

Hon. Mr. Reeves.

MASTER AND APPRENTICE (No. 2).

ANALYSIS.

Title.	
1. Short Title. Commencement.	Persons now employed at handicraft to be apprenticed within three months. Deed to be executed by employer. Previous service and skill may be taken into account.
2. Interpretation. Exemption.	
3. No young person to be apprenticed unless passed Fourth Standard public-school or equivalent.	18. Probationers in handicraft.
4. Young persons from public institutions may be apprenticed. Deed to be executed.	19. Apprentice entitled to certificate of service.
5. Young persons may be apprenticed through Inspector. Deed to be executed.	20. Examination into tuition of apprentices.
6. Who may take apprentices.	21. Jurisdiction of Magistrate in cases of dispute. Ill-usage of apprentice. Punishment of offending apprentice.
7. Form of deed. First Schedule.	22. Names of probationers or apprentices to be posted in workshop. Penalty.
8. Assignment of deed. Form. Second Schedule.	23. Penalty for unauthorised transfer or discharge.
9. Registration.	24. Governor may appoint Inspectors.
10. Ratio of wages of handicraft apprentices. Third Schedule.	25. Governor may—(1.) Define terms of apprenticeship. (2.) Declare whether any specified trade, &c., is a handicraft. (3.) Declare average wages. (4.) Alter ratio of percentage.
11. Wages of non-handicraft apprentice.	26. Summary proceedings.
12. How wages to be paid. Savings-Bank deposits.	27. No <i>certiorari</i> .
13. Method of withdrawing deposits.	28. Application of penalties.
14. No power to apprentice to assign deposits.	29. "Government Apprentices Act, 1875," amended.
15. Master failing to make deposits liable to penalty.	30. Saving of Acts.
16. Hours of labour of non-handicraft apprentice. Holidays.	31. Repeal. Schedules.
17. No young persons to be employed at handicraft unless duly apprenticed. Deed to be subject to the provisions of Factories Act.	

A BILL INTITULED

AN ACT to amend the Law relating to Masters and Apprentices. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

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1. The Short Title of this Act is "The Master and Apprentice Act, 1894," and it shall come into force on the first day of January, one thousand eight hundred and ninety-five. Short Title. Commencement.

2. In this Act, if not inconsistent with the context,— Interpretation.

10 "Handicraft" means and includes any trade, manufacture, mechanical art, or other skilled manual occupation (with all the branches thereof respectively), which involves training and technical knowledge, and is carried on in a registered factory; but it does not include occupations that wholly or almost wholly involve unskilled labour, even though they be carried on in a registered factory:

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No. 104—1.

“Handicraft apprentice” means an apprentice in a handicraft :

“Inspector” means an Inspector appointed under this Act :

“Magistrate” means a Stipendiary Magistrate appointed under “The Magistrates’ Courts Act, 1893” :

“Master” means any person to whom any young person shall be bound apprentice by deed of apprenticeship or by memorandum of assignment thereof : 5

“Registered factory” means a factory as defined by “The Factories Act, 1891,” and duly registered thereunder :

“Young person” means a boy or girl under eighteen and not under fourteen years of age. 10

Exemption.

But nothing herein contained shall be taken to extend to apprentices, assistants, or students of any person engaged in the teaching of any professional or scientific pursuit, or to any kind of clerk. 15

No young person to be apprenticed unless passed Fourth Standard public-school or equivalent

3. No young person shall be apprenticed under this Act unless he has passed the Fourth Standard of education as prescribed by any regulations for the time being in force under “The Education Act, 1877,” or satisfies the Inspector that such young person has attended school (in all) the number of school-days required by that Act for three years. 20

Young persons from public institutions may be apprenticed.

