

No. XXIX.

SYDNEY FEMALE
SCHOOL OF INDUSTRY.

An Act to make effectual provision for the apprenticing of Female Children admitted and to be admitted into "The Sydney Female School of Industry" to the Secretary for the time being of the said Society and to authorize such Secretary to apprentice such Children to other persons. [1st October, 1850.]

Preamble.

10 Geo. IV. No. 4
sections 4 5 and 6.

WHEREAS a Society has for many years existed in the City of Sydney called "The Sydney Female School of Industry" which has for its object the moral and religious improvement of poor female children And whereas by an Act passed in the tenth year of the reign of His Majesty King George the Fourth by the then Governor and Legislative Council of New South Wales intituled "*An Act to*
"enable

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“enable the Members of a certain Society denominated ‘The Sydney Female School of Industry’ to sue and be sued in the name of the Secretary for the time being thereof and also to enable the said Society to receive Apprentices” certain provisions were made respecting (among other things) the apprenticing to the Secretary for the time being of the said Society of poor female children and respecting the adjudication of complaints arising between such apprentices and the Secretary for the time being of the said Society And whereas by an Act passed in the eighth year of the reign of Her present Majesty by the then Governor and Legislative Council of the said Colony intituled “*An Act to regulate and amend the Law of Orphan and other Apprentices in the Colony of New South Wales*” so much of the said first recited Act as relates to the punishment of such apprentices as aforesaid was repealed And whereas it is necessary to make such provisions for the apprenticing of poor female children to the Secretary for the time being of the said Society and to authorize the assignment of such children to other persons as are herein contained Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That from and after the passing of this Act it shall be lawful for the Secretary for the time being of the said Society to accept and take any female child who shall not be under the age of five years nor above the age of ten years as an apprentice (whether such child shall have been admitted into or shall be an inmate of the said Sydney Female School of Industry or not) to learn and be instructed in such matters and things as shall be specified in or agreed upon by the instrument of apprenticeship by which such child shall be bound for any period of time not exceeding seven years.

8 Vic. No. 2
section 10.

Secretary of the
Society empowered
to take apprentices.

2. And be it enacted That any such child shall and may be bound as an apprentice to the Secretary for the time being of the said Society by an instrument in writing which instrument of apprenticeship shall be executed by the Secretary for the time being of the said Society and by the child to be bound thereby and if such child shall at the time of the execution of such instrument of apprenticeship have a father of competent understanding who shall then have a known and usual place of abode in the City of Sydney or within forty miles therefrom and who shall not then be suffering imprisonment or other punishment under or performing any sentence in pursuance of a conviction for any crime and who shall not then be an inmate receiving eleemosynary or gratuitous support or relief in any public or charitable institution then such instrument of apprenticeship shall be executed also by the father of such child and if such child shall not then have a father of competent understanding who shall then have a known and usual place of abode in the said City of Sydney or within forty miles therefrom and who shall not then be suffering imprisonment or other punishment under or performing any sentence in pursuance of a conviction for any crime and who shall not then be an inmate receiving eleemosynary or gratuitous support or relief in any public or charitable institution then such instrument of apprenticeship shall be executed by the mother of such child whether such mother shall be a married woman or not and if such child shall not then have either a father or a mother of competent understanding who shall then have a known and usual place of abode in the said

Mode of binding.

City

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City of Sydney or within forty miles therefrom and who shall not then be suffering imprisonment or other punishment under or performing any sentence in pursuance of a conviction for any crime and who shall not then be an inmate receiving eleemosynary or gratuitous support or relief in any public or charitable institution then such instrument of apprenticeship shall be valid binding and effectual to all intents and purposes whatsoever if executed by the Secretary for the time being of the said Society and by the child to be bound thereby.

Upon execution of instrument child to become apprentice and matters which apprentice shall be bound to learn to be deemed a trade.

3. And be it enacted That upon any such instrument of apprenticeship being so executed as aforesaid the child who shall be thereby bound shall thereupon become and be to all intents and purposes the apprentice of the Secretary for the time being of the said Society so long as such instrument of apprenticeship shall remain or be in force and for the purpose of giving full effect to such instrument of apprenticeship and of creating the relation of mistress and apprentice between the Secretary for the time being of the said Society and the child to be bound thereby the matters and things which such child shall be thereby expressed to be bound to be taught and instructed in shall be deemed to be a trade exercised and carried on by the Secretary for the time being of the said Society.

Power to assign apprentices.

