

MASTER AND APPRENTICE.

ANALYSIS.

Title.	
1. Short Title.	12. Persons now employed to be apprenticed within six months.
2. Interpretation. Exemption.	13. Probationers.
3. No young person to be apprenticed unless passed Fourth public-school or equivalent Standard.	14. Penalty for unauthorised transfer or discharge.
4. Orphan apprentices from public institutions. Indentures to be executed.	15. Apprentice entitled to certificate of service.
5. Deserted children may be apprenticed by Magistrate.	16. Examination into tuition of apprentices.
6. Who may take apprentices.	17. Jurisdiction of Magistrate in cases of dispute.
7. To what trades, &c., apprentices may be bound. Form of indentures. First Schedule.	18. Ill-usage of apprentices.
8. Ratio of wages of apprentices. Second Schedule.	19. Punishment of apprentices offending.
9. Any master may with consent of Magistrate assign apprentice to any other fit and proper person.	20. Names of probationers or apprentices to be posted in workshop. Penalty.
10. Hours of employment.	21. Inspector of Factories to see that indentures are duly granted and conditions fulfilled.
11. No young persons to be employed unless duly apprenticed. Indentures to be executed.	22. Summary proceedings.
	23. No <i>certiorari</i> .
	24. Application of penalties.
	25. Appeal.
	26. "Government Apprentices Act, 1875," amended.
	27. Saving of Acts.
	28. Repeal. Schedules.

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:—

1. The Short Title of this Act is "The Master and Apprentice Act, 1894." Short Title.

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

10 "Handicraft" means and includes any trade, art, manual or skilled occupation, in all the branches thereof respectively:

"Inspector" means an Inspector appointed under this Act:

"Magistrate" means a Stipendiary Magistrate appointed under "The Magistrates' Courts Act, 1893":

15 "Master" means any person to whom any young person shall be bound apprentice by indenture or by assignment of the indenture:

"Young person" means a boy or girl *not under fourteen and under eighteen years of age.*

20 But nothing herein contained shall be taken to extend to the articulated clerks of attorneys or solicitors, or the clerks or apprentices of any person engaged in the teaching of any professional or scientific pursuit. Exemption.

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

3. No young person shall be apprenticed under this Act unless he has passed the Fourth Standard of education as prescribed by or under any regulations for the time being in force under "The Education Act, 1877," and obtained a certificate to that effect from an Inspector of Schools under that Act, or unless such person has been certified by a certificate under the hand of the headmaster or inspector of a public or private school that such person has attended such school the number of school-days required by or under that Act during the quarter of a year immediately preceding the time of being apprenticed, and has attended school for such required number of school-days in each quarter for a period of three consecutive years. 5 10

Orphan apprentices from public institutions.

4. The persons who for the time being have the control or management of any orphan school, or any other public institution of an eleemosynary nature, may, from time to time, nominate and return to the Colonial Secretary the names of persons who may bind young persons under their charge as apprentices, and may from time to time change such nomination; and the persons so nominated, if approved by the Colonial Secretary, but not otherwise, shall be deemed to be the guardians of such young persons for the purposes of this Act, and be capable, and may, if they think fit, bind by indenture in writing any young person under the care or control of their respective institutions to be apprenticed to any householder, tradesman, farmer, or other person exercising any handicraft, for a term which shall not exceed a period of *six* years, and which shall expire at the time when such young person attains the age of twenty-one years, or, if a female, when she shall marry with the consent of the person or persons appointed under the provisions of any Act in force relating to marriage to give consent to the marriage of minors. 15 20 25

Indentures to be executed.

Before any such young person shall be bound apprentice, an indenture of apprenticeship shall be executed by the person or persons authorised as aforesaid to bind such apprentice, of the one part, and by the master to whom such young person shall be appointed to be bound apprentice, of the other part; and every such indenture so entered into shall be binding on such young person on the one part and such master on the other part. 30 35

Deserted children may be apprenticed by Magistrate.

