ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

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C A P. XXXV.

An Act to extend the Benefits of certain Provisions of the General Merchant Seamen's Act relating to Apprentices bound to the Sea Service to Apprentices bound to the Sea Service by Boards of Guardians of the Poor in *Ireland*, and to enable such Guardians to place out Boys in the Naval Service. [24th *July* 1851.]

WHEREAS by an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act to amend and consolidate the Laws relating to Merchant Seamen, and for keeping a Register of Seamen,* Power was given to the Overseers of the Poor or other Persons having the Authority of Overseers in any District, Union, Parish, Township, or Place in the United Kingdom, in the Manner and subject to the Conditions in the said Act mentioned, to bind and put out as an Apprentice in the Sea Service any Boy having attained the Age of Twelve Years, of sufficient Health and Strength, who or whose Parents was or were chargeable to such District, Union, Parish, Township, or Place, with his Consent, but not otherwise: And whereas it is expedient to

7 & 8 Vict. c. 112. s. 32.

confer upon the several Boards of Guardians in *Ireland* like Powers in this Behalf, (subject to the Provisions herein contained,) as are by the said recited Act given and conferred upon such Overseers of the Poor: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That —

Power to Guardians, &c. to apprentice Boys to the Sea Service.

I. The Guardians of the Poor of any Union in *Ireland*, or other Persons duly appointed to carry into execution the Provisions of the Acts for the Relief of the destitute Poor in *Ireland*, and having the Authority of Guardians in such Union, may and they are hereby empowered to bind and put out as an Apprentice in the Sea Service, for not less than Four Years, to any *British* Subject being the Master or Owner of any Ship registered or licensed in any Port of the United Kingdom, any Boy who has attained the Age of Twelve Years and not more than Seventeen Years, and is of sufficient Health and Strength, and who or whose Parent or Parents is or are receiving Relief in such Union, and who consents to be so bound, until such Boy attains the Age of Twenty-one Years or has served as Apprentice Seven Years, or such other shorter Period (not less than Four Years) as may be fixed and agreed on, whichever first happens, by

Manner of binding such Apprentices.

Indentures to be made in the Form set forth in the Schedule to this Act annexed, or as near thereto as the Circumstances of the Case will admit, or in such other Form as may be sanctioned by the Board of Trade in that Behalf, and to bear Date on the Day when the same are executed, and to be prepared in Triplicate, and each Part to be executed in the Presence of the Boy who is bound thereby, and of the Constable or other Person who is employed to conduct him as herein-after mentioned, and of Two Justices of the Peace, and to be signed by such Justices in testimony of their being satisfied that such Boy has consented so to be bound, and has attained the Age aforesaid, and is of sufficient Health and Strength, and to be attested by such Constable or other Person; and any such Justice may so act, although he be also a Member of, and acting at, such Board of Guardians; and such Indenture shall have affixed thereto the Official Seal of such Board, and the Signature of the Chairman presiding at some Meeting thereof, and of the Clerk or Person acting as Clerk thereat; and the Guardians or other Persons having the Authority aforesaid by whom any such Boy is so bound shall cause his Age to be truly inserted in the Indentures of Apprenticeship to the best of their Belief, and shall if possible procure a Certificate of the Baptism of such Boy, or a Copy of the Entry thereof in the Registry of such Baptism, in proof thereof; and every Certificate of Baptism or such Copy of Entry (if any there be) which is required for the Purpose

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of ascertaining the Age of any such Boy by any such Guardians or other Persons shall be given and attested by the Person authorized to give the same without Fee; and the Age of every such Boy inserted in any such Indenture shall, in relation to the Continuance of his Service, be taken to be his true Age, without any further Proof thereof: Provided always, that if the Cost of the Relief of such Boy in such Union as aforesaid be chargeable to an Electoral Division of such Union, the Consent in Writing of the Guardian or (where there are more than One) of a Majority of the Guardians of the Poor of such Electoral Division, under his or their Hand or Hands, shall be obtained previously to such Binding as aforesaid, or shall be written or endorsed upon such Indentures (save and except in Cases where paid Officers shall be acting in place of Guardians of the Poor).

Such Apprentices to be furnished with Outfit; and sent to the Seaport.