4. And be it enacted That it shall be lawful for the Secretary for the time being of the said Society by an instrument of assignment in writing to assign to any person or persons any child who shall be bound by any such instrument of apprenticeship as aforesaid for the residue or any portion of the residue of the term for which any such child shall have been by such instrument of apprenticeship bound provided such person or persons to whom such child shall be so assigned shall so long live to be taught and instructed in any such art trade calling business or occupation or matters or things whether of a scientific literary domestic household manual menial or other nature and upon such terms in all respects as shall be expressed in the instrument of assignment by which such assignment shall be made and upon any such instrument of assignment being executed by the Secretary for the time being of the said Society and the person or persons to whom such child shall thereby be assigned such child shall so long as such instrument of assignment shall remain or be in force and no longer cease to be the apprentice of the Secretary for the time being of the said Society and shall thereupon become and be to all intents and purposes the apprentice of the person or persons to whom such child shall be assigned by such instrument of assignment so long as such instrument of assignment shall remain or be in force and for the purpose of giving full effect to such assignment and creating the relation of master and apprentice or mistress and apprentice between the person or persons to whom any such child shall be assigned by any such instrument of assignment and such child the art trade calling business or occupation or matters or things which such child shall be thereby expressed to be assigned to be taught and instructed in shall be deemed to be a trade exercised and carried on by the person or persons to whom such child shall be thereby assigned.

Parties necessary to assignment.

5. Provided always and be it enacted That every such instrument of assignment shall be valid binding and effectual to all intents and purposes whatsoever if executed by the Secretary for the time being of the said Society and the person or persons to whom such child shall be thereby assigned although the same shall not be executed by such child or any other person or persons and whether such child or any other person or persons shall be a party or parties thereto or not.

Apprentice not bound to serve after attaining twenty-one years of age.

6. Provided always and be it enacted That no child who shall be bound by any such instrument of apprenticeship as aforesaid shall be bound to serve thereunder or under any such instrument of assignment

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ment as aforesaid after she shall have attained the age of twenty-one years.

7. And be it enacted That every person who shall be Secretary for the time being of the said Society shall notwithstanding such person shall be or shall become a married woman have full power to execute any such instrument of apprenticeship as aforesaid and any such instrument of assignment as aforesaid and to exercise authority over and to govern restrain coerce and correct any child who shall be bound by any such instrument of apprenticeship to the Secretary for the time being of the said Society and to commence take carry on and prosecute and to defend and oppose all prosecutions actions suits proceedings matters and things whatsoever in about touching concerning or relating to any such instrument of apprenticeship or to any such instrument of assignment as aforesaid or any breach of any of the provisions thereof respectively or any misbehaviour of any child who shall be bound or assigned by any such instrument of apprenticeship or instrument of assignment as aforesaid or the enticing or taking away or employing or harbouring or the being concerned or engaged in enticing or taking away or employing or harbouring of any child who shall be bound or assigned by any such instrument of apprenticeship or instrument of assignment as aforesaid or any illegal act which may be done or committed by any person in relation to any such instrument of apprenticeship or instrument of assignment as aforesaid respectively or any child to be bound or assigned thereby respectively or to the Secretary for the time being of the said Society and in about touching concerning or relating to any right duty cause matter or thing created by or arising out or in consequence of any such instrument of apprenticeship or any such instrument of assignment as aforesaid or the relation of mistress and apprentice or master and apprentice thereby respectively created or connected therewith respectively in like manner to all intents and purposes whatsoever as if such Secretary for the time being of the said Society were or had continued sole and unmarried.

Marriage of Secretary not to affect her powers.

8. And be it enacted That when any person who shall have been Secretary for the time being of the said Society shall cease to be such Secretary all powers authorities rights liabilities and duties which shall have belonged to or been vested in or shall have devolved upon or could be done or exercised by such person as such Secretary for the time being of the said Society whilst such person was such Secretary in relation to any such instrument of apprenticeship or to any such instrument of assignment as aforesaid or any child who shall be bound or assigned thereby respectively or any prosecution action suit proceeding matter or thing in about touching concerning or relating to any such instrument of apprenticeship or instrument of assignment or any breach of any of the provisions thereof respectively or any misbehaviour of any child who shall be bound or assigned by any such instrument of apprenticeship or instrument of assignment as aforesaid respectively or the enticing or taking away or employing or harbouring or the being concerned or engaged in enticing or taking away or employing or harbouring of any child who shall have been bound or assigned by any such instrument of apprenticeship or instrument of assignment respectively or any illegal act which may be done or committed by any person in relation to any such instrument of apprenticeship or instrument of assignment respectively or any child to be bound or assigned thereby respectively or to the Secretary for the time being of the said Society or to any right duty cause matter or thing created by or arising out or in consequence of any such instrument of apprenticeship or any such instrument of assignment as aforesaid or the relation of mistress and apprentice or master and apprentice thereby respectively created or connected therewith respectively shall thereupon immediately

Powers of Secretary to vest in her successor.

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immediately cease to belong to or be vested in or be incumbent upon the person so ceasing to be the Secretary for the time being of the said Society as aforesaid and shall as soon as some other person shall become Secretary for the time being of the said Society immediately absolutely belong to vest in and devolve upon such other person who shall so become such Secretary for the time being of the said Society in such manner and so that all such powers authorities rights liabilities and duties as aforesaid shall always solely and exclusively belong to and be solely and exclusively vested in and be incumbent on the Secretary for the time being of the said Society to the exclusion of every other person who may have previously been such Secretary for the time being of the said Society.

