

*Rt. Hon. R. J. Seddon.*

## MASTER AND APPRENTICE.

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### 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 fol-

5 lows:—

1. The Short Title of this Act is "The Master and Appren- Short Title.  
tice Act, 1897," and it shall come into operation on the first day of Commencement.  
July, one thousand eight hundred and ninety-eight.

No. 23—2.

## Interpretation.

2. In this Act, if not inconsistent with the context,—
- “Apprentice” means an apprentice in a skilled handicraft under this Act:
- “Apprenticed” means apprenticed in a skilled handicraft under this Act: 5
- “Factory” means a factory or workroom registered under “The Factories Act, 1894”:
- “Guardian” includes an Inspector in the case of the apprenticing of young persons who—
- (a.) Are inmates of any industrial school, orphan school, or charitable institution; or 10
- (b.) Not being such inmates, have no known or available parents or other guardians:
- “Inspector” means an Inspector appointed under “The Factories Act, 1894”: 15
- “Master” means any person to whom any young person is bound apprentice by deed of apprenticeship under this Act or by memorandum of assignment thereof:
- “Skilled handicraft” means and includes any trade, manufacture, mechanical art, or other skilled manual occupation or calling (with all *or any of* the skilled branches thereof) which involves systematic training and technical knowledge, and is carried on in a factory; but it does not mean or include any trade, occupation, or calling which wholly or almost wholly involves unskilled labour, or does not require systematic training and technical knowledge, even though it is carried on in a factory: 20 25
- “Young person” means a boy or girl under twenty and not under fourteen years of age.

## Exemption.

Nothing herein contained shall apply to apprentices, assistants, or students of any person engaged in the teaching of any professional or scientific pursuit, nor to shop-assistants, nor to any kind of clerk, nor to young persons apprenticed or employed in any unskilled calling. 30

## APPRENTICES.

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

3. From and after the commencement of this Act,—
- (1.) No young person shall be apprenticed except by deed of apprenticeship under this Act;
- (2.) No young person shall be apprenticed under this Act unless the Inspector is satisfied that such person has passed the Fourth Standard of education as prescribed under “The Education Act, 1877,” or an equivalent examination. 40

Who may take apprentices.

4. Subject to the provisions of this Act, and the Orders in Council to be made hereunder, any person exercising any skilled handicraft may take by deed any young person as apprentice in such handicraft. 45

Term of apprenticeship.

5. The term of apprenticeship shall not exceed—
- (1.) ~~Three years, in the case of girls to be taught tailoring, millinery, or dressmaking; and~~ 50
- (2.) ~~Five years in the case of boys all other young persons.~~

6. Wherever an apprentice is employed in a factory the deed of apprenticeship shall be read and construed subject to the provisions of "The Factories Act, 1894," or any Act amending the same.

Deed to be subject to the provisions of "The Factories Act, 1894."

7. From and after the commencement of this Act, no young person shall be employed in any skilled handicraft unless he is apprenticed therein by deed under this Act:

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

Provided that this section shall not apply in the case of any young person who,—

(1.) Is so employed under an instrument of apprenticeship which was executed before the commencement of this Act; or

(2.) With a view to being apprenticed by deed under this Act, is so employed on probation for such period (not exceeding in the case of girls three months, and in the case of boys six months) as may be agreed on between the guardian and the employer; or

(3.) Has duly completed an apprenticeship in such skilled handicraft, whether pursuant to deed under this Act or instrument of apprenticeship executed before the commencement of this Act.

Previous service and skill may be taken into account.

8. (1.) Where a young person who has been previously employed in a skilled handicraft is to be apprenticed therein, the time of previous service and the skill already acquired may be taken into account for the purpose of equitably adjusting the rate of wages and the period of future service.

(2.) Such adjustment may be effected by a declaration in the deed that, of the term prescribed by law, such portion as may be agreed on shall be deemed to have expired, and for that purpose the nominal commencement of the term may be antedated.

Apprentice entitled to certificate of service.

9. Every young person ~~employed or~~ apprenticed in any skilled handicraft shall, on ceasing to be so employed, ~~or apprenticed, be entitled to~~ receive from his employer a certificate under his hand setting forth the period of such young person's service at such handicraft: *Provided that any apprentice who has completed his full term of apprenticeship shall, ipso facto, be deemed to be a journeyman.*

FORMS AND INCIDENTS OF DEEDS.

10. Every deed of apprenticeship under this Act—

Form of deed.

(1.) Shall be executed in duplicate by the guardian of the first part, the apprentice of the second part, and the master of the third part:

(2.) 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:

First Schedule.

