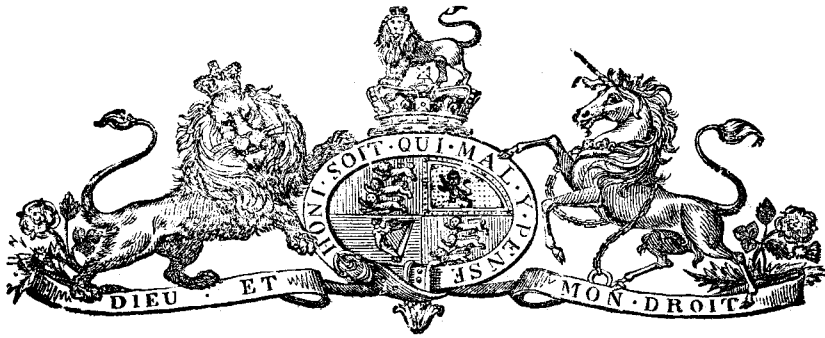


T A S M A N I A.

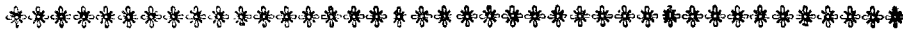


1861.

ANNO VICESIMO-QUINTO

VICTORIÆ REGINÆ,

No. 5.



AN ACT to provide for the better Control and Guardianship of the Children in the Queen's Asylum. [30 November, 1861.]

WHEREAS an Institution commonly known as "The Queen's Orphan Schools" has, for some years past, been established at *New Town*, in this Colony, for the Maintenance and Education of Orphan Children, and Children whose parents are unable to support them: And whereas it is expedient to provide for the better Control and Guardianship of the Children in the said Institution: Be it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PREAMBLE.

1 The said Institution shall be called "The Queen's Asylum for Destitute Children."

Name of Institution.

2 All Children who are voluntarily surrendered to the said Institution by their or either of their parents or guardians, or who are Orphans, or deserted, or left destitute, may be received into the said Institution.

Children voluntarily surrendered, and Orphans and deserted children may be received in the Institution.

3 The legal control and guardianship of all Infants placed in the said Institution shall be vested in such persons, not being less than three, as Guardians as the Governor may, from time to time, in that behalf appoint; and such Guardians shall have all the powers and privileges

Guardianship of Infants vested in persons appointed by the Governor.

of a Guardian over and in respect of such Infants; and the Governor may, from time to time, at pleasure, remove such Guardians or any of them.

Infants not to be removed without consent.

4 When an Infant is once duly admitted into the said Institution, such Infant shall not be removed therefrom without the consent in writing of at least two of such Guardians; but it shall be lawful for such Guardians, or any Two of them, at any time, by writing under their hands, if they shall think the welfare of the Infant will be duly cared for and secured, to surrender and relinquish the powers conferred upon them by virtue of this Act over any such Infant; and in case of their refusal to do so, it shall be in the power of any Two Justices of the Peace to hear and determine such application; and if they think proper, to order the Indentures of Apprenticeship to be cancelled.

Power to apprentice Infants.

5 It shall be lawful for such Guardians to apprentice the Infants who are placed in the said Institution in such manner and at such times as to such Guardians shall seem expedient, either to some trade or calling, or as agricultural labourers, or domestic servants: Provided, that no Infant shall be apprenticed under the age of Twelve years, nor for a term extending beyond the age of Eighteen years, nor if a girl beyond the day of her marriage.

Where age unknown how to be estimated.

6 Where the age of any Infant admitted to the said Institution as aforesaid is not known at the said Institution, any two of such Guardians may from the best information in their power determine the age of such Infant, and the estimated age so arrived at shall, for the purposes of this Act, be deemed to be the age of such Infant until the contrary is shown.

Form and effect of Indenture.

