and he shall have full power to initiate and carry out legal proceedings on their behalf and otherwise provide that the conditions of all indentures and agreements made between such apprentices and their masters are faithfully carried out, and such officer shall report annually upon the operations of the Act, so far as he is herein empowered to exercise supervision thereunder, to the Colonial Secretary: **Provided that nothing herein shall be taken to apply to any child apprenticed under the provisions of the Industrial Schools Act of 1866.**

As to appeals.

22. Any person who shall think himself aggrieved by any order, fine, penalty, or punishment made or imposed under this Act may appeal against the same to the Court of Quarter Sessions for the district in which the same was so made or imposed according to the provisions of any Act then in force regulating appeals on summary proceedings before Justices; but no conviction, order, warrant, or other matter made or purporting to be made or done 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 it be therein alleged that the party has been convicted, and that there be a good and valid conviction to sustain the same.

SCHEDULES.

SCHEDULES.

FIRST SCHEDULE.

Date of Act.	Title of Act.	Extent of repeal.
9 Geo. IV, No. 8	An Act for enabling persons holding certain public offices in New South Wales to take apprentices to serve under them and their successors in office, and for regulating all matters relating to masters and apprentices.	The whole.
5 Wm. IV, No. 3	An Act for apprenticing the children of male and female orphan schools and other poor children in the Colony of New South Wales.	The whole.
8 Vic. No. 2	An Act to regulate and amend the law of orphan and other apprentices in the Colony of New South Wales.	The whole.
15 Vic. No. 2.....	An Act to make further provision for the apprenticing of the children in the male and female orphan schools, and other poor children.	The third section.

SECOND SCHEDULE.

THIS indenture, made the day of , one thousand eight hundred and , between , son of , of in the Colony of New South Wales, and hereinafter designated apprentice of the first part; of the second part (as consenting hereto); and , of , carrying on business as at , and hereinafter designated master of the third part: Witnesseth that the said puts himself apprentice to the said master to learn the trade, art, business, or occupation of and everything relating thereto, for the space of years, and for so many additional days as is hereinafter provided for—such term to be computed from the day of , one thousand eight hundred and . And the said apprentice hereby agrees and engages with the said master, and his executors and administrators, that during such term he will faithfully, diligently, and assiduously serve and obey all lawful commmands of his said master, and his said executors and administrators, or those he or they may please to set over him in the said trade, art, business, or occupation; that he will at no time absent himself therefrom without proper consent; and that he will not be accessory to, nor commit or permit any hurt or damage to his said master or his property, nor conceal any such hurt or damage if known to him, but shall do everything in his power to prevent the same; and that for every day's absence during the said term from attention to said trade, art, business, or occupation without such consent, he shall serve one day at the end of each year of his apprenticeship, and such year shall not be considered complete until the said additional day or days shall have been served. And the said master hereby agrees, engages, and binds himself with and to the said apprentice, and his executors and administrators, that he, the said master or his executors or administrators, shall, during the aforesaid term, duly teach and instruct the said apprentice, or cause him to be taught and instructed, in the trade, art, business, or occupation aforesaid, and do his utmost to make him skilled and expert therein; and shall also make payment to the said apprentice at the following rate of wages per , during which he shall diligently and faithfully labour in said trade, art, business, or occupation, that is to say:— shillings per for the first year; shillings per for the second year; shillings per for the third year; shillings per for the fourth year; shillings per for the fifth year; shillings per for the sixth year; and shillings per for the seventh year from the said day of , one thousand eight hundred and . The said apprentice further agrees with his said master that he will be responsible for all tools, patterns, and other property that may be in his charge or under his care; and that in the event of any such tools, patterns, and other property being damaged or lost through his neglect or default, it shall be lawful for his said master to deduct a fair charge for the same

same from the wages above mentioned. And that in all respects he will conform to the reasonable rules and regulations for the time being in force in the establishment of the said master. And the said and , each for himself, his executors and administrators, covenants and agrees with the other, and his executors and administrators, that he shall in all respects well and faithfully observe and perform all the covenants and agreements contained in these presents on his part to be observed and performed.

In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed, sealed, and delivered by the said
in the presence of

THIRD SCHEDULE.

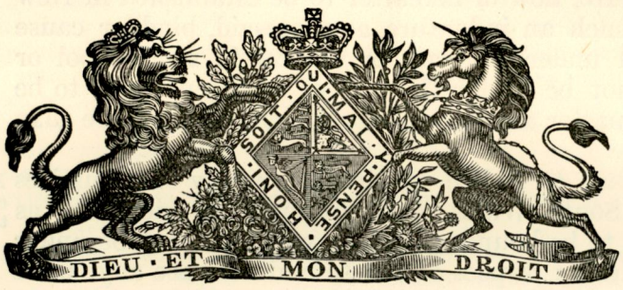
Assignment of the within Indenture.