4. (1.) The persons who for the time being have the control or management of any industrial school, orphan school, or any other public institution of an eleemosynary nature, may from time to time nominate to the Minister of Labour the names of persons who may bind as apprentices young persons under the charge of such school or institution, and may from time to time change such nomination ; and the persons so nominated, if approved by the Minister of Labour, but not otherwise, shall be deemed to be the guardians of such young persons for the purposes of this Act, and may bind by deed under this Act any such young person to be apprenticed to any person exercising any handicraft, occupation, or calling, for a term not exceeding *six* years, and which shall expire at the time when such young person attains the age of twenty-one years, or, if a female and a minor, when she marries with the consent of the person empowered by law to give consent to the marriage of minors. 25 30 35

Deed to be executed.

(2.) The deed of apprenticeship shall for such purpose be executed by the person authorised as aforesaid to bind such apprentice, of the first part (but without incurring any personal liability), the apprentice, of the second part, and the master, of the third part ; and every such deed so executed shall be binding on master and apprentice as fully and effectually for all purposes as if the apprentice were of full age when executing the deed. 40

Young persons may be apprenticed through Inspector.

5. (1.) Any Inspector may, on the application of either of the parents if living and in the neighbourhood, but if there be no parents, or if the parents be not in the neighbourhood and cannot be found, then on the application of the guardian or nearest relative or friend, or, if there be no relative or friend, then on the application of the police, bind by deed any young person, not being an inmate of an industrial school, or an orphan school, or other public institution mentioned in section *four*, to be apprenticed to any person exercising any handicraft, occupation or calling, for the term and with the incidents mentioned in that section. 45 50

(2.) The deed of apprenticeship shall for such purpose be executed by the Inspector, of the first part (but without incurring any personal liability), the apprentice, of the second part, and the master, of the third part, and shall be binding as mentioned in the *last-preceding* section. Deed to be executed

6. (1.) Any person exercising any handicraft, occupation, or calling may take by deed any young person as apprentice to be instructed in such handicraft, occupation, or calling, for the term and with the incidents mentioned in said section *four*. Who may take apprentices.

10 (2.) The deed of apprenticeship shall for such purpose be executed by the parent or guardian of the said apprentice, or, if he shall have no parent or guardian, or if neither parent nor guardian can be found, by the Inspector residing in or nearest to the district where such apprentice may be residing, of the first part (but Deed to be executed
15 without incurring any personal liability), the apprentice, of the second part, and the master, of the third part, and shall be binding as mentioned in said section *four*.

7. Every deed of apprenticeship under this Act—

20 (a.) Shall, when the apprentice is bound to reside with the master, be in the Form A in the *First* Schedule hereto, or to the effect thereof, and shall contain the provisions and covenants in the said form set forth, with such others (not inconsistent therewith or with this Act) as may be agreed upon between the parties: Form of deed.
First Schedule.

25 (b.) Shall, when the apprentice is not bound to reside with the master, be in the Form B in the *First* Schedule hereto, or to the effect thereof, and shall contain the provisions and covenants in that form set forth, with such others, not repugnant therewith or with this Act, as may be agreed on between the parties.

30 8. (1.) A deed of apprenticeship under this Act may be assigned by the master, with the written consent of the apprentice and the party to the deed of the first part, or (if such party cannot be found, or refuses to consent) with the written consent of the apprentice and Assignment of deed.
35 the Inspector.

(2.) Every such assignment shall be by memorandum in the form in the *Second* Schedule hereto, and shall be executed in duplicate by the assignee, and consented to in writing by such party or the Inspector as aforesaid. Form.
Second Schedule.

40 (3.) Upon the registration of a memorandum of assignment, duly executed and consented to as aforesaid, the rights and obligations of the assignor shall pass to the assignee as fully and effectually for all purposes as if he were the master under the original deed of apprenticeship.

45 9. (1.) Every deed of apprenticeship under this Act and every assignment thereof shall be registered in a register to be kept by the Inspector, and such register shall be open to inspection by any person on payment of a fee of *one* shilling. Registration.