7 Every Indenture of Apprenticeship may be in the form in the Schedule (1) or to the like effect, and shall be executed by at least two of such Guardians and by the person to whom the Infant is to be bound, and such binding shall be as valid and effectual as if such Infant were of full age and had bound himself; and in every proceeding, civil and criminal, the statements in any such Indenture that the same is made by Guardians duly authorized under and by virtue of the provisions of this Act, or that any person is an Infant of a certain age therein specified, shall respectively be deemed and taken to be true until the contrary is proved.

Assignment and re-assignment of Apprentice.

8 The person to whom any Infant is so bound, or the executors or administrators of such person may, by and with the consent in writing, in the form in the Schedule (2), or to the like effect, of such Guardians or any two of them, assign such Apprentice to any fit and proper person for the residue of the term mentioned in such Indenture of Apprenticeship, and such assignment may be in the form in the Schedule (3), or to the like effect, and thereupon such Apprentice shall become the Apprentice of the person to whom he is so assigned, and such person, his executors and administrators, shall be bound by all the covenants in the Indenture of Apprenticeship in the same manner as if he had originally been a party to it, in lieu of the person to whom the Apprentice was originally bound, and such Apprentice may from time to time be re-assigned to any other person in the same manner as nearly as may be as that in which he was first assigned.

Penalty of £50 for assigning, &c., without consent.

9 If any person to whom any such Infant is apprenticed or assigned as aforesaid assigns, transfers, discharges, or dismisses from his service such Infant without such consent as aforesaid, such person shall forfeit and pay a penalty not exceeding Fifty Pounds.

10 If any Infant bound to serve as an Apprentice under the provisions of this Act absents himself from the service to which he is so bound before the term of his apprenticeship is expired, such Apprentice shall, at any time thereafter whenever he is found, be compelled to serve the person to whom he was so bound for a term equal to the period of apprenticeship which was unexpired at the time the Apprentice so absented himself, unless he makes satisfaction for the loss sustained by his absence, and so from time to time as often as any such Apprentice absents himself from service before the term of his apprenticeship expires; and in case any such Apprentice refuses or neglects to serve as hereby required, or to make such satisfaction, the person to whom such Apprentice was bound may complain upon oath to any Justice of the Peace, and such Justice may thereupon issue a Warrant under his hand for the apprehension of such Apprentice, and, upon the hearing of such complaint, any Two Justices may determine what satisfaction shall be made by such Apprentice; and in case such Apprentice thereupon fails to make or to give sufficient security for making such satisfaction, such Justices may commit such Apprentice to any Gaol or House of Correction for any time not exceeding One calendar month, and in case of a male Apprentice may, in addition thereto, order him to be kept to hard labour.

Apprentice absenting himself to serve extra time for such absence.

11 If any person directly or indirectly induces any Infant to abscond from the said Institution before being duly discharged therefrom, or knowingly employs, conceals, or harbours any Infant who has so absconded, or otherwise prevents such Infant from returning to the said Institution, then the person so offending shall forfeit and pay a penalty of not less than Two Pounds nor more than Fifty Pounds.

Penalty on Persons inducing Infants to abscond, or harbouring them.

12 If any person directly or indirectly induces any Apprentice to abscond from the service to which he is bound or assigned, as the case may be, or who knowingly employs, conceals, or harbours any Apprentice who has so absconded, or otherwise prevents such Apprentice from returning to his service, then the person so offending shall forfeit and pay a penalty of not more than Fifty Pounds.

Penalty on Persons inducing Apprentices to abscond, or harbouring same.

13 In case any Apprentice absconds from service, the person to whom such Apprentice is bound shall forthwith give notice thereof to the Superintendent of the said Institution; and also at the nearest Police Station; and every such person who fails so to do shall forfeit and pay a penalty not exceeding Ten Pounds.

Apprentice absconding, Employer to give notice to some Officer of Institution.

14 All Justices and Constables are hereby empowered and directed to apprehend and cause to be conveyed to the said Institution, or delivered into the custody of an Officer of such Institution, every Infant who may escape, or be unlawfully removed, or enticed from such Institution, and also may apprehend and detain, to be dealt with according to Law, any Apprentice who absconds from the service to which he is bound, in manner herein provided.

