



ANNO QUARTO

VICTORIÆ REGINÆ,

No. 15.

By His Excellency SIR JOHN FRANKLIN, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Greek Order of the Redeemer, and a Captain in Her Majesty's Royal Navy, Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council.

AN ACT to amend an Act passed in the Second Year of Her present Majesty intituled An Act for apprenticing the Children of the Queen's Orphan Schools in this Island.

PREAMBLE.

WHEREAS an Act was passed in the Second Year of the Reign of Her present Majesty intituled *An Act for apprenticing the Children of the Queen's Orphan Schools in this Island*—

AND WHEREAS it has been found that the provisions of the said Act requiring His Excellency the Lieutenant-Governor to approve of the Trades to which the Children apprenticed from that Institution should be bound are in practice inconvenient—

AND WHEREAS the Act in other respects requires amendment—

Repeals certain parts of the 1st section of 2nd Vict.

I. BE IT THEREFORE ENACTED by His Excellency SIR JOHN FRANKLIN Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council that from and after the First day of October next so much of the first section of the said Act as relates to the approval of the Masters or Mistresses or Trades to which any Child be bound and also as to the consent and approbation of the Lieutenant-Governor for the Marriage of such Apprentice shall be and the same are hereby repealed.

II. AND WHEREAS by the said Act of the Second Year of Her present Majesty the Lieutenant-Governor is authorised to appoint two or more fit and proper persons to bind as Apprentices the Children of the Queen's Orphan Schools—BE IT THEREFORE ENACTED that it shall be lawful for such persons appointed under the said last-mentioned Act to bind Apprentices and they are hereby authorised to determine also whether the Master or Mistress applying for the services of such Apprentice be a fit and proper person with whom to apprentice such child and also in the case of any Female Apprentice to consent if they should so think fit to the Marriage of such Apprentice.

Commissioners appointed under 2nd Vict. to bind children as apprentices empowered to determine fitness of master &c.

III. AND BE IT ENACTED that if any person being bounden to serve as an Apprentice under this Act shall absent himself or herself from his or her Master or Mistress's service before the term of his or her apprenticeship shall be expired every such Apprentice shall at any time thereafter whenever he or she shall be found be compelled to serve his or her said Master or Mistress for so long a time as he or she shall have so absented himself or herself unless he or she shall make satisfaction for the loss sustained by his or her absence and so from time to time as often as any such Apprentice shall without leave absent himself or herself from his or her service before the term of his or her apprenticeship shall be expired and in case any such Apprentice shall refuse to serve as hereby required or to make such satisfaction such Master or Mistress may complain upon oath to any Justice of the Peace which oath such Justice is hereby empowered to administer and to issue a warrant under his hand for the apprehension of such Apprentice and upon hearing such complaint any two or more Justices residing within the Police District in which such Complainant is or hath been residing may determine what satisfaction shall be made by such Apprentice and in case such Apprentice shall not give security to make such satisfaction according to such determination it shall be lawful for such Justices to commit such Apprentice to the House of Correction for any time not exceeding one calendar month and in the case of a male Apprentice in addition thereto to be kept to hard labour.

Apprentice under this Act absenting him or herself to serve extra time for such absence.

Punishment for refusal.

IV. AND BE IT ENACTED that it shall be lawful for any two or more Justices residing within the Police District as aforesaid upon application or complaint made upon oath by any Master or Mistress against any such Apprentice touching or concerning any misconduct in such his or her service which oath such Justices are also hereby empowered to administer to hear examine and determine the same and to punish the offender by commitment to the House of Correction for a reasonable time not exceeding one calendar month and in the case of a male Apprentice there to remain and be kept to hard labour or otherwise by discharging such Apprentice.

Punishment for misconduct.

V. AND BE IT ENACTED that if any person shall knowingly harbour employ receive or entertain any such Apprentice who shall have so absented himself or herself as aforesaid any such offender being lawfully convicted thereof before any two or more Justices of the Peace

Persons harbouring Apprentices.

residing within the Police District as aforesaid shall for every such offence forfeit and pay any sum not exceeding Fifty Pounds.

Redress given to
Apprentices for
misusage.

VI. AND BE IT ENACTED that it shall and may be lawful for any two or more Justices of the Peace residing within the Police District where such complainant is or hath been residing upon any complaint or application or upon the complaint of the person or persons or either of them who shall for the time being have been appointed by the Lieutenant-Governor for the purposes aforesaid or upon oath of any such Apprentice as aforesaid touching or concerning any misusage refusal of necessary provision or clothing cruelty or ill-treatment of or towards such Apprentice by his or her Master or Mistress to summon such Master or Mistress to appear before such Justices at a reasonable time to be named in such summons and such Justices shall and may examine into the matter of such complaint and upon proof thereof made upon oath to their satisfaction (whether the Master or Mistress be present or not if service of the summons be also upon oath proved) the said Justices may upon the hearing of any such complaint impose upon any such Master or Mistress a penalty not exceeding Fifty Pounds and further may if they should so think fit discharge any such Apprentice by a warrant or certificate under their hands and seals for which warrant or certificate no fees shall be paid—PROVIDED that in case the Justices shall be of opinion that the Master or Mistress as the case may be should be proceeded against criminally in the Supreme Court or some Court of General or Quarter Sessions it shall be competent to them and they are hereby empowered by warrant or certificate as aforesaid to discharge any such Apprentice and to decline imposing any penalty—AND PROVIDED ALWAYS that the payment of any fine imposed under the present Section of this Act shall be deemed and taken to be and may be pleaded in bar of any subsequent criminal proceeding in the like case.

Power of appeal.

VII. AND BE IT ENACTED that if any person or persons who shall be convicted of any offence under this Act for which any pecuniary penalty shall be awarded shall think himself or herself aggrieved by the judgment of any such Justice or Justices such person or persons shall have liberty to appeal therefrom in the manner provided by the Act of this Island intituled *An Act to regulate Summary Proceedings before Justices of the Peace*.

JOHN FRANKLIN.

Passed the Legislative Council this fifteenth
day of September, one thousand eight
hundred and forty,

RONALD C. GUNN, *Clerk of the Council*.