50 (2.) Such registration shall be effected by filing with the Inspector (without fee) a duplicate original of the deed of apprenticeship or memorandum of assignment, and the Inspector shall thereupon enter in a book to be kept for the purpose the names of the parties and of the apprentice, the date of the instrument, and the nature of the handicraft, occupation, or calling.

Ratio of wages of
handicraft
apprentices.

10. Every handicraft apprentice shall be paid wages in each week or fortnight (as may be provided by the deed of apprenticeship) at a rate per diem in ratio to the average wages paid to adult wage-earners of the same sex for the like time in the same handicraft. The ratio of percentage set forth in the *Third Schedule* hereto shall be the ratio of value of such wages, and shall be the minimum wage of such apprentice. 5

Third Schedule.

Wages of
non-handicraft
apprentice.

11. Every apprentice in any occupation or calling not being a handicraft shall be paid such weekly or fortnightly wages as may be agreed on in the deed of apprenticeship, but every such deed shall provide that the wages payable thereunder shall increase each year during the term by at least two pence in every shilling of the first year's wages. 10

How wages to be
paid.

12. (1.) All wages payable to an apprentice under a deed of apprenticeship shall be paid by the master as they accrue due, weekly or fortnightly, as may be provided by the deed, and in manner following:— 15

(a.) During the first year of the term, by paying the same to the apprentice:

Savings-Bank
deposits.

(b.) During the second and third years of the term, by retaining one penny out of every shilling, and during the residue of the term two pence out of every shilling for deposit in the Government Savings Bank, as hereinafter mentioned, and by paying the residue to the apprentice. 20

(2.) All sums so retained as aforesaid by the master shall be deposited by him in the name of the apprentice as such, monthly and every month (or as soon thereafter as the regulations of the bank regarding minimum deposits permit) in the Government Savings Bank nearest to the registered factory in which the apprentice is employed. 25

(3.) The sums so deposited in the Savings-Bank as aforesaid shall accumulate at interest until the end or sooner determination of the term, and shall then, with all accumulations, be paid over to the apprentice, or (if deceased) to his legal representatives. 30

Method of
withdrawing
deposits.

13. (1.) A certificate under the hand of the Inspector that the term is at an end, and that the apprentice is entitled to receive his Savings-Bank deposits, shall be sufficient warrant to the Savings-Bank authorities to pay over the same to the apprentice, or (if deceased) to his legal representatives. 35

(2.) On the application of the apprentice or (if deceased) his legal representatives, the Inspector, if on inquiry he is satisfied as to the fact, shall give such certificate without fee. But he shall not be required to specify the amount of the deposits, and, acting in good faith, he shall incur no liability in connection therewith. 40

No power to
apprentice to
assign deposits.

14. It shall not be lawful for an apprentice to assign or in any way charge or encumber such deposits during the currency of the term. 45

Master failing to
make deposits
liable to penalty.

15. (1.) Every master who for the space of seven days fails or neglects to duly deposit in the nearest Savings-Bank any such wages as aforesaid shall in each instance be liable to a penalty not exceeding ten shillings, and also (unless before judgment he satisfies the Court that he has deposited such wages in the Savings-Bank) to a further sum equal to the amount he has so failed or neglected to deposit. 50

(2.) The Court shall direct that any such further penalty, when recovered, shall be deposited in such Savings-Bank in the name of the apprentice as such, and when so deposited they shall be treated as if deposited by the master in terms of this Act. 55

16. (1.) No apprentice under the age of sixteen years, in other than a handicraft, shall be employed more than eight hours in one day, or more than forty-five hours in one week.

Hours of labour of non-handicraft apprentice.

5 (2.) The master shall allow to every apprentice in other than a handicraft (without any deduction from wages) the following holidays—that is to say, Christmas Day, New Year's Day, Good Friday, Easter Monday, Her Majesty's Birthday; and also every Saturday afternoon or such other weekly half-holiday as is referred to in subsection (b) of section fifty-eight of "The Factories Act, 1891."