THE within named master
doth hereby, with the consent of
assign the within indenture and the services thereunder of the within named apprentice unto of his executors and administrators, for the unexpired portion of the within-named term of years: And the said doth hereby declare his acceptance of such apprentice, and acknowledges himself, and his executors and administrators, to be bound by the agreements, engagements, obligations, and covenants on the part of the master of such apprentice, to be done and performed as fully as if he himself had entered into same as a party under that indenture.

In witness whereof the parties hereto have set their hands and seals this day of one thousand eight hundred and

Signed, sealed, and delivered by the
said or his executors
or administrators.

Master.
Consenting party or parties.
Proposed assignee.



This Public Bill *originated in the* Legislative Assembly, *and, having this day passed, is now ready for presentation to the* Legislative Council *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 23 *May,* 1893.

F. W. WEBB,
Clerk of the Legislative Assembly.

New South Wales.

ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

* * *

No. .

An Act to consolidate and amend the law relating to Apprentices.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Apprentices Act, 1893," and shall come into operation on the first day of July, one thousand eight hundred and ninety-three.

Repeal of Acts.

2. The Acts specified in the First Schedule hereto are to the extent mentioned in that Schedule, as well as all other statutory provisions inconsistent herewith, hereby repealed: Provided that such repeal shall not affect any indenture or assignment of apprenticeship entered into, executed, or made, or any summons, complaint, application, order, direction, certificate, warrant, or other proceeding, matter, or thing commenced, had, or issued in New South Wales before the passing of this Act.

Meaning of word "Master."

3. The word "Master" as used in this Act shall mean any person carrying on any trade, art, business, or manual occupation upon his own account, or any Official or Company hereinafter specified, resident or established in New South Wales, save as is mentioned in the next succeeding section hereof, to whom or to which any child,

male or female, shall be bound apprentice by indenture or by assignment of indenture, such as is prescribed by the eleventh and twelfth sections hereof. And the word "Master" as so used shall be taken to include the word "Mistress" as well and as fully as if the latter expression were repeated whenever the former occurs.

Meaning of word "Apprentice."

4. The word "Apprentice" as used in this Act shall mean any such child as is referred to, and so bound as is expressed in the preceding section. And nothing herein contained shall extend to, or to the articled clerk of, any attorney or solicitor, or to the clerk or apprentice of any person engaged in the tuition of any professional or scientific branch of learning or pursuit.

Exemptions.

Orphan apprentices.

5. The person who shall have the principal control or management of any orphan school or other public institution or department of an eleemosynary nature, now or hereafter to be established in New South Wales, may, by such an indenture as aforesaid, bind or cause to be bound any child under his care or control in said school or institution, who shall not be under the age of fourteen years, to be apprentice to any such master as aforesaid for a term of not more than seven years.

Magistrates in certain cases may execute the indenture.

6. Any Stipendiary or Police Magistrate, or any two Justices of the Peace, of New South Wales, may, by such an indenture as aforesaid, bind or cause to be bound any child who shall not be under the age of fourteen years, in respect of whose maintenance any order shall have been made under the provisions of any Act then in force in New South Wales enabling Justices to make orders for the maintenance of children deserted or left without adequate means of support, to be apprentice to any such master as aforesaid for a term of not more than seven years.

Where child has no parent or guardian magistrate to act.

7. Any father resident in New South Wales of any child above fourteen years of age, or if the father be dead, or the inmate of any prison, lunatic asylum, or benevolent institution of any kind, then the mother so resident, and not under any such disability, or if the child have neither such a father nor mother, but have a guardian, then such guardian, and if there be no such guardian, then any Stipendiary or Police Magistrate, or any two Justices of the Peace, may, by such an indenture as aforesaid, bind or cause to be bound any such child to any such master as aforesaid to be instructed by such master in any trade, art, business, or manual occupation for a term which shall not exceed seven years.

Master may take any apprentice coming within preceding sections.

8. Any such master as aforesaid resident in and exercising any trade, art, business, or manual occupation within New South Wales, may, by such indenture as aforesaid, take any apprentice coming within any of the preceding sections to be instructed in such trade, art, business, or occupation within such Colony for a term such as is thereby limited.

Government apprentices.

9. Any official in the service of the Government of New South Wales having the direction and control of persons engaged in any trade, art, or manual occupation exercised therein on behalf of that Government, may by such an indenture as aforesaid take and receive such and so many apprentices, each coming within any of the preceding sections, as he may require to serve under him and his successors in office in such service for a term such as is thereby limited.

Manager of company may receive apprentice.

10. The manager of any company established and registered in New South Wales having the direction and control of persons engaged in any trade, art, or manual occupation exercised therein on behalf of such company, may, by such an indenture as aforesaid, take and receive such and so many apprentices, each coming within any of the preceding sections, as he may require to serve under him and his successors in office for a term such as is thereby limited.