When no Secretary
Matron to have
power to act.

9. Provided always and be it enacted That in case there shall be an interval of time between the time when any person who shall be the Secretary for the time being of the said Society shall cease to be such Secretary and the time when some other person shall become the Secretary for the time being of the said Society then all such powers authorities rights liabilities and duties as last aforesaid shall during all such interval of time and no longer absolutely belong to vest in and devolve upon the Matron for the time being of the said Society who shall notwithstanding she may be or may become a married woman have full power to act in relation thereto in all respects as if she were or had continued sole and unmarried.

Matron to have
powers of a Mistress
over the apprentices.

10. And be it enacted That every person who shall be Matron for the time being of the said Society shall whilst she shall be and continue such Matron as aforesaid have all such and the same full power as the Secretary for the time being of the said Society to exercise authority over and to govern restrain coerce and correct any child who shall be bound by any such instrument of apprenticeship as aforesaid to the Secretary for the time being of the said Society and that notwithstanding such Matron shall be or shall become a married woman in like manner as if she were or had continued sole and unmarried.

Notice to be given in
Government Gazette
of names of Secretary
and Matron.

11. And be it enacted That as soon as conveniently may be after the passing of this Act notice shall be inserted in the *Government Gazette* of the said Colony of the name of the Secretary for the time being of the said Society and of the name of the Matron for the time being of the said Society and as often as any other person shall become Secretary for the time being of the said Society or Matron for the time being of the said Society notice of the name of such other person so being such Secretary or such Matron as the case may be shall as soon as conveniently may be thereafter be inserted in the said *Government Gazette* and it shall be the duty of the Secretary for the time being of the said Society to cause such notices to be inserted in the said *Government Gazette* and such notices may be in the form or to the effect following (that is to say) "Sydney Female School of Industry A. B." (*here insert the Christian and Surname of the Secretary or Matron*) [as the case may be] "is now the" (*Secretary or Matron*) [as the case may be] "of the abovenamed Society Dated this" (*here insert the date of such Notice*) "A. B." (*here insert the name of the Secretary for the time being of the said Society*) "Secretary of the said Society" and the notice which shall last appear in such *Government Gazette* shall be good *prima facie* evidence that the person therein named is the Secretary or Matron (as the case may be) for the time being of the said Society.

Not necessary for
instrument to be by
deed or for special
attestation of marks-
man.

12. And be it enacted That every such instrument of apprenticeship and every such instrument of assignment as aforesaid shall be valid binding and effectual if the same shall be in writing and signed

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signed by the parties by whom it is hereby provided that the same respectively shall be executed and it shall not be necessary that any such instrument of apprenticeship or any such instrument of assignment shall be by indenture or other deed and if the same respectively shall purport to be by indenture or other deed it shall not be necessary that the same shall be indented or sealed or delivered by any party thereto and every such instrument of apprenticeship and every such instrument of assignment shall be valid binding and effectual to all intents and purposes whatsoever as against every party thereto who shall sign the same notwithstanding such party shall be illiterate or blind or from any other cause unable to read the same although such instrument of apprenticeship or of assignment may not be read over or explained to him or her unless it shall be proved that some fraud or imposition was practised to induce him or her to sign the same.

13. And be it enacted That every such instrument of apprenticeship as aforesaid may be in the form or to the effect hereinafter provided (that is to say) in case the father or mother of the child to be bound thereby shall be a party to such instrument of apprenticeship then such instrument of apprenticeship may be in the form or to the effect following (that is to say) "This Indenture made the " *(here insert the date)* "between A. B." *(here and wherever the letters A. B. occur herein insert the Christian and Surname of the father or mother [as the case may be] of the child to be bound thereby)* "of" *(here insert the place of abode and occupation or supposed place of abode or occupation of such father or mother) [as the case may be]* "and C. D." *(here and wherever the letters C. D. occur herein insert the Christian and Surname of the child to be bound thereby)* "the daughter of the said A. B. which said C. D. is now an infant above the age of" *(here insert the supposed age of the said child at the last anniversary of her birth)* "years and who is under the age of" *(here insert the supposed age which such child will be at the next anniversary of her birth)* "years of the first part and E. F." *(here insert the Christian and Surname of the Secretary for the time being of the said Society)* "the Secretary for the time being of 'The Sydney Female School of Industry' of the second part Witnesseth That in consideration of "the said Secretary for the time being of the said Society taking and "receiving the said C. D. as such apprentice as hereinafter mentioned" *(here state or refer to any other consideration which may be given or may be agreed to be given by the Secretary for the time being of the said Society)* "and of the covenants herein contained on the part of "the said Secretary for the time being of the said Society The said "A. B. and the said C. D. do and each of them doth put place and bind "the said C. D. apprentice to the Secretary for the time being of the said Society to be taught and instructed according to the rules and regulations for the time being of the said Society in the matters and "things hereinafter specified (that is to say)" *(household work plain needlework knitting spinning reading writing and the first four rules of arithmetic) [or such other matters and things as shall be specified in or agreed upon by such instrument]* "and to serve the Secretary for "the time being of the said Society as such apprentice from the "day of the date hereof for the full term of" *(here insert the number of years for which such child shall be thereby bound)* "years thence next ensuing And the said A. B. for" *(himself or herself) [as the case may be]* "and for" *(his or her) [as the case may be]* "heirs executors and administrators doth covenant "with the said Secretary for the time being of the said Society "in manner following (that is to say) That the said C. D. at all times "during the continuance of the aforesaid term for which the said C. D. "is hereby bound as aforesaid and whilst this Indenture shall remain