Holidays.

10 (3.) Every master offending against any of the provisions of this section shall be liable in respect of each such offence to a penalty not exceeding *ten* pounds.

15 17. (1.) From and after the commencement of this Act, no young person shall be employed in any registered factory at any handicraft unless such young person be duly apprenticed to such employer by deed of apprenticeship under this Act; and every such deed shall be read and construed subject to the provisions of "The Factories Act, 1891," in so far as the same are applicable.

No young persons to be employed at handicraft unless duly apprenticed.

Deed to be subject to the provisions of "The Factories Act, 1891,"

20 (2.) Every person who, after the lapse of three months from the commencement of this Act, employs any young person in any registered factory at any handicraft without such deed, shall be liable in each instance to a penalty not exceeding *twenty* shillings for every day during which such employment continues.

Persons now employed at handicraft to be apprenticed within three months.

25 (3.) Any such young person employed as aforesaid before the commencement of this Act, his parent, guardian, relative, or friends, may apply to such employer for a deed of apprenticeship; and, if such employer refuses, neglects, or delays to grant and execute such deed, may apply to any Inspector, who thereupon may, under the provisions of section *five* of this Act, bind by deed such young person

30 to be apprenticed to any fit person.

Deed to be executed by employer.

(4.) In any such last-mentioned case the time of previous service and the skill of such young person may be taken into account, and the minimum wage and the period of future service equitably adjusted by a declaration in the deed that of the nominal term such portion as may be agreed on shall be deemed to have expired, and for that

35 purpose the nominal commencement of the term may be antedated.

Previous service and skill may be taken into account.

18. Any young person, before being bound as apprentice in a handicraft, may be employed at the handicraft on probation, at such rate of remuneration as may be agreed upon between the intending

40 master and the guardian of such young person, for a period not exceeding one month, for the purpose of ascertaining whether or not such young person is qualified for the intended handicraft.

Probationers in handicraft.

19. Every young person employed at any handicraft, whether apprenticed or not, shall, on ceasing to be so employed, be entitled

45 to receive from his employer a certificate under his hand setting forth the period of such young person's service at such handicraft, and the nature of such handicraft; and every employer who without good cause refuses, neglects, or delays to give such certificate shall be liable for each such offence to a penalty not exceeding *five* pounds.

Apprentice entitled to certificate of service.

20. (1.) Any Inspector, Magistrate, parent, or guardian may apply to the Minister of Education for the appointment of an expert to examine any handicraft apprentice in order to ascertain his progress in acquiring the handicraft in which he is apprenticed. If the expert's report shews that the apprentice has been properly taught and trained,

55 the applicant for such inquiry shall pay the expenses of such examination. If the expert's report shews that the apprentice has not been properly taught or trained, the master shall pay the expenses of such examination, and the Inspector shall forward a copy of such report to the master, together with an intimation that he has rendered him-

60 self liable to the penalties provided by section *twenty-one* in respect

Examination into tuition of apprentices.

to his neglect to properly teach and train his apprentice, and that such penalties will be enforced against him if such neglect continues. But the omission to forward such copy or intimation shall not relieve the master from any such penalties.

(2.) The expenses of any such examination may be recovered in a summary manner from the person liable to pay the same, in the same manner as if they were a penalty. 5

Jurisdiction of Magistrate in cases of dispute.

21. (1.) In case of any difference arising between any master and his apprentice, or the parent, guardian, relative, or friend of such apprentice, the party aggrieved may make complaint before a Magistrate, who shall hear the same, and make such order as the justice of the case may require. 10

Ill-usage of apprentice.

(2.) If, on the hearing of any such complaint the Magistrate finds that the master has ill-treated or neglected to properly teach and train or otherwise perform his duty to his apprentice, the master shall be liable to a penalty not exceeding *five* pounds. And in such case the Magistrate may also, by certificate under his hand, either cancel the deed of apprenticeship or assign the same to another employer, who shall signify in writing at the foot of such certificate his consent to such assignment. 15

Punishment of offending apprentice.

