ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

C A P. CXXXIX.

An Act to regulate the binding of Pariſh Apprentices.

[2d *July* 1816.]

WHEREAS many Grievances have ariſen from the binding of poor Children as Apprentices by Pariſh Officers to improper Perſons, and to Perſons reſiding at a Diſtance from the Pariſhes to which ſuch Poor Children belong, whereby the ſaid Pariſh Officers, and the Parents of ſuch Children, are deprived of the Opportunity of knowing the Manner in which ſuch Children are treated, and the Parents and Children have, in many Inſtances, become eſtranged from each other; and alſo from the Permiſſion given to Apprentices, by the Perſons to whom ſuch Apprentices have been bound, to ſerve others without a formal Aſſignment, whereby the Diſcretion to be exerciſed by Magiſtrates in placing out Apprentices to ſuitable Perſons, is frequently rendered of no avail: For Remedy whereof, be it enacted by the King'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 from and after the First Day of *October* in the Year of our Lord One thouſand eight hundred and ſixteen, before any Child ſhall be bound Apprentice by the Overſeers of the Poor of any Pariſh, Townſhip, or Place, ſuch Child ſhall be carried before Two Juſtices of the Peace of the County, Riding, Diviſion, or Place wherein ſuch Pariſh, Townſhip, or Place ſhall be ſituate, who ſhall enquire into the Propriety of binding ſuch Child Apprentice to the Perſon or Perſons to whom it ſhall be propoſed by ſuch Overſeers to bind ſuch Child; and ſuch Juſtices ſhall particularly enquire

How Pariſh Apprentices ſhall be bound.

and consider whether such Person or Persons reside, or have his, her, or their Place or Places of Business within a reasonable Distance from the Place to which such Child shall belong, having regard to the Means of Communication between such Places, or whether any Circumstances shall make it fit, in the Judgement of such Justices, that such Child should be placed Apprentice at a greater Distance; and if the Father or Mother of such Child shall be living, and shall reside in or near the Place to which such Child shall belong, such Justices shall (if they see fit) examine such Father or Mother, or either of them, and shall particularly enquire as to the Distance of the Residence or Place of Business of the Person or Persons to whom it shall be proposed to place such Child, and the Means of Communication therewith; and such Justices shall also enquire into the Circumstances and Character of such Person or Persons; and if such Justices shall, upon such Examination and Enquiry, think it proper that such Child should be bound Apprentice to such Person or Persons, such Justices shall make an Order, declaring that such Person or Persons is or are fit Person or Persons to whom such Child may be properly bound as Apprentice, and shall thereupon order that the Overseer or Overseers of the Place to which such Child shall belong, shall be at liberty to bind such Child Apprentice accordingly; which Order shall be delivered to such Overseer or Overseers, as the Warrant for binding such Child Apprentice as aforesaid, and such Order shall be referred to by the Date thereof, and the Names of the said Justices in the Indenture of Apprenticeship of such Child; and after such Order shall have been made, such Justices shall sign their Allowance of such Indenture of Apprenticeship, before the same shall be executed by any of the other Parties thereto: Provided always, that no such Child shall be bound Apprentice to any Person or Persons residing or having any Establishment in Trade, at which it is intended that such Child shall be employed out of the same County, at a greater Distance than Forty Miles from the Parish or Place to which such Child shall belong, unless such Child shall belong to some Parish or Place which shall be more than Forty Miles from the City of *London*, in which Case it shall be lawful for the Justices who shall authorize the apprenticing of such Child to make a special Order for that Purpose, in which Order such Justices shall distinctly specify the Grounds on which they shall think fit to allow of the apprenticing of such Child to a Person or Persons residing, or having an Establishment in Trade, at a greater Distance than Forty Miles from the Parish or Place to which such Child shall belong.

Indenture to be allowed by Two Justices of the County into which Apprentice is to be bound, as well as by Two Justices of the County from which he is bound.