or

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“ or be in force shall in all respects serve and behave and demean her-
 “ self towards the Secretary for the time being of the said Society as
 “ such apprentice as aforesaid and as an apprentice ought and that in
 “ case the said C. D. shall not so serve demean and behave herself the
 “ said A. B.” (*his or her*) [*as the case may be*] “ heirs executors or
 “ administrators shall and will for every default which shall be made
 “ therein by the said C. D. upon demand pay to the Secretary for the
 “ time being of the said Society the sum of ” (*here insert such sum of*
money as shall be agreed upon) “ of lawful British money ” (*here insert*
any other covenants or agreements which may be agreed to be entered
into by the father or mother [*as the case may be*] *of the child to be*
bound thereby) “ And this Indenture also witnesseth That in conside-
 “ ration of the premises ” (*here state or refer to any other consideration*
which may be given or may be agreed to be given by the father or mother
[as the case may be] of the child to be bound thereby) “ the said Secretary
 “ for the time being of the said Society doth accept and take the said
 “ C. D. as such apprentice as aforesaid for the term aforesaid and doth
 “ covenant and agree with the said A. B. and ” (*his or her*) [*as the case*
may be] “ heirs executors and administrators and with the said C. D.
 “ that the Secretary for the time being of the said Society shall and
 “ will teach and instruct the said C. D. or cause the said C. D. to be
 “ taught and instructed during the said term and whilst this Indenture
 “ shall remain or be in force according to the rules and regulations for
 “ the time being of the said Society in the matters and things
 “ hereinbefore specified or agreed upon and also shall and will during
 “ the said term and whilst this Indenture shall remain or be in
 “ force lodge feed clothe and maintain the said C. D. or cause
 “ the said C. D. to be lodged fed clothed and maintained in the
 “ School-house of the said Society and according to the rules and
 “ regulations for the time being of the said Society ” (*here insert any*
other covenants or agreements which may be agreed to be entered into
by the Secretary for the time being of the said Society and any other
provisions or conditions which may be agreed upon between the parties
to the said instrument of apprenticeship) “ In witness whereof the
 “ said parties to these presents have hereunto set their hands and
 “ seals the day and year first above written ” and in case neither the
 father nor mother of the child shall be a party to the said instrument
 of apprenticeship then such instrument of apprenticeship may be in
 the form or to the effect following (that is to say) “ This Indenture
 “ made the ” (*here insert the date*) “ between C. D.” (*here and wherever*
the letters C. D. occur herein insert the Christian and Surname of the
child to be bound thereby) “ who is now an infant above the age of ”
 (*here insert the supposed age of the said child at the last anniversary*
of her birth) “ years and who is under the age of ” (*here insert the*
supposed age which such child will be at the next anniversary of her
birth) “ years of the first part and E. F.” (*here insert the Christian*
and Surname of the Secretary for the time being of the said Society)
 “ the Secretary for the time being of the ‘ Sydney Female School of
 “ Industry ’ of the second part Witnesseth That in consideration of
 “ the said Secretary for the time being of the said Society taking and
 “ receiving the said C. D. as such apprentice as hereinafter mentioned ”
 (*here state or refer to any other consideration which may be given or*
may be agreed to be given by the Secretary for the time being of the
said Society) “ and of the covenants herein contained on the part of
 “ the said Secretary for the time being of the said Society The said
 “ C. D. doth put place and bind herself apprentice to the Secretary
 “ for the time being of the said Society to be taught and instructed
 “ according to the rules and regulations for the time being of the said
 “ Society in the matters and things hereinafter specified (that is
 “ to