(3.) If, on the hearing of any such complaint, the Magistrate finds that the apprentice has absented himself from service without cause, or has otherwise misconducted himself or neglected to perform his duty to his employer, the apprentice shall be liable to a penalty not exceeding *one* pound, to be deducted (if so ordered) from his wages. And the Magistrate may also, by certificate under his hand, cancel the deed of apprenticeship. 20

(4.) Every certificate given by the Magistrate on the hearing of any such complaint shall be registered, and shall thereupon, according to its tenor, either cancel all the rights and obligations created by the deed of apprenticeship, or (as the case may be) operate as a memorandum of assignment of such deed. 25

Names of probationers or apprentices to be posted in workshop.

22. (1.) Every master shall post and at all times keep posted in some conspicuous place in every part of his factory or workroom where any young persons are employed as probationers or apprentices the names of such probationers and apprentices, and the dates whereon they respectively were first employed by him in such capacities. 30

Penalty.

(2.) Every master offending against any of the provisions of this section shall be liable, on the complaint of the Inspector, to a penalty not exceeding *ten* pounds. 35

Penalty for unauthorised transfer or discharge.

23. Every master who transfers his apprentice, or in any way discharges or dismisses his apprentice, otherwise than in accordance with the provisions of this Act, shall be liable to a penalty of *ten* pounds. 40

Governor may appoint Inspectors.

24. (1.) The Governor may from time to time appoint any fit persons to be Inspectors for the purposes of this Act. Every such Inspector shall have and may exercise all or any of the powers conferred on Inspectors of Factories under "The Factories Act, 1891," and shall be under the direction of the Chief Inspector of Factories under that Act. 45

(2.) Every such Inspector is hereby authorised and required under that Act to enter and inspect all premises where he has 50

Master and Apprentice (No. 2).

reasonable cause to believe that any apprentice is employed at work, and also to make such inquiries from time to time as he may think fit as to the due fulfilment of all or any of the covenants and provisions of the deed of apprenticeship by either the master or apprentice.

(3.) Every person obstructing any such Inspector, or refusing to answer any questions put by him, shall be liable to the penalties provided in "The Factories Act, 1891," for obstructing an Inspector under that Act.

10 25. (1.) The Governor may from time to time, by Order in Council,— Governor may—

(a.) Make regulations defining the length of the terms of apprenticeship in handicrafts, occupations, and callings under this Act: Define terms of apprenticeship;

15 (b.) Declare as to any specified trade, manufacture, art, or occupation, whether it is or is not a handicraft within the meaning of this Act: Declare whether any specified trade, &c., is a handicraft;

(c.) Declare, for the purpose of determining the minimum wage referred to in section ten, what are the average wages referred to in that section: and Declare average wages;

20 (d.) After this Act has been in force for one year, and thereafter at intervals of not less than one year, alter by increase or decrease as may to him seem equitable the ratio of percentage referred to in that section. Alter ratio of percentage.

25 (2.) The wages payable to handicraft apprentices shall vary with and according to any such declaration or alteration.

26. All proceedings under this Act shall be taken in a summary manner before a Magistrate alone, and his decision shall be final. Summary proceedings.

30 27. No conviction, order, warrant, or other matter made or purporting to be made by virtue of this Act shall be removed by *certiorari* or otherwise into the Supreme Court. No *certiorari*.

35 28. Every penalty recovered under this Act against a master for ill-usage, or neglect to discharge his duty towards his apprentice, shall, in the discretion of the Magistrate who imposed it, be disposed of either towards any charitable institution in the district or place where such master shall reside, or for the use of such apprentice as a compensation for such ill-usage or neglect as aforesaid. Application of penalties.