11. Before any such child as is referred to in any of the preceding sections hereof is bound or received as apprentice, he shall be admitted as and become a probationer for a period of three months to the proposed master in the trade, art, business, or manual occupation as to which it is contemplated to bind him; and it shall be lawful either for the proposed master or proposed apprentice at the end of such period of three months to terminate all engagement with the other, if either shall so desire and signify; but if no such desire be expressed, then an indenture of apprenticeship in writing or print, with a counter part thereof, shall be entered into, signed, and sealed by the apprentice, as of the first part; by the parent as contemplated by the seventh section hereof, or by such person, guardian, Stipendiary or Police Magistrate, or Justices of the Peace, as is provided by the fifth, sixth, and seventh sections hereof according to the circumstances of each case, as of the second part; and by the intended master as of the third part; and such indenture shall specify the particular trade, art, business, or occupation in which the apprentice is to be instructed, and the period for which he is to serve, and shall be in the form as nearly as can be, that is shown by, and shall contain the various covenants and stipulations as well on the part of the master as of the apprentice, which are specified in the Second Schedule hereto: And every such indenture shall be binding both on the master and on the apprentice in like manner as it would have been if the apprentice had been of full age at the time of his entering into and signing and sealing the same.

Proposed apprentice to become a probationer for three months, then indenture of apprenticeship to be entered into.

12. Any master, or if he be then dead, the executor or administrator of the master of any such apprentice as aforesaid may, by indorsement in writing or print, or partly in the one and partly in the other, set out upon the indenture of apprenticeship, or on the counterpart thereof, or if both be lost, then by any other sufficient instrument in writing, under his hand and seal, but by and with the consent of a Stipendiary or Police Magistrate or of two Justices of the Peace of New South Wales, testified by his or their joining as a party or parties to such indorsement, and after reasonable notice to, and hearing such apprentice, and with the consent of such apprentice, assign that indenture and the services of the apprentice thereunder, to any fit person (who shall also join as a party to such indorsement) for the then remainder of the term mentioned in that indenture: Provided that such indorsement, or other instrument as aforesaid, shall be in the form as nearly as can be, and contain the declaration and acknowledgment set out in the Third Schedule hereto; and in such case such apprentice shall be deemed to be the apprentice of such assignee to all intents and purposes.

Master or Executor in certain cases may assign indenture of apprenticeship for remainder of term.

Proviso.

13. Provided always and notwithstanding any provision contained herein, or in any such indenture of apprenticeship or assignment thereof as aforesaid, the term of apprenticeship specified therein shall, if it be not sooner completed by flux of time, be taken to expire, and shall expire accordingly when the apprentice named therein shall attain the age of twenty-one years, or, shall marry with the consent of the person or persons appointed to give consent to the marriage of minors under the provisions of any Act for that purpose then in force in New South Wales.

Terms of apprenticeship expire in certain cases.

14. No such apprentice as aforesaid shall be bound to serve his master by what is known as "piecework," or task work, or for more than forty-eight hours during any one week: Provided always that this restriction shall not apply to apprentices bound to farming occupations or to other servants in husbandry, or to domestic service.

Hours of labor.

15. In case of any difference or dispute between any such master and any such apprentice as aforesaid arising under any such indenture or assignment as aforesaid, the party feeling aggrieved may cause

Court may settle disputes arising between master and apprentice, and award costs, &c.

cause a summons to be issued forth of the Court of Petty Sessions of the district in which the ground of such difference or dispute arose, specifying the wrong or injury complained of, and the redress sought; and calling upon the other party to show cause upon a given day before such Court why that party should not be ordered to give and make that redress. And thereupon the Stipendiary or Police Magistrate or any two Justices of the Peace presiding on such occasion shall have power and authority to hear and to give and make such order upon such difference or dispute as in his or their discretion, equity, and right shall require, including the power of imposing any fine not exceeding the sum of ten pounds upon such master, or upon such apprentice as the case may be, as a penalty for any proved misconduct or breach of contract on his part towards the other. Such Magistrate or Justices may also discharge such apprentice, if he or they shall think proper, by certificate under his or their hand or hands, from the service of such master and may cancel the indenture of apprenticeship or any assignment thereof, which certificate shall be a complete bar to any action that may be brought on such indenture or assignment. And the Magistrate or Justices may award such costs of the proceeding in favour of or against either party thereto, as he or they may consider reasonable, as well as award the payment of any wages that may then be owing by the master to the apprentice.

Apprentice absenting himself without leave may be compelled to serve the time lost by his absence, and for refusing to serve as required to be dealt with summarily.

16. If any such apprentice as aforesaid shall, before the expiration of his term of apprenticeship, absent himself without leave from his master's service for more than one week, such apprentice shall at any time wherever he shall be found, be compelled to serve such master for so long a time as he shall have so absented himself, unless he shall make reasonable satisfaction to his master for the loss the latter shall have sustained by such absence; and so from time to time as often as such apprentice shall so absent himself: And in case such apprentice shall refuse to serve as hereby required or to make such reasonable satisfaction as aforesaid, or cannot then be found, such master may complain on oath to any Justice of the Peace in New South Wales—which oath such Justice is hereby empowered to administer—and he may issue a warrant under his hand for apprehending such apprentice whenever he can be found, and bringing him before any two or more such Justices, or before a Stipendiary or Police Magistrate, who shall hear the complaint in a summary way, and determine what satisfaction shall be made to such master; and in case such apprentice shall not make or give security to make such satisfaction according to such determination, such Magistrate or Justices may commit such apprentice to any gaol or house of correction for any time not exceeding one month; the apprentice shall also be bound to serve his master for the period during which he so absented himself as aforesaid.