(3.) 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:

(4.) May contain such additional covenants and provisions (not inconsistent with this Act) as may be agreed on between the parties:

(5.) Shall bind the parties thereto as fully for all purposes as if the apprentice executing it were of full age: *Provided nevertheless that an Inspector executing as guardian shall incur no personal liability.*

- Deed to be certified by Inspector. 11. It shall be the duty of the master to procure on the deed, at or prior to the execution thereof, a certificate by the Inspector that the apprentice has received the amount of schooling prescribed by this Act.
- Assignment of deed. 12. The deed of apprenticeship may be assigned by the master by memorandum of assignment under this Act, but not otherwise. 5
- Form. 13. Every such memorandum of assignment,—  
Second Schedule. (1.) Shall be in the form in the *Second* Schedule hereto;  
(2.) Shall be executed in duplicate by the assignor and the assignee; and 10  
(3.) Shall bear the written consent of the guardian and of the apprentice: Provided that where the guardian (not being an Inspector) cannot be found, an Inspector may consent in his stead.
- Cancellation of deed. 14. A deed of apprenticeship under this Act may at any time be cancelled by a Stipendiary Magistrate, *on such terms as he deems equitable*, on the summary application of any of the parties thereto, if the Magistrate is satisfied that the master has relinquished business, or that all parties to the deed consent, or that for any other reason the deed should be cancelled. 15 20

## MISCELLANEOUS.

- Wages of apprentices. 15. (1.) Every apprentice shall be paid wages in each week or fortnight (as the case may be) at such rate, and with such increase in each year of the term, as are specified in the deed:  
Provided that the rate of wages shall be regulated by the standard rate payable for the time being to journeymen or skilled operatives in the same skilled handicraft in the locality where the apprentice is for the time being employed, and shall in no case be less than the respective proportions of such standard rate during the respective periods next hereinafter specified, that is to say,—  
Ten per centum during the first, twenty per centum during the second, thirty-five per centum during the third, and fifty per centum during the fourth quarter of the whole term of the apprenticeship. 25 30  
(2.) The rate of wages payable to the apprentice during each of the aforesaid periods shall be fixed and indorsed on both copies of the deed at the commencement of each such period, and if any question or dispute arise as to what rate should be so fixed and indorsed, a Stipendiary Magistrate, on summary application in that behalf, shall decide, and his decision shall be final. 35 40
- Jurisdiction of Magistrate in cases of dispute, &c. 16. If any matter of difference or complaint arises between any master and his apprentice, or the parent or guardian of such apprentice, concerning,—  
(1.) The nature of the employment; or  
(2.) The breach or non-performance by master or apprentice of any of the provisions of this Act or of the deed; or 45  
(3.) The behaviour of the apprentice; or  
(4.) The treatment of the apprentice by the master; or  
(5.) Any other cause of dispute begotten of the apprenticeship,—  
then and in any such case any Stipendiary Magistrate shall have 50

jurisdiction to hear and determine the same in a summary way, under "The Justices of the Peace Act, 1882," and to impose any penalty not exceeding five pounds.

*Struck out.*

5	17. The Governor may from time to time, by Order in Council,—	
	(1.) Declare as to any specified trade, manufacture, art, occupation, or calling, or any branch thereof, whether it is or is not a skilled handicraft or an unskilled calling within the meaning of this Act :	Governor may—  Declare whether any specified trade, &c., is a skilled handicraft ;
10	(2.) Prescribe, in cases not provided for by the next succeeding section hereof, the maximum number of apprentices that a master may lawfully take or employ in any skilled handicraft, in proportion to the number of journeymen or adults permanently employed by him therein :	Prescribe proportion of apprentices to journeymen ;
15	(3.) Prescribe the working-hours of apprentices and the holidays to be allowed to them :	Prescribe working-hours.
20	18. It shall not be lawful for any master exercising any of the skilled handicrafts comprised in the <i>Third Schedule</i> hereto to take or employ therein a greater number of apprentices in proportion to journeymen or adults in his permanent employment than is set out in that Schedule :	Number of apprentices that may be employed in proportion to journeymen or adults.
25	Provided that the Court of Arbitration may from time to time, by award, decrease the proportion of apprentices to journeymen or adults set out in that Schedule, or prescribed by any Order in Council made under the <i>last-preceding</i> section hereof.	Third Schedule. Proviso.