40 29. Section eleven of "The Government Apprentices Act, 1875," is hereby amended by the omission of the words "in solitary confinement" in the first paragraph thereof. "Government Apprentices Act, 1875," amended.

30. Saving as last aforesaid, nothing in this Act shall be construed to annul or repeal "The Government Apprentices Act, 1875," or any provisions of "The Industrial Schools Act, 1882." Saving of Acts.

31. "The Master and Apprentice Act, 1865," is hereby repealed. Repeal.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

Form A.

When Apprentice is bound to dwell with his Master.

DEED OF APPRENTICESHIP.

THIS DEED, made in pursuance of "The Master and Apprentice Act, 1894" (herein referred to as "the said Act"), the _____ day of _____, one thousand eight hundred and ninety-_____, between [name in full of parent, guardian, or Inspector, as the case may be], of _____ (hereinafter termed "the guardian"), of the first part [name of apprentice] (hereinafter termed "the apprentice"), of the second part, and [name, residence, and calling of master], of _____ (hereinafter termed "the master"), of the third part. Whereas the apprentice has passed the Fourth Standard of education as prescribed under "The Education Act, 1877" [or has satisfied the Inspector that _____ has attended school the number of school-days required by "The Education Act, 1877," for three years]: Now this Deed witnesseth that, in pursuance and exercise of the powers conferred by the said Act, and in consideration of the premises, the guardian doth hereby put, place, and bind the apprentice as an apprentice to the master, with him to dwell and serve, as from the day of the date hereof, for and during the term of _____ years, to be fully complete and ended unless these presents shall be previously cancelled [If apprentice be female and a minor add or unless the apprentice shall sooner be married, whichever shall first happen], during which term the apprentice shall well and faithfully serve the master in all lawful things, according to _____ skill, power, and ability; and shall do no damage to the master, nor suffer any to be done by others; and shall not waste the goods of the master, or those of any other person or persons in _____ custody, or lend them unlawfully to any person; and shall not absent self from the said service without the leave of the master first obtained, but shall in all things honestly, orderly, and obediently demean and behave self towards the master and all others during the said term as a faithful apprentice ought to do. And in consideration of the premises the master doth hereby, for himself, his executors and administrators, covenant with the guardian and apprentice jointly, and with each of them severally, that he, the master, will by the best means in his power teach and train, or cause to be taught and trained, the apprentice in the handicraft [or, if not a handicraft, occupation or calling, as the case may be] of a _____ during the said term; and shall and will, during the continuance hereof, find, provide, and allow unto the apprentice proper and sufficient meat, drink, medicine, apparel, lodging, washing, and all other things necessary and fit for such an apprentice: And during the whole of the said term will pay to the apprentice weekly and every week [or fortnightly and every fortnight], in manner prescribed by the said Act, the wages prescribed by the said Act [or, if it be not a handicraft, as wages the sum of _____, with an increase during each year after the first of one penny in every shilling of the first year's wages]; and will make the first such weekly [or fortnightly] payment on the _____ day of _____, 189_____. And it is hereby declared by the parties hereto that these presents are intended to operate as a deed of apprenticeship made under the said Act, and the same shall be deemed as executed subject to the provisions of that Act in all respects. In witness whereof the parties hereto have hereunto set their hands the day and year first above written.

Signed by the said _____ in the presence of _____

A.B.,
(Occupation.)
(Address.)

[Signature of guardian.]

Signed by the said _____ in the presence of _____

C.D.,
(Occupation.)
(Address.)

[Signature of apprentice.]

Signed by the said _____ in the presence of _____

E.F.,
(Occupation.)
(Address.)

[Signature of master.]

Form B.

When Apprentice is not bound to dwell with his Master.

DEED OF APPRENTICESHIP.