II. The Guardians or Persons having the Authority aforesaid by whom any such Boy is bound shall provide him with a sufficient Outfit of Sea Clothing, Bedding, and similar Necessaries, to the Value of Five Pounds, and shall cause him to be conducted by a Constable or other trustworthy Person to the Port where the Master or Owner of the Ship to whom he is bound is or resides, and shall, if the Master or Shipowner to whom such Apprentice is bound resides in the Port of *London*, transmit One of the Indentures aforesaid, duly executed and attested, to the Registrar of Seamen, and if he resides at any other Port, to the Collector or Controller of Customs at such Port, and shall transmit One other of the said Indentures to the Master or Owner to whom the Boy is bound, and shall retain the Third of the said Indentures; and the Expense incurred in the Provision of such Outfit, and the Binding and Conveyance of any such Apprentice, and the Transmission of such Indentures, shall be charged to the Union or Electoral Division, as the Case may be, to which the Boy or his Parent or Parents was or were chargeable at the Time of his being so apprenticed.

Expenses of Outfit, &c. to be borne by Union, &c.

Indentures may be sued on by Guardians, by their Name of Office.

III. The Indentures so entered into by the Guardians or other Persons having such Authority as aforesaid in any Union in *Ireland* may be sued upon in the Name of the Guardians of the Poor of such Union for the Time being, by their Name of Office; but no Action for the Breach of any Covenant contained in such Indentures shall be commenced by such Guardians or other Persons without the Consent of the Commissioners for administering the Laws for Relief of the Poor in *Ireland*; and no such Action commenced with such Consent shall abate by reason of Death or any Change of such Guardians or Persons pending the same, but shall be proceeded in by the Guardians or Persons having the Authority aforesaid for the Time being,

being, who shall be entitled to charge the whole Amount of the Costs incurred in such Action, and not recovered from the Defendant therein, upon the Union or Electoral Division as aforesaid, as the Case may be, or as such Guardians or Persons aforesaid shall direct, although Part of such Costs may have been incurred by their Predecessors.

Indentures may be assigned on the Death, &c. of the Master.

IV. In the event of the Bankruptcy, Insolvency, or Death of the Master of any such Apprentice to the Sea Service such Master, or his Executors or Administrators, or, if there are none such, his Widow, may assign the Indenture of such Apprentice for the Residue of the Term then unexpired therein to any other Master or Owner of any such Ship as aforesaid; and the Person to whom any such Assignment is made shall produce the same, if he resides in the Port of *London*, to the Registrar of Seamen, and if he resides in any other Port, to the Collector or Controller of Customs at such Port, there to be registered and indorsed by such Registrar or Collector or Controller of Customs, and in default shall be liable to a Penalty of Ten Pounds.

Assignments to be registered.

Penalty for Default.

Such Apprentices not to contribute to any Hospital Fund, &c.; and no Stamp Duty on Indentures.

V. No Apprentice bound or assigned pursuant to this Act, and no Master or Owner in respect of any such Apprentice, shall be liable to any Payment or Contribution to or towards any Hospital or Institution; and all Agreements, Indentures, Assignments, Counterparts, or Tickets made under or in pursuance of and in compliance with the Provisions of this Act shall be exempt from Stamp Duty.

Termination of Apprenticeships generally.

VI. Every such Apprenticeship to the Sea Service shall terminate upon the Expiration of Seven Years from the Date of the Indentures of Apprenticeship, or upon the Apprentice attaining the Age of Twenty-one Years, or at any earlier Time fixed by the Indentures, whichever first happens; but if at the Termination of his Apprenticeship the Apprentice is on a Voyage, he shall continue to serve as an Apprentice until the Return of the Ship to her final Port of Destination in the United Kingdom, but shall after One Calendar Month from such Termination be entitled to the same Wages as an Able-bodied Seaman or Ordinary Seaman of the same Ship, engaged at the Commencement of the Voyage in the United Kingdom, according to his Ability and Qualification; and every Person to whom any Apprentice is bound, or to whom his Indenture of Apprenticeship shall have been assigned, shall at the Termination of his Apprenticeship give up to such Apprentice his Indenture of Apprenticeship, together with his Register Ticket, procured in pursuance of the Provisions of the said recited Act, and in default shall for each such Offence be liable to a Penalty of Twenty Pounds; and all Masters

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of Apprentices under this Act for whom no Register Tickets are already obtained shall, before carrying them to Sea, take them to the General Register Office, or to One of the Custom Houses in the Outports at which the Business of Registration is conducted, and shall there produce the Indentures of Apprenticeship and the Assignments thereof (if any), and a Ticket shall thereupon be granted for each Apprentice, and shall be attached to the Part of Indenture of Apprenticeship retained by the Master, and shall be kept so attached until the Expiration of the Apprenticeship, and shall then be delivered to the Apprentice with his Indenture as aforesaid, under the Penalty aforesaid.

As to cancelling Indentures of Apprenticeship.