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“to say”) household work plain needlework knitting spinning reading writing and the first four rules of arithmetic) [or such other matters and things as shall be specified in or agreed upon by such instrument] “and to serve the Secretary for the time being of the said Society as such apprentice from the day of the date hereof for the full term of” (*here insert the number of years for which such child shall be thereby bound*) “years thence next ensuing And “this Indenture also witnesseth That in consideration of the premises” (*here state or refer to any other consideration which may be given by or on behalf of the child to be bound thereby*) “the said Secretary for the time being of the said Society doth accept and take the said C. D. as such apprentice as aforesaid for the term aforesaid and doth covenant and agree with the said C. D. that the Secretary for the time being of the said Society shall and will teach and instruct the said C. D. or cause the said C. D. to be taught and instructed during the said term and whilst this Indenture shall remain or be in force according to the rules and regulations for the time being of the said Society in the matters and things hereinbefore specified or agreed upon and also shall and will during the said term and whilst this Indenture shall remain or be in force lodge feed clothe and maintain the said C. D. or cause the said C. D. to be lodged fed clothed and maintained in the School-house of the said Society and according to the rules and regulations of the said Society for the time being” (*here insert any other covenants or agreements agreed to be entered into by the Secretary for the time being of the said Society and any other provisions or conditions which may be agreed upon between the parties to the said instrument of apprenticeship*) “In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written” and every such instrument of apprenticeship as aforesaid which shall be in the form or to the effect hereinbefore provided shall be binding and effectual to all intents and purposes whatsoever Provided always Any other legal form to be valid. that nothing herein contained shall render it obligatory to use or follow the form hereby provided for any such instrument of apprenticeship as aforesaid but that every such instrument of apprenticeship although the same shall not be in the said form or to the effect of the said form shall be as binding and effectual to all intents and purposes whatsoever as if no such form had been hereby provided.

14. And be it enacted That every such instrument of assign- Form of instrument of assignment. ment as aforesaid may be made by indorsement on the instrument of apprenticeship by which the child to be assigned shall have been bound as aforesaid or on a copy of such instrument of apprenticeship and may be in the form or to the effect hereinafter provided (that is to say) “This Indenture made the” (*here insert the date*) “between E. F.” (*here insert the Christian and Surname of the Secretary for the time being of the said Society*) “the Secretary for the time being of the within-mentioned Sydney Female School of Industry of the first part G. H.” (*here and wherever the letters G. H. occur herein insert the Christian and Surname or Christian and Surnames [as the case may be] of the person or persons to whom the child to be thereby assigned is to be assigned*) “of” (*here insert the place of abode and occupation or places of abode and occupation or supposed place or places of abode and occupation [as the case may be] of the person or persons to whom the child to be thereby assigned is to be assigned*) “of the second part and the within named C. D.” (*here and wherever the letters C. D. occur herein insert the Christian and Surname of the child to be assigned thereby*) “of the third part Witnesseth that in consideration of the said G. H. taking and receiving the said C. D. as such apprentice as hereinafter mentioned” (*here state any other considera-*

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tion which may be given or may be agreed to be given to the person or persons to whom such child is to be assigned) “and of the covenants herein contained on the part of the said G. H. The said Secretary for the time being of the said Society doth assign and put place and bind the said C. D. apprentice to the said G. H. to be taught and instructed in” *(here state the art trade calling business or occupation or matters or things which the said child shall be thereby assigned to be taught and instructed in)* “and to serve the said G. H. as such apprentice from the day of the date hereof” *(for all the residue now to come of the within mentioned term of years or for such shorter period as may be agreed upon and expressed in such instrument of assignment)* [as the case may be] “if the said G. H. shall so long live And this Indenture also witnesseth that in consideration of the premises” *(here state any consideration which may be given or which may be agreed to be given to the person or persons to whom such child is to be assigned)* “the said G. H. doth accept and take the said C. D. as such apprentice as aforesaid during the term for which the said C. D. is hereby assigned as aforesaid and the said G. H. for” *(himself or herself or themselves)* [as the case may be] “and for” *(his or her or their and each of their)* [as the case may be] “heirs executors and administrators” *(doth or do and each of them doth)* [as the case may be] “covenant with the said Secretary for the time being of the said Society and with the said C. D. in manner following that is to say that the said G. H. shall and will during the said term for which the said C. D. is hereby assigned as aforesaid teach and instruct the said C. D. or cause the said C. D. to be taught and instructed in the” *(art trade calling business or occupation or matters or things)* [as the case may be] “hereinbefore specified or agreed upon and also shall and will during the said term for which the said C. D. is hereby assigned as aforesaid and whilst this Indenture shall remain or be in force well and sufficiently lodge feed” *(and if agreed upon clothe)* “and maintain the said C. D. or cause the said C. D. to be well and sufficiently lodged fed” *(and if agreed upon clothed)* “and maintained and shall and will during the said term for which the said C. D. is hereby assigned as aforesaid and whilst this Indenture shall remain or be in force find and provide the said C. D. with all such medicines and medical and surgical advice and assistance as she may require and shall and will during all the said term for which the said C. D. is hereby assigned as aforesaid and whilst this Indenture shall remain or be in force pay particular attention or cause particular attention to be paid to the moral and religious culture and education and the advancement in piety of the said C. D. and shall and will at all times during the said term for which the said C. D. is hereby assigned as aforesaid and whilst this Indenture shall remain or be in force allow the said C. D. to attend Divine Service in the Church of England once every Sunday at the least and shall and will at all reasonable times allow the said C. D. to attend to and upon such religious ordinances and observances as are enjoined by the said Church of England” *(here insert any other covenants or agreements as to payment of wages to the child assigned thereby or as to any other matter which may be agreed to be entered into by the person or persons to whom such child is thereby assigned and any other provisions or conditions which may be agreed upon between the parties to such assignment)* “In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written” and every such instrument of assignment as aforesaid which shall be made by indorsement as aforesaid and shall be in the form or to the effect hereinbefore provided shall be binding and effectual to all intents and purposes whatsoever

Provided

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Provided always that nothing herein contained shall render it obligatory to observe the mode or to use or follow the form hereby provided for any such instrument of assignment as aforesaid but that every such instrument of assignment although the same shall not be by indorsement as aforesaid or in the said form or to the effect of the said form shall be as binding and effectual to all intents and purposes whatsoever as if no such form had been hereby provided.