THIS DEED, made in pursuance of "The Master and Apprentice Act, 1894" (herein referred to as "the said Act"), the _____ day of _____, one thousand eight hundred and ninety_____, between [name in full of parent, guardian, or Inspector, as the case may be], of _____ (hereinafter termed "the guardian"), of the first part, the said [name of apprentice] (hereinafter termed "the apprentice"), of the second part, and [name, residence, and calling of master], of _____ (hereinafter termed "the master"), of the third part. Whereas the apprentice has passed the Fourth Standard of education, as prescribed under "The Education Act, 1877" [or has satisfied the Inspector that _____ has attended school the number of school-days required by "The Education Act, 1877," for three years] : Now this Deed witnesseth that, in pursuance and exercise of the powers conferred by the said Act, and in consideration of the premises, the guardian doth hereby put, place, and bind the apprentice as an apprentice to the master, with him to serve, as from the day of the date hereof, for and during the term of _____ years, to be fully complete and ended unless these presents shall be previously cancelled [if apprentice be female and a minor add or unless the apprentice shall sooner be married, whichever shall first happen], during which term the apprentice shall well and faithfully serve the master in all lawful things, according to _____ skill, power, and ability; and shall do no damage to the master, nor suffer any to be done by others; and shall not waste the goods of the master, or those of any other person or persons in _____ custody, or lend them unlawfully to any person; and shall not absent _____ self from the said service without the leave of the master first obtained, but shall in all things honestly, orderly, and obediently demean and behave _____ self towards the master and all others during the said term as a faithful apprentice ought to do. And in consideration of the premises the master doth hereby, for himself, his executors and administrators, covenant with the guardian and apprentice jointly, and with each of them severally, that he, the master, will by the best means in his power teach and train, or cause to be taught and trained, the apprentice in the handicraft [or, if not a handicraft, occupation or calling, as the case may be] of a _____ during the said term; and during the whole of the said term will pay to the apprentice weekly and every week [or fortnightly and every fortnight], in manner prescribed by the said Act, the wages prescribed by the said Act [or, if not a handicraft, as wages the sum of _____, with an increase during each year after the first of one penny in every shilling of the first year's wages]; and will make the first such weekly [or fortnightly] payment on the _____ day of _____ 18_____. And it is hereby declared by the parties hereto that these presents are intended to operate as a deed of apprenticeship made under the said Act, and the same shall be deemed as executed subject to the provisions of that Act in all respects. In witness whereof the parties hereto have hereunto set their hands the day and year first above written.

Signed by the said presence of A.B., (Occupation.) (Address.)	} in the	[Signature of guardian.]
Signed by the said presence of C.D., (Occupation.) (Address.)	} in the	[Signature of apprentice.]
Signed by the said presence of E.F., (Occupation.) (Address.)	} in the	[Signature of master.]

SECOND SCHEDULE.

MEMORANDUM OF ASSIGNMENT.

The Deed of Apprenticeship under "The Master and Apprentice Act, 1894," dated the _____ day of _____, 18____, made between _____, of the first part, _____, of the second part, and _____, of the third part, registered No. _____ is hereby assigned to _____, of _____, _____.

Dated this _____ day of _____, 18____, _____, A.B. (Assignor),
 _____, C.D. (Assignee),
 _____, E.F. (Apprentice),
 _____, G.H. (Guardian, &c., or Inspector).

Witness to signatures of A.B., C.D., E.F., and G.H.—

I.J.,
 (Occupation and address.)

THIRD SCHEDULE.

WAGES OF HANDICRAFT APPRENTICES.

MINIMUM RATE of WAGES to be paid to each Handicraft Apprentice in Ratio to Average Wages of Journeymen or Adult Wage-earners of the same Sex in the same Handicraft. (Subject to such alteration as may be made from time to time by the Governor.)

First Year.	Second Year.	Third Year.	Fourth Year.	Fifth Year.	Sixth Year.
Per cent. 14	Per cent. 20	Per cent. 35	Per cent. 50	Per cent. 60	Per cent. 75

By Authority: SAMUEL COSTALL, Government Printer, Wellington.—1894.