Penalty in cases where master transfers or discharges apprentice without his consent.

17. It shall not be lawful for any such master as aforesaid to put away or transfer any such apprentice as aforesaid to any other person, or in any way discharge such apprentice from his service without such consent as is specified in or under such certificate as is provided for by the twelfth and fifteenth sections hereof; and any master violating the provisions of this section shall be liable to a penalty of ten pounds, which may be imposed by any Stipendiary or Police Magistrate or two such Justices of the Peace as aforesaid.

Persons enticing, employing, or harboring apprentices liable to a fine of not exceeding £10.

18. If any person shall entice or take away or employ or harbor, or be aiding or concerned in enticing or taking away or employing or harboring any child who has been bound apprentice by any such indenture or assignment as aforesaid, while the same remains in force, he shall be liable to a fine or penalty of not more than ten pounds, which any Stipendiary or Police Magistrate or any two Justices of the Peace may award and impose in a summary way upon a summons issued for that purpose.

19. If any such fine, penalty, costs, or wages as is or are contemplated by any section hereof shall not be duly paid according to the exigency thereof, the same may be levied by distress and sale of the goods and chattels of the master or apprentice or other person as the case may be upon whom it has been imposed; and when paid or recovered the amount of the fine or penalty shall be applied and disposed of at the discretion of the Stipendiary or Police Magistrate or Justices imposing it, either towards the funds of any charitable institution existing in the district wherever such master or apprentice shall reside, or to and for the use and benefit of the party personally as compensation for the wrong or injury which may have been sustained by him in the premises. And if such fine, penalty, costs, or wages is or are not so paid, or recovered, such Magistrate or Justices may commit the defaulter to any gaol, house of correction, prison, or reformatory for any time not exceeding fourteen days. **Proceedure under this Act.**

20. Provided always that no imprisonment shall be inflicted under any section of this Act upon any apprentice under sixteen years of age, or upon any female apprentice. **Exemptions to imprisonment.**

21. Any apprentices placed out in accordance with the provisions of the fifth section of this Act may be liable to inspection by any officer authorised by the Colonial Secretary, and such officer shall act as guardian to the aforesaid apprentices, and he shall have full power to initiate and carry out legal proceedings on their behalf and otherwise provide that the conditions of all indentures and agreements made between such apprentices and their masters are faithfully carried out, and such officer shall report annually upon the operations of the Act, so far as he is herein empowered to exercise supervision thereunder, to the Colonial Secretary. **Supervision of orphan apprentices.**

22. Any person who shall think himself aggrieved by any order, fine, penalty, or punishment made or imposed under this Act may appeal against the same to the Court of Quarter Sessions for the district in which the same was so made or imposed according to the provisions of any Act then in force regulating appeals on summary proceedings before Justices; but no conviction, order, warrant, or other matter made or purporting to be made or done 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 it be therein alleged that the party has been convicted, and that there be a good and valid conviction to sustain the same. **As to appeals.**

SCHEDULES.

SCHEDULES.

FIRST SCHEDULE.

Date of Act.	Title of Act.	Extent of repeal.
9 Geo. IV, No. 8	An Act for enabling persons holding certain public offices in New South Wales to take apprentices to serve under them and their successors in office, and for regulating all matters relating to masters and apprentices.	The whole.
5 Wm. IV, No. 3	An Act for apprenticing the children of male and female orphan schools and other poor children in the Colony of New South Wales.	The whole.
8 Vic. No. 2	An Act to regulate and amend the law of orphan and other apprentices in the Colony of New South Wales.	The whole.
15 Vic. No. 2.....	An Act to make further provision for the apprenticing of the children in the male and female orphan schools, and other poor children.	The third section.

SECOND SCHEDULE.