Power to apprehend Absconders, &c.

15 If any person to whom any Apprentice is bound fails or neglects to provide necessary food, clothing, lodging, or medical attendance for such Apprentice, or in any way ill-treats or misuses, or permits or suffers such Apprentice to be ill-treated or misused, the person so offending shall forfeit and pay a penalty not exceeding Fifty Pounds; and an information for any offence under this Section may be preferred by any person whomsoever; and the Justices hearing any information under this Section may, by Certificate under their hands, for which no fee shall be payable, absolutely

Persons ill-treating their Apprentices may be fined, and their Apprentices may be discharged.

discharge such Apprentice from his service : Provided, that the payment of any fine under this Section may be pleaded in bar of any subsequent criminal proceeding arising out of the same cause in respect of which such fine was paid : Provided further, that if the Justices hearing any case under this Section are of opinion that the case is a proper one to be proceeded against before a higher tribunal, they may refrain from imposing any penalty hereunder.

Misconduct of Apprentice, how punishable.

16 In case any Apprentice is guilty of any gross misconduct in the service to which such Apprentice is bound, then, upon complaint being made to any two Justices of the Peace, such Justices may, by Certificate under their hands, discharge such Apprentice from such service, and such Apprentice, in case he is a male Apprentice, shall, either in addition to being discharged or without being discharged as aforesaid, be liable to be imprisoned, with or without hard labour, in any Gaol or House of Correction, for any term not exceeding One calendar month.

If Apprentice a confirmed Invalid, Indentures may be cancelled.

17 In case any Infant apprenticed under the provisions of this Act becomes afflicted with any confirmed disease of mind or body, the Guardians or any two of them may, upon the application of the person to whom such Infant is apprenticed, cancel the Indentures of Apprenticeship.

Mode of compelling Parent to contribute towards Maintenance of Infant.

18 Whenever it is made to appear to the satisfaction of any two Justices of the Peace, before whom the father or step-father of any Infant placed in the said Institution is summoned, that he is able to contribute towards the maintenance of such Infant, it shall be lawful for such Justices, by Order under their hands, to direct that he shall contribute such weekly sum as they may deem expedient towards the maintenance of such Infant at the said Institution ; and also to direct that he shall contribute such sum as they shall see fit towards the past maintenance of the said Infant at the said Institution ; every such sum, whether for future or past maintenance, to be paid at such time or times as they shall specify to the Superintendent of the said Institution ; and in default of any such payment any Justice may, on proof thereof, cause the sum in arrear to be levied on the goods of the person making such default, or compel the payment by Warrant against his person ; and the like Order may be made, and proceedings taken, against the mother of any such Infant whose father is dead or absent.

Order for Payment may be varied or revoked by General Sessions.

19 Any Order so made as aforesaid may, from time to time, and at any time, be modified, varied, or revoked by any Court of General Sessions of the Peace upon proof being given of the means and circumstances of the person against whom such Order was made.

Act to apply to similar Institutions.

20 In case any Institution similar to "The Queen's Asylum for Destitute Children" is hereafter established, the Governor in Council may, by Proclamation, declare that the provisions of this Act shall apply to such Institution, and thereupon all the provisions herein contained shall apply to such Institution ; and in such case, and for the purpose aforesaid, in construing this Act the name of the said Institution shall be read in lieu of the name "The Queen's Asylum for Destitute Children."

Recovery of Penalties. 19 Vict., No. 8.

21 All Offences against this Act shall be heard and determined, and all Orders shall be made, and Penalties recovered in a summary way, in the mode prescribed by *The Magistrates Summary Procedure Act* ; and any person aggrieved by any Summary Conviction or Order under this Act may appeal therefrom in the manner directed by *The Appeals Regulation Act*.

Appeal. 19 Vict. No. 10.

22 All Penalties awarded by any Justices under the provisions of this Act, and all moneys received by virtue of this Act, shall, in all cases, be paid into and form part of the General Revenue. Application of Penalties.