5. Any Magistrate may, with the consent of either of the parents if living and within New Zealand, but if otherwise, or if there be no parents, then on the application of the guardian or nearest relative or friend, bind by indenture any orphan or other 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 householder, tradesman, farmer, or other person exercising any handicraft, for a term which shall not be less than three years nor exceed *six* years, and which shall expire at the time when such young person attains the age of twenty-one years, or, if a female, at the time when she shall marry with the consent of the person or persons appointed under the provisions of any Act in force relating to marriage to give consent to the marriage of minors; and every such binding shall be as effectual to all intents and purposes as if the young person had been of full age and had bound himself to be such apprentice. 40 45 50

6. Any householder, tradesman, farmer, or other person exercising any handicraft may take by indenture in writing any young person as apprentice to be instructed in such handicraft, for a term which shall not exceed *six* years, and which shall expire at the time when such young person attains the age of twenty-one years, or, if a female, when she shall marry with the consent of the person or persons appointed under the provisions of any Act in force relating to marriage to give consent to the marriage of minors.

Who may take apprentices.

Such indenture of apprenticeship shall be executed by the parent or guardian of the said apprentice or (if he shall have no parent or guardian) by the Magistrate residing in or nearest to the district where such apprentice may be residing, of the one part, and by the master to whom the said apprentice shall be bound, of the other part.

7. The Governor may from time to time, by Order in Council, make regulations defining the term of apprenticeship for the several trades, arts, or occupations to which apprentices may be bound under this Act.

To what trades, &c., apprentices may be bound.

Every indenture of apprenticeship under this Act—

Form of indentures.

(1.) Shall, when the apprentice is to be bound to reside with his master, be in the Form A in the *First* Schedule hereto, or to the effect thereof, and shall contain a covenant on the part and behalf of such master that during the said term of apprenticeship the master shall and will provide such apprentice with sufficient and suitable food, clothing, and bedding, and that such apprentice shall attend divine service, when practicable, at least once on every Sunday, and shall have particular attention paid to his morals; and also that such master shall pay into a post-office savings-bank in the colony, in the name of such apprentice, half the weekly wages of the said apprentice for each and every year during the whole term of the said apprenticeship, to be paid to him or her, with the interest thereof, at the expiration of his or her apprenticeship:

First Schedule.

(2.) Shall, when the apprentice is not to be bound to reside with his master, be in the Form B in the *First* Schedule hereto, or to the effect thereof, and shall contain such covenants and provisoes as are usually inserted in the indentures of such apprentices, and which shall be binding upon the parties executing the said indenture.

Every indenture of apprenticeship under this Act shall be registered in a register to be kept by the Inspector, and such register shall be open to public inspection on payment of a fee of *one* shilling.

8. Every apprentice shall receive and be paid wages in each week 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 *Second* Schedule hereto shall be the ratio of value of such wages, and shall be the minimum wage of such apprentice.

Ratio of wages of apprentices.

Second Schedule.

9. The master of any apprentice, or the executors or administrators of the master in the event of his death, may, by indorsement on the indenture of apprenticeship, or by any other instrument

Any master may with consent of Magistrate assign apprentice to any

other fit and proper person.

in writing, by and with the written consent of a Magistrate, assign such apprentice to any fit and proper person who is willing to take such apprentice for the residue of the term mentioned in such indenture of apprenticeship; and

The person to whom such apprentice is intended to be assigned shall at the same time, by indorsement on the counterpart of such indenture, or by writing under his hand stating the said indenture of apprenticeship, and the indorsement and consent aforesaid, declare his acceptance of such apprentice, and acknowledge himself and his executors and administrators to be bound by the agreements and covenants mentioned on the part of the said master of such apprentice to be done and performed; and in such case such apprentice shall be deemed and taken to be the apprentice of such subsequent master to whom such assignment shall be made to all intents and purposes whatsoever.

The Magistrate may, by writing under his hand, delegate his authority under this section to any Inspector whom he may approve.

Hours of employment.

10. No apprentice under the age of sixteen years shall be employed more than eight hours in one day, or more than forty-five hours in one week. Every master offending against the provisions of this section shall be liable in respect of each such offence to a penalty not exceeding *ten* pounds.