*New clauses.*

30	16A. The Court of Arbitration shall have jurisdiction to determine and declare by award :—	Court of arbitration may declare—
	(1.) As to any specified trade, manufacture, art, occupation, or calling, or any branch thereof, whether the same is or is not a skilled handicraft ;	Whether any specified trade, &c., is a skilled handicraft.
35	(2.) As to any specified skilled handicraft, the maximum number of apprentices that a master may at any time lawfully take or employ therein, in proportion to the weekly average number of journeymen employed by him therein during the then last-preceding year, such weekly average being ascertained by adding together the maximum number so employed in each week of the year and dividing the total by fifty-two :	Proportion of apprentices to journeymen.
40	Provided that in no case shall the award affect the master's rights and liabilities under any deed or instrument of apprenticeship lawfully in operation on the date of the award ;	Proviso.
	(3.) As to apprentices in any skilled handicraft, their working-hours, and the holidays to be allowed to them :	Working-hours.
	Provided that in no case shall the award conflict with any Act for the time being in force relating to working-hours or holidays ;	Proviso.
	(4.) As to the term of apprenticeship to be served by any young person in any trade, notwithstanding anything contained	Term of apprenticeship.

	in section five of this Act, providing such term shall not exceed the period mentioned in said section.	
Provisions applicable to award.	16B. With respect to every such award the following provisions shall apply:—	
	(1.) The application for the award shall be made in such manner and form as are prescribed by regulations which the Governor is hereby empowered to make from time to time under "The Industrial Conciliation and Arbitration Act, 1894" (hereinafter called "the Arbitration Act").	5
	(2.) The application shall be deemed to be a reference to the Court of Arbitration to settle an industrial dispute under the Arbitration Act, and, subject to this Act, all the provisions of that Act relating to industrial disputes, the parties thereto, and the procedure thereon, shall apply, save that the reference shall be to the Court direct, and the Board of Conciliation shall have no jurisdiction.	10 15
	(3.) The award, in so far as it relates to any specified skilled handicraft, shall, by force of this Act, and without specifying any master by name, extend and apply to that handicraft throughout the colony, and to every master exercising the same.	20
	(4.) The award shall be expressed to continue in operation for three years from the date thereof, and it shall continue accordingly.	
	(5.) If any master to whom, by force of this Act, the award applies makes default in faithfully complying therewith, then, in lieu of being subject to the provisions of the Arbitration Act relating to the enforcement of awards, he shall be deemed to have committed a breach of this Act.	25
	(6.) The Governor may from time to time make regulations under the Arbitration Act for the purpose of giving full effect to the provisions of this Act relating to the Court of Arbitration and its awards.	30
Penalty for breach of Act.	<del>19.</del> 17. Every person who commits any breach of any of the provisions of this Act, <del>or of any order in Council made hereunder,</del> for which no penalty is provided elsewhere than in this section, is liable to a penalty not exceeding <i>ten</i> pounds, to be recovered in a summary way before a Stipendiary Magistrate alone.	35
Proceedings under Factories Act not affected.	<del>20.</del> 18. Nothing in this Act contained shall interfere with proceedings under "The Factories Act, 1894," for the recovery of any penalty thereby imposed: Provided that no person shall be punished twice for the same offence.	40
"The Government Apprentices Act, 1875," amended.	<del>21.</del> 19. 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.	45
Saving of Acts.	<del>22.</del> 20. Nothing in this Act shall be construed to annul or repeal any provisions of "The Industrial Schools Act, 1882," or (excepting as last aforesaid) of "The Government Apprentices Act, 1875."	
Repeal.	<del>23.</del> 21. "The Master and Apprentice Act, 1865," is hereby repealed.	

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SCHEDULES.

FIRST SCHEDULE.

Form A.

When Apprentice is bound to dwell with his Master.

DEED OF APPRENTICESHIP.

THIS DEED is made in pursuance of "The Master and Apprentice Act, 1897" (herein referred to as "the said Act"), the day of , one thousand , 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 Inspector is satisfied that the apprentice has received the amount of schooling prescribed by the said Act: 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 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 are previously cancelled pursuant to the said Act, 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 persons which are in custody, nor 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 skilled handicraft of a during the said term; and will, during the continuance of the said term, 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] wages at the rates as indorsed hereon, being rates bearing the following respective proportions to the standard rate for the time being payable in the locality where the apprentice is for the time being employed, to journeymen or skilled operatives in the same skilled handicraft during the following respective periods, that is to say,—

per centum during the first, per centum during the second, per centum during the third, and per centum during the fourth quarter of the whole of the said term;

and will make the first such weekly [or fortnightly] payment on the day of , 1 . And it is hereby declared that these presents are intended to operate as a deed of apprenticeship under the said Act. In witness whereof the parties hereto have hereunto set their hands the day and year first above written.

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

INSPECTOR'S CERTIFICATE.