THIS indenture, made the day of , one thousand eight hundred and , between , son of , of in the Colony of New South Wales, and hereinafter designated apprentice of the first part; of the second part (as consenting hereto); and , of , carrying on business as at , and hereinafter designated master of the third part: Witnesseth that the said puts himself apprentice to the said master to learn the trade, art, business, or occupation of and everything relating thereto, for the space of years, and for so many additional days as is hereinafter provided for—such term to be computed from the day of , one thousand eight hundred and . And the said apprentice hereby agrees and engages with the said master, and his executors and administrators, that during such term he will faithfully, diligently, and assiduously serve and obey all lawful commmands of his said master, and his said executors and administrators, or those he or they may please to set over him in the said trade, art, business, or occupation; that he will at no time absent himself therefrom without proper consent; and that he will not be accessory to, nor commit or permit any hurt or damage to his said master or his property, nor conceal any such hurt or damage if known to him, but shall do everything in his power to prevent the same; and that for every day's absence during the said term from attention to said trade, art, business, or occupation without such consent, he shall serve one day at the end of each year of his apprenticeship, and such year shall not be considered complete until the said additional day or days shall have been served. And the said master hereby agrees, engages, and binds himself with and to the said apprentice, and his executors and administrators, that he, the said master or his executors or administrators, shall, during the aforesaid term, duly teach and instruct the said apprentice, or cause him to be taught and instructed, in the trade, art, business, or occupation aforesaid, and do his utmost to make him skilled and expert therein; and shall also make payment to the said apprentice at the following rate of wages per , during which he shall diligently and faithfully labour in said trade, art, business, or occupation, that is to say:— shillings per for the first year; shillings per for the second year; shillings per for the third year; shillings per for the fourth year; shillings per for the fifth year; shillings per for the sixth year; and shillings per for the seventh year from the said day of , one thousand eight hundred and . The said apprentice further agrees with his said master that he will be responsible for all tools, patterns, and other property that may be in his charge or under his care; and that in the event of any such tools, patterns, and other property being damaged or lost through his neglect or default, it shall be lawful for his said master to deduct a fair charge for the same

same from the wages above mentioned. And that in all respects he will conform to the reasonable rules and regulations for the time being in force in the establishment of the said master. And the said and , each for himself, his executors and administrators, covenants and agrees with the other, and his executors and administrators, that he shall in all respects well and faithfully observe and perform all the covenants and agreements contained in these presents on his part to be observed and performed.

In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed, sealed, and delivered by the said
in the presence of

THIRD SCHEDULE.

Assignment of the within Indenture.

THE within named master
doth hereby, with the consent of
assign the within indenture and the services thereunder of the within named apprentice unto of his executors and administrators, for the unexpired portion of the within-named term of years: And the said doth hereby declare his acceptance of such apprentice, and acknowledges himself, and his executors and administrators, to be bound by the agreements, engagements, obligations, and covenants on the part of the master of such apprentice, to be done and performed as fully as if he himself had entered into same as a party under that indenture.

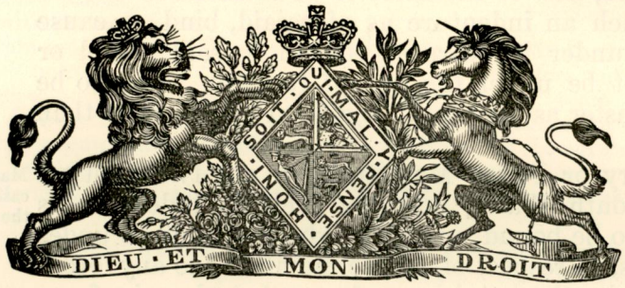
In witness whereof the parties hereto have set their hands and seals this day of one thousand eight hundred and

Signed, sealed, and delivered by the said or his executors or administrators.

Master.
Consenting party or parties.
Proposed assignee.

Sydney: Charles Potter, Government Printer.—1894.

[6*d*.]



This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 23 *May,* 1893. }

F. W. WEBB,
Clerk of the Legislative Assembly.

New South Wales.

ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

* *

No. .

An Act to consolidate and amend the law relating to Apprentices.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Apprentices Act, 1893," and shall come into operation on the first day of July, one thousand eight hundred and ninety-three.

Repeal of Acts.

2. The Acts specified in the First Schedule hereto are to the extent mentioned in that Schedule, as well as all other statutory provisions inconsistent herewith, hereby repealed: Provided that such repeal shall not affect any indenture or assignment of apprenticeship entered into, executed, or made, or any summons, complaint, application, order, direction, certificate, warrant, or other proceeding, matter, or thing commenced, had, or issued in New South Wales before the passing of this Act.

Meaning of word "Master."

3. The word "Master" as used in this Act shall mean any person carrying on any trade, art, business, or manual occupation upon his own account, or any Official or Company hereinafter specified, resident or established in New South Wales, save as is mentioned in the next succeeding section hereof, to whom or to which any child,

male or female, shall be bound apprentice by indenture or by assignment of indenture, such as is prescribed by the eleventh and twelfth sections hereof. And the word "Master" as so used shall be taken to include the word "Mistress" as well and as fully as if the latter expression were repeated whenever the former occurs.

Meaning of word "Apprentice."

4. The word "Apprentice" as used in this Act shall mean any such child as is referred to, and so bound as is expressed in the preceding section. And nothing herein contained shall extend to, or to the articled clerk of, any attorney or solicitor, or to the clerk or apprentice of any person engaged in the tuition of any professional or scientific branch of learning or pursuit.

Exemptions.

Orphan apprentices.

5. The person who shall have the principal control or management of any orphan school or other public institution or department of an eleemosynary nature, now or hereafter to be established in New South Wales, may, by such an indenture as aforesaid, bind or cause to be bound any child under his care or control in said school or institution, who shall not be under the age of fourteen years, to be apprentice to any such master as aforesaid for a term of not more than seven years.