II. And be it further enacted, That in all Cases where the Residence or Establishment of Business of the Person or Persons to whom any Child shall be bound, shall be within a different County or Jurisdiction of the Peace, from that within which the Place by the Officers whereof such Child shall be bound shall be situated, and in all other Cases where the Justices of the Peace for the District or Place within which the Place by the Officers whereof such Child shall be bound shall be situated, and who shall sign the Allowance of the Indenture by which such Child shall be bound, shall not have Jurisdiction, every Indenture by which such Child shall be bound at any Time after the said First Day of *October* shall be allowed as well by Two Justices of the Peace for the County or District within which the Place by the Officers of which such Child shall be bound shall be situated, as by Two Justices of the Peace for the

County or District within which the Place shall be situated wherein such Child shall be intended to serve: Provided always, that no Indenture shall be allowed by any Justice of the Peace for the County into which such Child shall be bound, who shall be engaged in the same Business, Employment, or Manufacture in which the Person to whom such Child shall be bound is engaged; and Notice shall be given to the Overseers of the Poor of the Parish or Place in which such Child shall be intended to serve an Apprenticeship, before any Justice of the Peace for the County or District within which such Parish or Place shall be, shall allow such Indenture; and such Notice shall be proved before such Justice shall sign such Indenture, unless One of such Overseers shall attend such Justice, and admit such Notice.

The Allowance by County Magistrates to be valid in Towns and Places having exclusive Jurisdiction.

III. Provided always, and it is hereby declared, That the Allowance of Two Justices of the Peace for the County, within which the Place in which such Child shall be intended to serve an Apprenticeship shall be situated, shall be valid and effectual, although such Place may be situated in a Town or Liberty within which any other Justices of the Peace may in other respects have an exclusive Jurisdiction.

Distance to which Apprentices may be bound not to be limited to Cities which are Counties of themselves.

IV. And whereas there are several Cities and Boroughs which are Counties of themselves, and several Districts situated without the Limits of the County to which such Districts respectively belong; be it enacted, That the Distance to which Parish Apprentices may be bound, shall not be construed to be limited to such Cities and Boroughs being Counties, but shall extend to the County in which any such City and Borough, and any such District though belonging to another County, shall be locally situated.

No Settlement shall be gained unless Directions complied with.

V. And be it further enacted, That no Settlement shall be gained by any Child who shall be bound by the Officers of any Parish, Township, or Place, by reason of such Apprenticeship, unless such Order shall be made, and such Allowances of such Indenture of Apprenticeship shall be signed, as herein-before directed.

Penalty on Overseers binding Apprentices contrary hereto.

VI. And be it enacted, That in case any Overseer or Overseers shall bind an Apprentice to any Person or Persons, without having obtained such Order and such Allowances as herein-before required, and in case any Person or Persons shall receive any such Apprentice as so bound, without such Order and Allowances having been first obtained, the said Overseer or Overseers, and the said Person or Persons, shall each respectively forfeit the Sum of Ten Pounds, for each Apprentice so bound, to be recovered as the Penalties herein-after given are directed to be recovered.

Children not to be bound till they have attained Nine Years.

VII. And be it further enacted, That from and after the said First Day of *October* it shall not be lawful for any Parish Officers to bind out any Child as Parish Apprentice, until such Child shall have attained the Age of Nine Years, any Thing in any Act or Acts of Parliament to the contrary notwithstanding.

In Cases of Masters Removal, &c.

VIII. And be it further enacted, That if any Person or Persons to whom any Child shall be bound Apprentice by the Overseers of the Poor of any Parish

how Apprentices shall be disposed of.