Any other legal form to be valid.

15. And be it enacted That all recitals and statements in any such instrument of apprenticeship as aforesaid or in any such instrument of assignment as aforesaid shall as between all persons who shall execute the same respectively and their respective privies in law and fact be conclusive evidence and as to all other persons shall be good *primâ facie* evidence of the facts therein recited or stated in all prosecutions actions suits and proceedings whatsoever whether civil or criminal or of a civil or criminal nature or partly of a civil and partly of a criminal nature and every Secretary for the time being of the said Society shall within the meaning of this clause be deemed to be a privy in law of every person who shall have previously been Secretary for the time being of the said Society and who shall have executed any such instrument of apprenticeship or any such instrument of assignment as aforesaid.

Recitals in such instruments to be evidence.

16. And be it enacted That in all cases where any such instrument of apprenticeship as aforesaid shall be executed by the Secretary for the time being of the said Society and the child to be bound thereby and neither the father nor the mother of such child shall in such instrument be expressed to be a party thereto the fact of no father or mother of such child being therein expressed to be a party thereto shall be good *primâ facie* evidence in all prosecutions actions suits and proceedings whatsoever whether civil or criminal or of a civil or criminal nature or partly of a civil and partly of a criminal nature that such child at the time of the execution of such instrument of apprenticeship had neither a father nor a mother whose execution thereof was necessary within the provisions of this Act to give effect to such instrument of apprenticeship.

If neither father nor mother of apprentice a party to instrument of apprenticeship the same to be deemed evidence that such apprentice had no father or mother whose execution thereof was necessary under this Act.

17. And be it enacted That if any complaint shall be made to any Justice of the Peace by the Secretary for the time being of the said Society against any child who shall be bound by any such instrument of apprenticeship as aforesaid against the child who shall be bound as an apprentice thereby for or in respect of any alleged misconduct or breach of duty of or by any such child as such apprentice or in relation to the duties of any such child as such apprentice or in relation to any covenant agreement matter or thing in any such instrument of apprenticeship contained or otherwise in relation to the Secretary for the time being of the said Society or by any child who shall be bound apprentice by any such instrument of apprenticeship as aforesaid or any person on behalf of any such child against the Secretary for the time being of the said Society for or in respect of any alleged misconduct or breach of duty of or by such Secretary for the time being of the said Society whether as the mistress of such child or in relation to the duties of such Secretary for the time being of the said Society as such mistress or in relation to any covenant agreement matter or thing in any such instrument of apprenticeship contained or otherwise in relation to such child it shall be lawful for the Justice to whom such complaint shall be made or any other Justice of the Peace before whom such complaint shall come on to be heard to hear and determine such complaint in a summary way and if upon the hearing of such complaint it shall appear to the Justice hearing the same that the instrument of apprenticeship by which such child shall have been bound as aforesaid ought to be cancelled it shall and may be lawful for such

A Justice of the Peace on complaint of Secretary of the Society or of the apprentice or any person on behalf of the apprentice to have power to cancel instrument of apprenticeship.

Justice

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Justice to make an order that the same shall be cancelled and upon any such order being made such instrument of apprenticeship shall cease to be in force and become and be thenceforth null and void.

No order for such cancellation to affect pre-existing rights.

18. Provided always and be it enacted That no such order as aforesaid shall have the effect of taking away destroying defeating or prejudicing any liability to prosecution or any right of action or other remedy or proceeding whether civil or criminal or of a civil or criminal nature or partly of a civil and partly of a criminal nature for or in respect of any offence misbehaviour act duty cause matter or thing which shall have been committed done or omitted in respect of any such instrument of apprenticeship as aforesaid or any covenant agreement matter or thing therein contained or any child who shall have been bound thereby or the Secretary for the time being of the said Society previously to the time when such order shall be made.

A Justice of the Peace on complaint of the person to whom any apprentice shall be assigned to have power to cancel instrument of assignment.

19. And be it enacted That if any complaint shall be made to any Justice of the Peace by any person or persons to whom any such child shall be assigned by any such instrument of assignment as aforesaid against any child who shall be assigned as an apprentice thereby for or in respect of any alleged misconduct or breach of duty of or by any such child as such apprentice or in relation to the duties of any such child as such apprentice or in relation to any covenant agreement matter or thing in any such instrument of assignment contained or otherwise in relation to the person or persons to whom such child shall be thereby assigned it shall be lawful for the Justice to whom such complaint shall be made or any other Justice of the Peace before whom such complaint shall come on to be heard to hear and determine such complaint in a summary way and if upon the hearing of such complaint it shall appear to the Justice hearing the same that the instrument of assignment by which such child shall have been so assigned as aforesaid ought to be cancelled it shall be lawful for such Justice to make an order that the same shall be cancelled and upon any such order being made such assignment shall cease to be in force and become and be thenceforth null and void.