Magistrates in certain cases may execute the indenture.

6. Any Stipendiary or Police Magistrate, or any two Justices of the Peace, of New South Wales, may, by such an indenture as aforesaid, bind or cause to be bound any child who shall not be under the age of fourteen years, in respect of whose maintenance any order shall have been made under the provisions of any Act then in force in New South Wales enabling Justices to make orders for the maintenance of children deserted or left without adequate means of support, to be apprentice to any such master as aforesaid for a term of not more than seven years.

Where child has no parent or guardian magistrate to act.

7. Any father resident in New South Wales of any child above fourteen years of age, or if the father be dead, or the inmate of any prison, lunatic asylum, or benevolent institution of any kind, then the mother so resident, and not under any such disability, or if the child have neither such a father nor mother, but have a guardian, then such guardian, and if there be no such guardian, then any Stipendiary or Police Magistrate, or any two Justices of the Peace, may, by such an indenture as aforesaid, bind or cause to be bound any such child to any such master as aforesaid to be instructed by such master in any trade, art, business, or manual occupation for a term which shall not exceed seven years.

Master may take any apprentice coming within preceding sections.

8. Any such master as aforesaid resident in and exercising any trade, art, business, or manual occupation within New South Wales, may, by such indenture as aforesaid, take any apprentice coming within any of the preceding sections to be instructed in such trade, art, business, or occupation within such Colony for a term such as is thereby limited.

Government apprentices.

9. Any official in the service of the Government of New South Wales having the direction and control of persons engaged in any trade, art, or manual occupation exercised therein on behalf of that Government, may by such an indenture as aforesaid take and receive such and so many apprentices, each coming within any of the preceding sections, as he may require to serve under him and his successors in office in such service for a term such as is thereby limited.

Manager of company may receive apprentice.

10. The manager of any company established and registered in New South Wales having the direction and control of persons engaged in any trade, art, or manual occupation exercised therein on behalf of such company, may, by such an indenture as aforesaid, take and receive such and so many apprentices, each coming within any of the preceding sections, as he may require to serve under him and his successors in office for a term such as is thereby limited.

Apprentices.

11. Before any such child as is referred to in any of the preceding sections hereof is bound or received as apprentice, he shall be admitted as and become a probationer for a period of three months to the proposed master in the trade, art, business, or manual occupation as to which it is contemplated to bind him; and it shall be lawful either for the proposed master or proposed apprentice at the end of such period of three months to terminate all engagement with the other, if either shall so desire and signify; but if no such desire be expressed, then an indenture of apprenticeship in writing or print, with a counter part thereof, shall be entered into, signed, and sealed by the apprentice, as of the first part; by the parent as contemplated by the seventh section hereof, or by such person, guardian, Stipendiary or Police Magistrate, or Justices of the Peace, as is provided by the fifth, sixth, and seventh sections hereof according to the circumstances of each case, as of the second part; and by the intended master as of the third part; and such indenture shall specify the particular trade, art, business, or occupation in which the apprentice is to be instructed, and the period for which he is to serve, and shall be in the form as nearly as can be, that is shown by, and shall contain the various covenants and stipulations as well on the part of the master as of the apprentice, which are specified in the Second Schedule hereto: And every such indenture shall be binding both on the master and on the apprentice in like manner as it would have been if the apprentice had been of full age at the time of his entering into and signing and sealing the same.

Proposed apprentice to become a probationer for three months, then indenture of apprenticeship to be entered into.

12. Any master, or if he be then dead, the executor or administrator of the master of any such apprentice as aforesaid may, by indorsement in writing or print, or partly in the one and partly in the other, set out upon the indenture of apprenticeship, or on the counterpart thereof, or if both be lost, then by any other sufficient instrument in writing, under his hand and seal, but by and with the consent of a Stipendiary or Police Magistrate or of two Justices of the Peace of New South Wales, testified by his or their joining as a party or parties to such indorsement, and after reasonable notice to, and hearing such apprentice, and with the consent of such apprentice, assign that indenture and the services of the apprentice thereunder, to any fit person (who shall also join as a party to such indorsement) for the then remainder of the term mentioned in that indenture: Provided that such indorsement, or other instrument as aforesaid, shall be in the form as nearly as can be, and contain the declaration and acknowledgment set out in the Third Schedule hereto; and in such case such apprentice shall be deemed to be the apprentice of such assignee to all intents and purposes.

Master or Executor in certain cases may assign indenture of apprenticeship for remainder of term.

Proviso.

13. Provided always and notwithstanding any provision contained herein, or in any such indenture of apprenticeship or assignment thereof as aforesaid, the term of apprenticeship specified therein shall, if it be not sooner completed by flux of time, be taken to expire, and shall expire accordingly when the apprentice named therein shall attain the age of twenty-one years, or, shall marry with the consent of the person or persons appointed to give consent to the marriage of minors under the provisions of any Act for that purpose then in force in New South Wales.