VII. No Indenture of Apprenticeship to the Sea Service as aforesaid under this Act shall be cancelled without the Consent of all the Parties thereto, nor without the Consent of the Registrar of Seamen in *London* or of the Collector or Controller of Customs of the Port in which such Cancellation takes place; and such Consent may be given by the Board of Guardians of the Union concerned, or other Persons having Authority as such, as herein-before is mentioned, for the Time being, to be testified by a Copy of a Minute of such Board of Guardians or Persons, signed by the Clerk of the Union for the Time being.

Justices to determine Complaints between Masters and Apprentices.

VIII. Any Justice of the Peace residing at or near to any Port at which any Ship having on board thereof any Apprentice to the Sea Service under this Act arrives, or at any Port at which the Apprentice and his Master may be, may inquire into, hear, and determine all Claims of any such Apprentice upon his Master under his Indentures, and all Complaints of hard or ill Usage exercised by his Master towards him, or of Misbehaviour on the Part of any such Apprentice, and may proceed thereupon as Justices of the Peace are empowered by Law to do between Masters and Apprentices in other Cases; and if the Master of any Ship do not send on shore, in the Charge of the Mate or some other trustworthy Person, any Apprentice desirous of complaining to a Justice of the Peace, so soon as the Service of the Ship will permit, he shall for every such Default be liable to a Penalty of Ten Pounds.

Certain Provisions of recited Act to apply as herein.

IX. The several Enactments and Provisions in the said recited Act contained for the Protection and Registration of Apprentices, or relating to the granting and cancelling of Registry Tickets, Registry and cancelling of Indentures or Assignments thereof, or to Desertion by Apprentices and Punishment of Offences, the Recovery and Application of Penalties, where not otherwise provided for, and the Recovery of Wages, in case any become due to any Apprentice under

under this Act, shall apply and extend, or shall be so construed that the same may be extended and applied, to Apprentices bound under this Act by Guardians of the Poor in *Ireland*, or by other Persons appointed to carry into execution the Provisions of the Acts for the Relief of the destitute Poor in *Ireland*, and having the Authority of such Guardians in any such Union, in like Manner, *mutatis mutandis*, as such Enactments and Provisions apply in the Case of Parish Apprentices bound under the Provisions of the said recited Act.

Boys in receipt of Relief, who are desirous of it, may be placed out by the Guardians in the Naval Service.

X. If any Boy, not already an Apprentice in the Merchant Service, who, or whose Parent or Parents, shall be receiving Relief in any Union in *Ireland*, be desirous of serving in the Naval Service of Her Majesty, and be accepted or approved and received by competent Authority in such Service, the Guardians of the Poor of such Union, or the Persons duly appointed and having Authority as such therein, may and they are hereby empowered, with the Consent of the Commissioners for administering the Laws for Relief of the Poor in *Ireland*, to allow any such Boy, with his Consent, to enter into such Naval Service, and to pay, out of the Rates of the Union or Electoral Division, as the Case may be, to which such Boy may at the Time be chargeable, such Sum as may be required by the Regulations of such Service for providing Outfit or otherwise, and also such Expenses as may be necessary to be incurred for the Conveyance of such Boy in charge of a proper Person to the Port or Place in the United Kingdom at which he may be required to attend for Entry into such Service.

Seal.

SANCTIONED BY THE BOARD OF TRADE.

SCHEDULE to which the foregoing Act refers.

APPRENTICE'S INDENTURE.