A Justice of the Peace on complaint of the Secretary of the Society or the apprentice or any person on behalf of the apprentice against any person to whom the apprentice may be assigned to have power to cancel the instrument of assignment and to fine the party complained against.

20. And be it enacted That if any complaint shall be made to any Justice of the Peace by the Secretary for the time being of the said Society or by any child who shall be assigned by any such instrument of assignment as aforesaid or any person on behalf of any such child against any person or persons to whom any such child shall be thereby assigned for or in respect of any alleged ill-treatment misconduct or breach of duty of or by any such person or persons to whom any such child shall be thereby assigned as aforesaid as the master or masters or the mistress or mistresses of such child or in relation to the duties of such person or persons to whom any such child shall be thereby assigned as aforesaid as such master or masters or mistress or mistresses or in relation to any covenant agreement matter or thing in such instrument of assignment contained or otherwise in relation to such child it shall be lawful for the Justice to whom such complaint shall be made or any other Justice of the Peace before whom the same shall come on to be heard to hear and determine such complaint in a summary way and if upon the hearing of such complaint it shall appear to the Justice hearing the same that the person or persons thereby complained against has been guilty of or has committed any such ill-treatment misconduct or breach of duty as aforesaid and such Justice shall convict such person or persons thereof it shall and may be lawful for such Justice thereupon to punish the person or persons thereby complained against by imposing and inflicting upon such person or persons a fine of not more than ten pounds and if upon such hearing it shall appear to such Justice that the instrument of assignment by which such child shall have been so assigned as aforesaid ought

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ought to be cancelled it shall and may be lawful for such Justice to make an order that the same shall be cancelled and upon any such order being made such instrument of assignment shall cease to be in force and become and be thenceforth null and void.

21. Provided always and be it enacted That no order which shall be made by any Justice of the Peace by virtue of the provisions lastly hereinbefore contained for the cancellation of any such instrument of assignment shall have the effect of taking away destroying defeating or prejudicing any liability to prosecution or any right of action or other remedy or proceeding whether civil or criminal or of a civil or criminal nature or partly of a civil and partly of a criminal nature in respect of any offence act duty matter or thing which shall have been committed done or omitted in respect of any such instrument of assignment as aforesaid or any covenant agreement matter or thing therein contained or any child who shall have been assigned thereby or the person or persons to whom such child shall have been assigned thereby previously to the time when such order shall be made.

No order for such cancellation to affect pre-existing rights.

22. And be it enacted That in all proceedings before any Justice or Justices of the Peace which shall or may be taken instituted prosecuted or carried on under or by virtue of the provisions hereinbefore contained every person whomsoever shall be a competent witness notwithstanding he or she may be a party to or in any way interested in or respecting or the wife or husband of any person who shall be a party to or in any way interested in any such proceeding whether as a complainant prosecutor informer or a defendant or party complained or proceeded against or in respect of costs or otherwise howsoever.

In all proceedings before Justices of the Peace in respect of matters hereinbefore contained all persons to be competent witnesses.

23. And be it enacted That upon any such instrument of assignment as aforesaid being ordered to be cancelled by any such order as hereinbefore in that behalf provided or upon any such instrument of assignment expiring either by effluxion of time or by the death of the person or persons to whom any such child as aforesaid shall have been thereby assigned the child who shall have been thereby assigned shall thereupon immediately again become the apprentice of the Secretary for the time being of the said Society under the instrument of apprenticeship by which such child shall have been originally bound to the Secretary for the time being of the said Society and such instrument of apprenticeship shall thereupon immediately become and shall thenceforth remain in force for all purposes and to all intents whatsoever for the residue then to come of the term for which such child shall have been thereby bound in like manner but not further or otherwise than as if no such assignment as aforesaid of such child had been made.

Upon order being made to cancel instrument of assignment of apprenticeship to revive.

24. And be it enacted That no person shall entice or take away or employ or harbour or be aiding or concerned or engaged in enticing or taking away or employing or harbouring any child who shall be bound by any such instrument of apprenticeship or who shall be assigned by any such instrument of assignment as aforesaid while such instrument of apprenticeship or instrument of assignment respectively shall remain or be in force and if any person shall entice or take away or employ or harbour or be aiding or concerned or engaged in enticing or taking away or employing or harbouring any child who shall be bound by any such instrument of apprenticeship or who shall be assigned by any such instrument of assignment as aforesaid while such instrument of apprenticeship or instrument of assignment respectively shall remain or be in force every person so offending shall forfeit and pay a fine of not more than ten pounds and every such fine shall and may be sued for and recovered by any person who shall sue for the same and shall and may be sued for and recovered by information

Penalty for enticing away or harbouring apprentices.