Parish or Place, shall after the said First Day of *October* remove his, her, or their Residence or Establishment of Business, out of the same County or Forty Miles from the Parish or Place wherein the same was when such Child was bound Apprentice, such Person or Persons shall, at least Fourteen Days previous to such Removal, give a written Notice thereof to the Churchwardens or Overseers of the Poor of the Place where such Apprentice shall then reside, unless such Person or Persons shall reside in such Place under Certificate; and in that case such Persons shall give the like Notice to the Churchwardens or Overseers of the Poor of the Place where such Apprentice shall then be legally settled, and which Churchwardens and Overseers, and also the Master or Masters, Mistress or Mistresses of such Apprentice, shall cause such Apprentice to appear before Two of His Majesty's Justices of the Peace for the Country or District within which such Apprentice shall be then serving, who shall enquire whether it may be fit and proper that such Apprentice should continue in the Service of such Person or Persons, or be discharged therefrom, or bound or assigned over to any other Person or Persons, and shall thereupon make order, either for the Continuance of such Apprentice with such Person or Persons, or for the Discharge of such Apprentice, or for the binding or assigning of such Apprentice to any other Person, as to them in their Discretion shall seem meet, and if they shall see fit, shall also require the Person or Persons so giving Notice of Removal, to pay the Amount of the Premium received with such Apprentice, or such Portion of it as to them shall seem meet, for the Expence of assigning or binding such Apprentice to any other Person, to be approved by the said Justices; and the Person or Persons to whom such Apprentice shall be so bound or assigned, shall be subject to the same Rules and Regulations as the Person or Persons to whom such Apprentice shall be originally bound; and in case any such Master or Masters, Mistress or Mistresses, shall remove as aforesaid, and shall take any such Apprentice to any other Place, without such Order as aforesaid, or shall wilfully abandon and leave any such Apprentice, without giving such Notice as aforesaid, every Person so offending, shall forfeit the Sum of Ten Pounds for every such Apprentice, to the Churchwardens and Overseers of the Poor of the Parish, Township, or Place, wherein, at the Time of such Removal or Taking the Apprentice shall have been legally settled, for the Use of the Poor of the same Parish, Township, or Place; provided an Information shall be exhibited for such Offence within Three Calendar Months next after the Commission of the same.

Provisions of 32 G. 3 c. 57. enforced with respect to assigning or discharging Apprentices.

IX. And whereas it may be expedient, that those to whom Parish Apprentices are bound or assigned should be empowered to place out or assign over such Apprentice to others, and it is proper that such placing out or Assignments should in all Instances be under the Inspection and Controul of the Magistrates; and it is fit that the Person to whom such putting out or Assignment shall be made, and also the Apprentice, shall be made subject to the ordinary Jurisdiction of Justices of the Peace, with respect to Masters and Parish Apprentices; and it is inexpedient that any Master or Mistress should in any way discharge or dismiss from his or her Service any Parish Apprentice without the Consent of such Justices; be it therefore enacted, That from and after the First Day of *October* in the Year One thousand eight hundred and sixteen, it shall not be lawful for any Master or Mistress to put away or transfer any Parish

Apprentice to any other, or in any way to discharge or dismiss from his or her Service any Parish Apprentice without such Consent of Justices, as is directed in an Act passed in the Thirty-second Year of the Reign of His present Majesty, intituled *An Act for the further Regulation of Parish Apprentices*; and that no Settlement shall be gained by any Service of such Apprentice, after such putting away or transfer, unless such Service shall have been performed under the Sanction of such Consent as aforesaid.

Penalty on discharging Apprentices without the Consent of Justices, 10 l.

X. And be it further enacted, That any Person or Persons, who, after the First Day of *October* in the Year One thousand eight hundred and sixteen, shall put away or transfer any Parish Apprentice to another, or who shall in any way discharge or dismiss from his or her Service any Parish Apprentice without such Consent as aforesaid, shall forfeit a Sum not exceeding Ten Pounds, for every Apprentice so transferred.

Indentures not valid unless approved by Two Justices.

XI. And whereas the salutary Provisions enacted by an Act passed in the Forty-third Year of the Reign of Her Majesty Queen *Elizabeth*, intituled *An Act for the Relief of the Poor*, are frequently evaded in the binding out of Poor Children, and the Premium of Apprenticeship, or a Part thereof, is clandestinely provided by Parish Officers, who are thus enabled to bind out such Poor Children, without the Sanction of Justices of Peace; be it further enacted, That after the said First Day of *October*, no Indenture of Apprenticeship, by reason of which any Expence whatever shall at any Time be incurred by the Public Parochial Funds, shall be valid and effectual, unless approved of by Two Justices of the Peace, under their Hands and Seals, according to the Provisions of the said Act and of this Act.

Penalties may be recovered by Information, &c.

XII. And be it further enacted, That all Penalties and Forfeitures hereby imposed for any Offence against this Act, shall and may be recovered by Information before any Two Justices of the Peace of the County or District where such Offence shall be committed.