No young persons to be employed unless duly apprenticed.

11. From and after the commencement of this Act, no young person shall be employed at any handicraft, or in the manufacture of articles for trade or for sale, unless he has been or shall be duly apprenticed to the master employing him in such trade by indentures of apprenticeship under this Act.

Indentures to be executed.

Any such young person employed as aforesaid may apply to the aforesaid master for indentures of apprenticeship; and if such master refuses, neglects, or delays to grant such indentures, may apply to any Magistrate, who thereupon may, under the provisions of section *five* of this Act, bind by indenture such young person to be apprenticed to any person who may be willing to receive him.

In any such last-mentioned case the time of service, good behaviour, diligence, and skill of the said young person without indentures may be taken into account, and the term of apprenticeship may be reduced to such time as the Magistrate thinks just.

Persons now employed to be apprenticed within six months.

12. Every young person employed at any handicraft at the commencement of this Act shall, within six months after the said commencement, be apprenticed under this Act in manner as provided in the *last-preceding* section, if not already legally apprenticed.

Probationers.

13. Any young person, before being bound as an apprentice, may be employed at any handicraft on probation, at such rate of remuneration as may be agreed upon between the 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 trade or occupation in which he is a probationer.

Penalty for unauthorised transfer or discharge.

14. No master shall put away or transfer his apprentice to another, or in any way discharge or dismiss his apprentice from his service, without such consent aforesaid under the penalty of *ten* pounds.

15. Every young person, whether apprenticed or not, and employed at any handicraft, shall, on ceasing to be so employed, be entitled to receive from his employer a certificate setting forth the period of his service at such handicraft, and the nature of such handicraft; and every employer who refuses, neglects, or delays unnecessarily to give such certificate shall be liable for each such offence to a penalty not exceeding *five* pounds.

Apprentice entitled to certificate of service.

16. Any Inspector, Magistrate, parent, or guardian may apply to the Minister of Education for the appointment of an expert to examine any apprentice in order to ascertain his progress in acquiring the handicraft to which he is apprenticed. In the event of the examination being such as to show that the apprentice has been properly taught, the applicant for such inquiry shall pay the expenses of such examination. If the expert's report shall declare the instruction provided not to be satisfactory, the master of such apprentice shall pay the cost of such examination, and the Inspector shall forward a copy of such report to the said master, together with an intimation that he has rendered himself liable to the penalties provided by section *eighteen* in respect to his neglect to properly instruct his apprentice, and that the said penalties will be enforced against him if such neglect continues.

Examination into tuition of apprentices.

The cost of any examination for which any master is liable under this section may be recovered from him in a summary manner, in the same manner as if it were a penalty.

17. In case of any difference arising between any master and any apprentice, the party feeling aggrieved shall make his complaint before a Magistrate, who shall have power and authority to inquire into the matter, and to make such order as the justice of the case shall require; and the said Magistrate may, in the case aforesaid, or upon proof of ill-usage or neglect of duty by the master, discharge such apprentice from all obligation to serve under the indenture of apprenticeship by certificate under his hand and seal, which certificate shall be a bar to any action which may be brought on such indenture; and may, by indorsement on the indenture of apprenticeship, or by any other instrument in writing, assign such apprentice to any person who is willing to take him for the residue of the term mentioned in the said indenture; and the service of the apprentice with the aforesaid master shall, to the extent of the time of such service, be deemed to have been good service under the indenture between the said apprentice and master.

Jurisdiction of Magistrate in cases of dispute.

18. Any master who ill-treats or who neglects to instruct properly or otherwise discharge his duty towards his apprentice may be summoned to appear before a Magistrate, and upon conviction shall be liable to a penalty not exceeding *ten* pounds.

Ill-usage of apprentices.

19. Any Magistrate, upon complaint made on oath by any master against any apprentice for absenting himself, or concerning any breach of duty, disobedience, or ill-behaviour in his service, shall hear, examine, and determine the same in a summary way, and may if he think fit punish the offender by inflicting upon him a penalty not exceeding *one* pound, or for a grave offence, or for repeated offences, by cancelling his indentures of apprenticeship.