23 On and after the day on which this Act commences and takes effect, the Acts of Council set forth in the Schedule (4) shall be hereby repealed :— Repeal of existing Acts. Schedule (4).

Provided that such repeal shall not affect—

- (1.) Anything duly done before this Act commences and takes effect :
- (2.) Any liability accruing before this Act commences and takes effect :
- (3.) Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before this Act commences and takes effect :
- (4.) The institution of any legal proceeding, or any other remedy for enforcing or recovering any such liability, penalty, forfeiture, or punishment as aforesaid.

24 This Act shall commence and take effect on the First day of January, 1862. Commencement of Act.

25 In referring to this Act it shall be sufficient to use the expression *The Queen's Asylum Act*. Short Title.

S C H E D U L E.

(1.)

THIS INDENTURE made the day of 18 , between *A.B.*, of and *C.D.* of Section 7. being Guardians duly authorized under and by virtue of the provisions of *The Queen's Asylum Act*, to apprentice infants placed in "The Queen's Asylum for Destitute Children," of the one part, and *E.F.* of [*Hobart Town*, shoemaker] of the other part, WITNESSETH that the said *A.B.* and *C.D.* hereby bind *G.H.*, being of the age of years, as apprentice to the said *E.F.*, to learn the trade or business of a [shoemaker], and with him [*or her*] to dwell, remain, and serve, from the date of these presents till the day of , 18 , during all which time the said *G.H.* as such apprentice, shall faithfully serve his [*or her*] said master [*or mistress*], and obey all his [*or her*] lawful commands, and shall not frequent public-houses or gaming houses, nor absent himself [*or herself*] from the service of his [*or her*] said master [*or mistress*] by day or night, without his [*or her*] leave, but in all things as a faithful apprentice shall behave himself [*or herself*] towards his [*or her*] said master [*or mistress*], and all his [*or her's*] during the said term [*here add any further stipulations as to the duties of the apprentice*]: AND the said *E.F.* in consideration of the faithful service so to be performed by the said *G.H.*, hereby covenants and agrees with the said *A.B.* and *C.D.*, that, during the continuance of the said term he [*or she*] the said *E.F.*, the said *G.H.* in the trade or business of a [shoemaker], will teach and instruct in the best manner in which he [*or she*] the said *E.F.* can ; and will provide and allow the said *G.H.* good and sufficient meat, drink, lodging, apparel, medical attendance, and all other things necessary for the said *G.H.*, and also permit the said *G.H.* to attend the place of worship of

the denomination to which he belongs once each *Sunday*, if practicable [*here add any other terms on the part of the person to whom the Infant is bound*], and that he [*or she*] the said *E.F.* shall not, nor will, during the said term, make over this Indenture, or the Apprentice bound hereby, without the consent and approbation by Law required in that behalf.

As Witness our hands and seals.

Signatures of Guardians } *A.B.* (Seal.)
 } *C.D.* (Seal.)
Signature of Master or Mistress } *E.F.* (Seal.)

(2.)

Section 8. WE, *A.B.*, of _____, and *C.D.*, of _____, being two of the Guardians duly authorized under and by virtue of the provisions of *The Queen's Asylum Act*, hereby consent to, and approve of, the within-named *G.H.* being removed from the service of *E.F.* to that of *I.K.* upon the terms contained in the within-written Indenture.

A. B.
C. D.

(3.)

Section 8. I, *E.F.*, hereby assign *G.H.*, the within-named Apprentice, to *I.K.*
Dated this _____ day of _____ 18 _____.

E. F.

(4.)

Section 23.

ACTS TO BE REPEALED.

<i>Reference to Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
2 Vict. No. 27.	An Act for apprenticing the Children of the Queen's Orphan Schools in this Island.	The whole Act.
4 Vict. No. 15.	An Act to amend an Act passed in the Second Year of Her present Majesty, intituled <i>An Act for apprenticing the Children of the Queen's Orphan Schools in this Island.</i>	The whole Act.
5 Vict. No. 8.	An Act to amend an Act passed in the Fourth Year of Her present Majesty, intituled <i>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.</i>	The whole Act.