THIS Indenture, made the_____ Day of_____ 18____, between [1] the Guardians of the Poor of the _____ Union in the County [2] of_____ of the one Part, and_____ of_____ in the County of_____ [3] _____ of the Ship_____ registered at the Port of [4]_____ of the other Part: Whereas_____ a poor Boy, who is (and whose [5] Parent or Parents is or are) receiving Relief in the said Union, has, of his own Freewill, consented to be bound Apprentice to the said_____: And whereas, *by the* [6] *Copy or Certificate hereunto annexed of the Entry of his Baptism in the Register Book of the Parish of* _____ *in the County of* _____ _____ it appears that he has attained the Age of _____ Years: And whereas _____ and _____ Two of Her Majesty's Justices of the Peace, are satisfied that the said Boy has freely consented to be bound Apprentice, and has attained the Age aforesaid, and is of sufficient Health and Strength, and do, in testimony of their being so satisfied, sign this Indenture: Now this Indenture witnesseth, that they the said Guardians of the Poor [7] do hereby bind the said _____ Apprentice in the Sea Service to the said_____ his Executors and Administrators, and the Assigns of such Executors or Administrators, or of the Widow of the said_____ (who are herein-after termed "Master or Masters") according to the Provisions of the Statute in that Behalf, for the Term of [8] _____ Years from the Date hereof. And during such Term the said Apprentice shall faithfully serve his said Master or Masters for the Time being, and obey his and their lawful Commands, and keep his and their Secrets, and shall, when required, give to him or them true Accounts of any of his or their Goods or Money which may be committed to the Charge or come to the Hands of the said Apprentice; and shall, in case the said Apprentice enters Her Majesty's Service during the said Term, duly account for and pay or cause to be paid to his said Master or Masters for the Time being all such Wages, Prize Money, and other Monies as may become payable to the said Apprentice for such Service; and shall not, during the said Term, do any Damage to his said Master or Masters for the Time being, nor consent to any such Damage being done by others, but shall if possible prevent the same, and give his said Master or Masters Warning thereof; and shall not embezzle or waste the Goods of his said Master or Masters, nor give or lend the same to others without his or their Licence, nor absent himself from his or their Service without Leave; nor frequent Taverns or Alehouses unless upon his or their Business; nor play at unlawful Games. In consideration whereof, the said_____ hereby agrees with the said Guardians [9] and their Successors, that during the said Term the said Master or Masters for the Time being will and shall teach the said Apprentice or cause him to be taught the Business of a Seaman, and provide the said Apprentice with sufficient Meat, Drink, Lodging, Washing, Medicine, and Medical and Surgical Assistance, and all other Things necessary or fit for an Apprentice; and will so provide for the said Apprentice that he be not a Charge to the said Union or any Electoral Division thereof; and will indemnify the said Union and every Electoral Division thereof against any Charge in respect of the said Apprentice during the Term of his Apprenticeship. In testimony whereof they the said Guardians [9] have caused their Official Seal to be hereunto annexed, and the said other Parties have hereunto affixed their Hands and Seals.

Signatures of Justices.
_____
_____

L.S. Seal of Board of Guardians.

Signature of Presiding Chairman of the Board.
_____

L.S. Seal and Signature of Master.
_____

L.S. Seal and Signature of Apprentice.
_____

Executed in my Presence, this Day of 18 .
Signature of Constable or Person employed to convey the Apprentice. _____

Clerk.
_____

[10] I, the Guardian [11] of the_____ Electoral Division of the said Union, to which Electoral Division the Cost of the Relief of the said Boy has been heretofore chargeable, do hereby consent to the binding of the said_____ to the said_____ and have, in testimony thereof, hereto affixed my Hand [12], this_____ Day of_____ 18____.

Signatures of Guardians of Electoral Division.
_____
_____

Note.—This Indenture must be executed in Triplicate, on the Day on which it bears Date, in the Presence of the Constable or Person employed to convey the Apprentice, and One Counterpart is to be kept by the Guardians, One by the Master, and One delivered or forwarded, if the Indenture is executed in London, to the Registrar of Seamen, and if in the Outports, to the Collector or Controller of Customs. Wherever procurable, a Copy or Certificate of the Entry of Baptism of the Apprentice in the Register thereof is to be annexed to the Indenture.

Registered at the Port of_____ this_____ Day of_____ 18____.
Signed_____

[1] If there are other Officers who perform the Duties of Guardians they must execute the Indenture, and their Title should be substituted for the Words "Guardians of the Poor;" and the Words "Officers duly appointed to carry into execution the Acts for the Relief of the destitute Poor in Ireland, and having Authority as Guardians of the Poor," should be used instead.

[2] Or "Counties," as the Case may be.

[3] Here insert "Master" or "Owner," as the Case may be.

[4] This must be a Port in the United Kingdom.

[5] If this is not so, this Clause should be struck out or altered, as the Fact may be.

[6] This Copy or Certificate must be given by the Minister without Fee. If the Entry cannot be found, or there be none, the Words in Italics must be erased, and the Words "*from such Information as it has been found possible to obtain, the Entry of his Baptism not having been found,*" substituted. The Boy must be above Twelve and under Seventeen.

[7] Or, if there be no Guardians of the Poor, insert these Words, "the said Officers having the Authority of Guardians of the Poor."

[8] This must not be less than Four or more than Seven, and must not extend beyond the Time at which the Apprentice will attain Twenty-one.

[9] Insert other Title, if necessary, as directed at [7].

[10] This Paragraph, and the Signatures of the Guardians of the Electoral Division, to be omitted if the Affairs of the Union be administered by Vice-Guardians, or if the Boy be not chargeable to a separate Electoral Division, or if the written Consent of the Guardian or Guardians of such Electoral Division have been previously obtained on a separate Document.

[11] Or, "We, the Guardians," or "We, being a Majority of the Guardians," where there are more Guardians than One for the Division.

[12] Or "our Hands," as the Case may require.

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