THIS is to certify that I am satisfied that the above-named apprentice has received the prescribed amount of schooling.

G.H., Inspector.

EMPLOYER'S CERTIFICATE.

I, hereby certify that has duly served and completed apprenticeship as agreed on under this indenture.

I.J., Employer.

*Master and Apprentice.***Form B.***When Apprentice is not bound to dwell with his Master.*

## DEED OF APPRENTICESHIP.

THIS DEED is made in pursuance of "The Master and Apprentice Act, 1897" (herein referred to as "the said Act"), the \_\_\_\_\_ day of \_\_\_\_\_, one thousand \_\_\_\_\_, 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 Inspector is satisfied that the apprentice has received the amount of schooling prescribed by the said Act: 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 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 are previously cancelled pursuant to the said Act, 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 which are in \_\_\_\_\_ custody, nor 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 skilled handicraft 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], wages at the rates as indorsed hereon, being rates bearing the following respective proportions to the standard rate for the time being payable in the locality where the apprentice is for the time being employed, to journeymen or skilled operatives in the same skilled handicraft during the following respective periods, that is to say,—

\_\_\_\_\_ per centum during the first, \_\_\_\_\_ per centum during the second, \_\_\_\_\_ per centum during the third, and \_\_\_\_\_ per centum during the fourth quarter of the whole of the said term;

and will make the first such weekly [or fortnightly] payment on the \_\_\_\_\_ day of \_\_\_\_\_, 1 \_\_\_\_\_. And it is hereby declared that these presents are intended to operate as a deed of apprenticeship under the said Act. 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.]

## INSPECTOR'S CERTIFICATE.

THIS is to certify that I am satisfied that the above-named apprentice has received the prescribed amount of schooling.

G.H., Inspector.

## EMPLOYER'S CERTIFICATE.

I, \_\_\_\_\_ hereby certify that \_\_\_\_\_ has duly served and completed  
h apprenticeship as agreed on under this indenture.

I.J., Employer.



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SECOND SCHEDULE.

MEMORANDUM OF ASSIGNMENT.

THE Deed of Apprenticeship under "The Master and Apprentice Act, 1897," dated the \_\_\_\_\_ day of \_\_\_\_\_, 1\_\_\_\_, made between \_\_\_\_\_, of the first part, of \_\_\_\_\_, of the second part, and \_\_\_\_\_, of the third part, is hereby assigned to \_\_\_\_\_, of \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1\_\_\_\_. A.B. (Assignor).  
C.D. (Assignee).

Consented to—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.)

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THIRD SCHEDULE.

Skilled handicrafts exercised by	
Bakers and pastry-cooks .. .. .	
Blacksmiths .. .. .	
Boilermakers .. .. .	
Bookbinders, vellum-binders, and paper-rulers	
Bootmakers—	
Clicking department .. .. .	
Benching department .. .. .	
Finishing department .. .. .	
Bricklayers .. .. .	
Butchers .. .. .	
Cabinetmakers, upholsterers, and French-polishers .. .. .	
Carpenters, joiners, and wood-workers .. .. .	
Coachmakers (body-makers, carriage-makers, painters, wheelers, smiths, trimmers, and vice-men or fitters)	
Compositors and machinists .. .. .	
Confectioners .. .. .	
Coopers .. .. .	
Dressmakers and mantlemakers .. .. .	
Engineers (smiths, fitters, turners, pattern-makers, millwrights, machinists, brass-finishers, mechanical draughtsmen, and copper-smiths)	
Founders .. .. .	
Hatters .. .. .	
Lithographic printers .. .. .	
Millers .. .. .	
Painters, paperhangers, grainers, writers, glaziers, and house-decorators	
Plasterers .. .. .	
Plumbers, gasfitters, and tin-smiths	
Saddlers (collar-makers, harness-makers, bridle-cutters, and brown-saddlers)	
Shipwrights .. .. .	
Stonemasons .. .. .	
Tailoresses—	
Coat-making .. .. .	
Coat-machining .. .. .	
Vest-making, vest-machining, trousers-making, trousers-machining	
Moles, and mole-machining .. .. .	
Tailors .. .. .	
Tanners and curriers .. .. .	
Watchmakers .. .. .	

Where the number of journeymen or adults does not exceed four .. .. . One apprentice.  
Where such number exceeds four but does not exceed eight .. .. . Two apprentices.  
And so on in the same proportion:  
Provided that nothing in this Schedule contained shall operate or be construed to increase the proportion of apprentices to journeymen or adults in any case where by custom, or agreement, or by the award of the Court of Arbitration, such proportion is less than is set out in this Schedule.