Terms of apprenticeship expire in certain cases.

14. No such apprentice as aforesaid shall be bound to serve his master by what is known as "piecework," or task work, or for more than forty-eight hours during any one week: Provided always that this restriction shall not apply to apprentices bound to farming occupations or to other servants in husbandry, or to domestic service.

Hours of labor.

15. In case of any difference or dispute between any such master and any such apprentice as aforesaid arising under any such indenture or assignment as aforesaid, the party feeling aggrieved may cause

Court may settle disputes arising between master and apprentice, and award costs, &c.

cause a summons to be issued forth of the Court of Petty Sessions of the district in which the ground of such difference or dispute arose, specifying the wrong or injury complained of, and the redress sought; and calling upon the other party to show cause upon a given day before such Court why that party should not be ordered to give and make that redress. And thereupon the Stipendiary or Police Magistrate or any two Justices of the Peace presiding on such occasion shall have power and authority to hear and to give and make such order upon such difference or dispute as in his or their discretion, equity, and right shall require, including the power of imposing any fine not exceeding the sum of ten pounds upon such master, or upon such apprentice as the case may be, as a penalty for any proved misconduct or breach of contract on his part towards the other. Such Magistrate or Justices may also discharge such apprentice, if he or they shall think proper, by certificate under his or their hand or hands, from the service of such master and may cancel the indenture of apprenticeship or any assignment thereof, which certificate shall be a complete bar to any action that may be brought on such indenture or assignment. And the Magistrate or Justices may award such costs of the proceeding in favour of or against either party thereto, as he or they may consider reasonable, as well as award the payment of any wages that may then be owing by the master to the apprentice.

Apprentice absenting himself without leave may be compelled to serve the time lost by his absence, and for refusing to serve as required to be dealt with summarily.

16. If any such apprentice as aforesaid shall, before the expiration of his term of apprenticeship, absent himself without leave from his master's service for more than one week, such apprentice shall at any time wherever he shall be found, be compelled to serve such master for so long a time as he shall have so absented himself, unless he shall make reasonable satisfaction to his master for the loss the latter shall have sustained by such absence; and so from time to time as often as such apprentice shall so absent himself: And in case such apprentice shall refuse to serve as hereby required or to make such reasonable satisfaction as aforesaid, or cannot then be found, such master may complain on oath to any Justice of the Peace in New South Wales—which oath such Justice is hereby empowered to administer—and he may issue a warrant under his hand for apprehending such apprentice whenever he can be found, and bringing him before any two or more such Justices, or before a Stipendiary or Police Magistrate, who shall hear the complaint in a summary way, and determine what satisfaction shall be made to such master; and in case such apprentice shall not make or give security to make such satisfaction according to such determination, such Magistrate or Justices may commit such apprentice to any gaol or house of correction for any time not exceeding one month; the apprentice shall also be bound to serve his master for the period during which he so absented himself as aforesaid.

Penalty in cases where master transfers or discharges apprentice without his consent.

17. It shall not be lawful for any such master as aforesaid to put away or transfer any such apprentice as aforesaid to any other person, or in any way discharge such apprentice from his service without such consent as is specified in or under such certificate as is provided for by the twelfth and fifteenth sections hereof; and any master violating the provisions of this section shall be liable to a penalty of ten pounds, which may be imposed by any Stipendiary or Police Magistrate or two such Justices of the Peace as aforesaid.

Persons enticing, employing, or harboring apprentices liable to a fine of not exceeding £10.

18. If any person shall entice or take away or employ or harbor, or be aiding or concerned in enticing or taking away or employing or harboring any child who has been bound apprentice by any such indenture or assignment as aforesaid, while the same remains in force, he shall be liable to a fine or penalty of not more than ten pounds, which any Stipendiary or Police Magistrate or any two Justices of the Peace may award and impose in a summary way upon a summons issued for that purpose.

19. If any such fine, penalty, costs, or wages as is or are contemplated by any section hereof shall not be duly paid according to the exigency thereof, the same may be levied by distress and sale of the goods and chattels of the master or apprentice or other person as the case may be upon whom it has been imposed; and when paid or recovered the amount of the fine or penalty shall be applied and disposed of at the discretion of the Stipendiary or Police Magistrate or Justices imposing it, either towards the funds of any charitable institution existing in the district wherever such master or apprentice shall reside, or to and for the use and benefit of the party personally as compensation for the wrong or injury which may have been sustained by him in the premises. And if such fine, penalty, costs, or wages is or are not so paid, or recovered, such Magistrate or Justices may commit the defaulter to any gaol, house of correction, prison, or reformatory for any time not exceeding fourteen days. **Proceedure under this Act.**

20. Provided always that no imprisonment shall be inflicted under any section of this Act upon any apprentice under sixteen years of age, or upon any female apprentice. **Exemptions to imprisonment.**