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tion before any Justice of the Peace which Justice shall hear and determine the matters of such information in a summary way.

Mode of proceeding hereby provided to be deemed to be cumulative.

25. And be it enacted That all prosecutions actions suits and proceedings for or in respect of any offence act duty matter or thing which shall or may be committed done or omitted in respect of any such instrument of apprenticeship as aforesaid or any such instrument of assignment as aforesaid or any covenant agreement matter or thing therein respectively contained or any child who shall be bound or assigned thereby respectively or the Secretary for the time being of the said Society or the person or persons to whom any such child shall be so assigned as aforesaid shall and may be instituted commenced taken carried on prosecuted and carried into effect in any competent Court and in any legal manner instead of in the mode of proceeding hereby provided in like manner as if no mode of proceeding had been hereby provided it being the intent and meaning of this Act that the mode of proceeding hereby provided in respect of the matters aforesaid shall be cumulative with any other mode of proceeding which may exist in law respecting the same and that all proceedings to be had and taken in a summary way before any Justice or Justices of the Peace under this Act shall be commenced within three calendar months next after the offence has been committed and in all cases the informer or complaining party shall be taken and is hereby declared to be a competent witness.

Informer a competent witness.

Application of fines.

26. And be it enacted That all fines and forfeitures which shall be recovered under or by virtue of the provisions of this Act shall be paid to Her Majesty Her Heirs and Successors for the public uses of the said Colony and in support of the Government thereof and shall be applied in such manner as may be from time to time directed by any Act or Acts of the said Governor and Legislative Council.

Not to be necessary to prove instruments by the attesting witnesses.

27. And be it enacted That in all prosecutions actions suits and proceedings whether civil or criminal or of a civil or criminal nature or partly of a civil and partly of a criminal nature which shall be instituted commenced taken or carried on by or against the Secretary for the time being of the said Society or by or against any other person or persons for or in respect of any offence misbehaviour act duty cause matter or thing which shall or may be or shall or may have been committed done or omitted in respect of any such instrument of apprenticeship or any such instrument of assignment as aforesaid or any covenant agreement matter or thing therein respectively contained or any child who shall be or who shall have been bound or assigned thereby respectively or the Secretary for the time being of the said Society or any person or persons to whom any such child shall be or shall have been assigned by any such instrument of assignment as aforesaid it shall not be necessary for the purpose of proving the execution by any person of any such instrument of apprenticeship or any such instrument of assignment as aforesaid to prove such execution thereof respectively by the testimony of any subscribing or attesting witness or witnesses thereto or to account for the absence or to prove the handwriting of any such subscribing or attesting witness or witnesses but that the execution by any person of any such instrument of apprenticeship or any such instrument of assignment as aforesaid may notwithstanding such execution thereof respectively or may appear or purport to be attested by one or more subscribing or attesting witness or witnesses be proved in like manner as if there were no subscribing or attesting witness thereto.

Proceedings not to abate by the death or removal of Secretary.

28. And be it enacted That no prosecution action suit or proceeding whether civil or criminal or of a civil or criminal nature or partly of a civil and partly of a criminal nature which shall be instituted commenced taken or carried on by or against the Secretary for the time being

Cattle Slaughtering.

being of the said Society or by or against any other person or persons for or in respect of any offence misbehaviour act duty cause matter or thing which shall or may be or shall or may have been committed done or omitted in respect of any such instrument of apprenticeship or any such instrument of assignment as aforesaid or any covenant agreement matter or thing therein respectively contained or any child who shall be or shall have been bound or assigned thereby respectively or the Secretary for the time being of the said Society or any person or persons to whom any such child shall be or shall have been assigned by any such instrument of assignment as aforesaid shall abate become void or be prejudiced by reason of the death of any Secretary for the time being of the said Society or by reason of any person who shall have been the Secretary for the time being of the said Society ceasing to be such Secretary but in all cases when and as often as the person who shall be the Secretary for the time being of the said Society shall by death or otherwise cease to be such Secretary and the death of such person or such person ceasing to be such Secretary would but for the provision hereby made cause any such prosecution action suit or proceeding to abate become void or be prejudiced a suggestion or memorandum shall in due course be made filed or entered of the fact of such person having so by death or otherwise ceased to be such Secretary and of the name of the person who shall afterwards be or become the Secretary for the time being of the said Society and thereupon every such prosecution action suit and proceeding shall proceed and be continued and carried on in like manner as if the person who shall so afterwards be or become such Secretary for the time being of the said Society had continually been such Secretary from the time when such prosecution action suit or proceeding was or shall have been instituted commenced or initiated.

29. And be it enacted That this Act shall be deemed and taken to be a Public Act and shall be judicially taken notice of as such in and by all Courts Judges Justices and others within the said Colony and its Dependencies without being specially pleaded.

Act to be deemed a
Public Act.