Punishment of apprentices offending.

Names of probationers or apprentices to be posted in workshop.

20. Every master shall post and 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.

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Penalty.

Any master acting in contravention of the provisions of this section shall be liable, on the complaint of the Inspector, to a penalty not exceeding *ten* pounds.

Inspector of Factories to see that indentures are duly granted and conditions fulfilled.

21. The Governor may from time to time appoint any fit and qualified 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," shall be under the direction of the Chief Inspector of Factories under that Act, and is hereby authorised and required under the said Act to enter and inspect all premises where he has reasonable cause to believe that any apprentice is employed at work, and may make such inquiries from time to time as he shall think fit as to the due fulfilment of all or any of the covenants of the indentures of apprenticeship by either the master or apprentice.

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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.

Summary proceedings.

22. All proceedings under this Act may be taken in a summary manner under "The Justices of the Peace Act, 1882," before a Magistrate.

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No *certiorari*.

23. 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.

Application of penalties.

24. Any 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.

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Appeal.

25. Any person aggrieved by any penalty or punishment imposed or directed by and under this Act shall have the same right of appeal as is provided by "The Justices of the Peace Act, 1882," in all respects as if such penalty or punishment had been imposed or directed by Justices of the Peace.

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"Government Apprentices Act, 1875," amended.

26. 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.

Saving of Acts.

27. 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."

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Repeal.

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

SCHEDULES.

Schedules.

FIRST SCHEDULE.

Form A.

When Apprentice is to be bound to dwell with his Master.

ARTICLES 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 of guardian in full, or Stipendiary Magistrate], of _____, in the County [or Borough] of _____, one of the managers for the time being of the _____ Orphan School [or other public eleemosynary institution] at _____ aforesaid, and the appointed guardian of [name of inmate in full], an inmate of the said school (who, with his successors, is herein termed "the said guardian"), of the first part, the said [name of inmate] of the second part, and [name, residence, and calling of master], of _____, in the County [or Borough] of _____ aforesaid (hereinafter termed "the said master"), of the third part, Witnesseth that, in pursuance and exercise of the powers conferred upon him by the said Act, and in consideration of the premises, the said guardian doth hereby put, place, and bind the said [name of inmate] as an apprentice to the said 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 said presents shall be previously cancelled [or unless the said _____ shall sooner be married], whichever shall first happen, during which term the said _____ shall well and faithfully serve the said master in all lawful businesses, according to _____ skill, power, and ability. _____ shall do no damage to the said master, nor suffer any to be done by others. _____ shall not waste the goods of the said master, or those of any other person or persons in _____ custody, or lend them unlawfully to any person. _____ shall not absent _____ from the said service without the leave of the said master first obtained, but shall in all things honestly, orderly, and obediently demean and behave towards the said master and all others during the said term as a faithful servant ought to do. And in consideration of the premises the said master doth hereby, for himself, his executors and administrators, covenant with the said guardian that he, the said master, will, by the best means in his power, teach and instruct, or cause to be taught and instructed, the said _____ in the art, trade, or calling of a _____ during the said term; and shall and will, during the continuance hereof, find, provide, and allow unto the said apprentice proper and sufficient meat, drink, medicine, apparel, lodging, washing, and all other things necessary and fit for such an apprentice; and will, during the said term, cause the said apprentice to attend divine service when practicable at least once every Sabbath: And during the last _____ years of the said term will, in addition, pay into a Post-Office Savings-bank in the colony, in the name of the said apprentice, as such, the weekly sum of _____ as half wages for the services of the said apprentice. And it is hereby declared by the said parties hereto that these presents are intended to operate as an indenture 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 said parties hereto 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	}	[Signature of guardian.] (L.S.)
Signed, sealed, and delivered by the said in the presence of	}	[Signature of apprentice.] (L.S.)
Signed, sealed, and delivered by the said in the presence of	}	[Signature of master.] (L.S.)