21. Any apprentices placed out in accordance with the provisions of the fifth section of this Act may be liable to inspection by any officer authorised by the Colonial Secretary, and such officer shall act as guardian to the aforesaid apprentices, and he shall have full power to initiate and carry out legal proceedings on their behalf and otherwise provide that the conditions of all indentures and agreements made between such apprentices and their masters are faithfully carried out, and such officer shall report annually upon the operations of the Act, so far as he is herein empowered to exercise supervision thereunder, to the Colonial Secretary. **Supervision of orphan apprentices.**

22. Any person who shall think himself aggrieved by any order, fine, penalty, or punishment made or imposed under this Act may appeal against the same to the Court of Quarter Sessions for the district in which the same was so made or imposed according to the provisions of any Act then in force regulating appeals on summary proceedings before Justices; but no conviction, order, warrant, or other matter made or purporting to be made or done 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 it be therein alleged that the party has been convicted, and that there be a good and valid conviction to sustain the same. **As to appeals.**

SCHEDULES.

SCHEDULES.

FIRST SCHEDULE.

Date of Act.	Title of Act.	Extent of repeal.
9 Geo. IV, No. 8	An Act for enabling persons holding certain public offices in New South Wales to take apprentices to serve under them and their successors in office, and for regulating all matters relating to masters and apprentices.	The whole.
5 Wm. IV, No. 3	An Act for apprenticing the children of male and female orphan schools and other poor children in the Colony of New South Wales.	The whole.
8 Vic. No. 2	An Act to regulate and amend the law of orphan and other apprentices in the Colony of New South Wales.	The whole.
15 Vic. No. 2.....	An Act to make further provision for the apprenticing of the children in the male and female orphan schools, and other poor children.	The third section.

SECOND SCHEDULE.

THIS indenture, made the day of , one thousand eight hundred and , between , son of , of in the Colony of New South Wales, and hereinafter designated apprentice of the first part; of the second part (as consenting hereto); and , of , carrying on business as at , and hereinafter designated master of the third part: Witnesseth that the said puts himself apprentice to the said master to learn the trade, art, business, or occupation of and everything relating thereto, for the space of years, and for so many additional days as is hereinafter provided for—such term to be computed from the day of , one thousand eight hundred and . And the said apprentice hereby agrees and engages with the said master, and his executors and administrators, that during such term he will faithfully, diligently, and assiduously serve and obey all lawful commmands of his said master, and his said executors and administrators, or those he or they may please to set over him in the said trade, art, business, or occupation; that he will at no time absent himself therefrom without proper consent; and that he will not be accessory to, nor commit or permit any hurt or damage to his said master or his property, nor conceal any such hurt or damage if known to him, but shall do everything in his power to prevent the same; and that for every day's absence during the said term from attention to said trade, art, business, or occupation without such consent, he shall serve one day at the end of each year of his apprenticeship, and such year shall not be considered complete until the said additional day or days shall have been served. And the said master hereby agrees, engages, and binds himself with and to the said apprentice, and his executors and administrators, that he, the said master or his executors or administrators, shall, during the aforesaid term, duly teach and instruct the said apprentice, or cause him to be taught and instructed, in the trade, art, business, or occupation aforesaid, and do his utmost to make him skilled and expert therein; and shall also make payment to the said apprentice at the following rate of wages per , during which he shall diligently and faithfully labour in said trade, art, business, or occupation, that is to say:— shillings per for the first year; shillings per for the second year; shillings per for the third year; shillings per for the fourth year; shillings per for the fifth year; shillings per for the sixth year; and shillings per for the seventh year from the said day of , one thousand eight hundred and . The said apprentice further agrees with his said master that he will be responsible for all tools, patterns, and other property that may be in his charge or under his care; and that in the event of any such tools, patterns, and other property being damaged or lost through his neglect or default, it shall be lawful for his said master to deduct a fair charge for the same

same from the wages above mentioned. And that in all respects he will conform to the reasonable rules and regulations for the time being in force in the establishment of the said master. And the said and , each for himself, his executors and administrators, covenants and agrees with the other, and his executors and administrators, that he shall in all respects well and faithfully observe and perform all the covenants and agreements contained in these presents on his part to be observed and performed.

In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed, sealed, and delivered by the said
in the presence of

THIRD SCHEDULE.

Assignment of the within Indenture.

THE within named master
doth hereby, with the consent of
assign the within indenture and the services thereunder of the within named apprentice unto of his executors and administrators, for the unexpired portion of the within-named term of years: And the said doth hereby declare his acceptance of such apprentice, and acknowledges himself, and his executors and administrators, to be bound by the agreements, engagements, obligations, and covenants on the part of the master of such apprentice, to be done and performed as fully as if he himself had entered into same as a party under that indenture.

In witness whereof the parties hereto have set their hands and seals this day of one thousand eight hundred and

Signed, sealed, and delivered by the
said or his executors
or administrators.

Master.
Consenting party or parties.
Proposed assignee.

Sydney: Charles Potter, Government Printer.—1894.

[6*d*.]