Justices empowered to dispose of Penalties.

XIII. And be it further enacted, That it shall and may be lawful to and for the Justices before whom any such Penalty shall be recovered, to direct such Penalty, after deducting the necessary Costs and Charges attending any Information, and the Proceedings thereon, to be paid, applied, and distributed, either to the Person or Persons giving Information of the Offence for which such Penalty shall be incurred, or to the Overseer of the Poor of the Parish or Township in which such Offence shall have been committed, or by the Officers whereof such Apprentice shall have been bound, for the Use of the Poor of such Parish or Township, or in the binding of the Apprentice, respecting whom such Offence shall be committed, to any other Person, or to be distributed and applied for any One or more of such Purposes, as to such Justices shall seem meet.

Recovery of Penalties.

XIV. And be it further enacted, That in case of Non-payment of any Penalty hereby imposed, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of the Justices before whom such Offender shall have been convicted, or of any other Two Justices of the Peace of the same County or District; and for want of such Distress, such Offender shall be committed to the Common Gaol or House of Correction for any Period not less than One,

One, nor more than Six Months, to be appointed by the Justices before whom such Offender shall be convicted.

XV. And be it further enacted, That the Conviction of all Offences against this Act, shall be in the Form following, (that is to say);

Form of Conviction.

'BE it remembered, That on the Day of in the Year of Our Lord is convicted before us of His Majesty's Justices of the Peace for the County of upon the Information of for that [*here state the Offence*] contrary to the Form of the Statute passed in the Fifty-sixth of the Reign of His Majesty King *George* the Third, intituled *An Act to regulate the binding of Parish Apprentices*, and for which Offence we do adjudge that the said shall forfeit and pay the Sum of to be paid and applied as follows [*here state the Application of the Penalty*] and in case such Penalty shall not be paid by the said or levied by Distress upon Goods and Chattels, within Days from the Date of this Conviction, we adjudge that the said shall be imprisoned in for the Space of Given under our Hands and Seals the Day and Year first above mentioned.'

Persons not paying Penalty may be imprisoned.

XVI. And be it further enacted, That in case any Person convicted for any Offence against this Act shall not pay the Penalty imposed by such Conviction within One Calendar Month next after such Conviction shall take place, it shall be lawful to and for the Justices making such Conviction, or for any Two other Justices of the County or District, to issue their Warrant for the apprehending and imprisoning of such Offender, notwithstanding such Offender may have Goods or Chattels whereby such Penalty might have been levied.

Power of Appeal.

XVII. And be it further enacted, That any Person or Persons who shall be dissatisfied with any Act done by any Justice or Justices of the Peace in the Execution of this Act, may appeal against the same to any Court or General or Quarter Sessions to be holden for the County within which such Act shall have been done, within Three Calendar Months after the Fact so complained of, upon giving Notice in Writing to such Justice or Justices, and also to the Person or Persons who shall be interested in such Appeal, within Twenty-one Days next after the Act so appealed against shall have taken place; and in case such Appeal shall be against any Conviction, entering into a Recognizance, with Two sufficient Sureties, before any Justice of the Peace of the County or District within which such Conviction shall have taken place, to appear at such General or Quarter Sessions to abide the Judgement of the Court upon such Appeal, and to pay the Costs which may be awarded thereon; and that it shall and may be lawful to and for the Justices at such Sessions to hear and determine the Matter of such Appeal, and to award Costs therein, as they in their Discretion shall think fit; and all such Appeals shall be to the Sessions of the County within which the Act appealed against shall have taken place, and not to any District or Liberty within the same.

Power of Overseers extended to

XVIII. And be it further enacted, That the Provisions and Penalties herein contained respecting Overseers of the Poor, shall be deemed to extend

extend to all Churchwardens having the Power and Authority of Overseers of the Poor; and that all the Provisions herein mentioned and contained respecting any Parish or Place, shall extend to any incorporated or other District for the Maintenance of the Poor; and that the Officers of any such District, having Power to bind Apprentices, shall be subject to all the Rules, Regulations, and Penalties herein mentioned and contained respecting Overseers of the Poor. Churchwardens.

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