

## APPRENTICES.

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*An act to Revise the law in relation to Apprentices. Approved 25th February 1874. In force 1 July 1874.*

WHO MAY BE BOUND.] § 1. Children under the age of 16 years may be bound as apprentices, clerks or servants, until they arrive at that age, with or without their consent.

WHO MAY BIND.] § 2. A minor may be bound as aforesaid by the father, with the consent of the mother, or in case of the death, habitual drunkenness, prostitution, imprisonment in the penitentiary or incapacity of the mother, or her wilful desertion of the family for six months, without her consent; or, in case of the death, habitual drunkenness, imprisonment in the penitentiary or incapacity of the father, or his desertion of the family for the space of six months, by the mother; or, in case neither father nor mother is living and free from said objections, by the guardian; or if the minor has no parent or guardian, by the judge of the county or circuit court of the county, in which the minor resides. An illegitimate minor may be bound by his or her mother, during the lifetime of the putative father, as well as after his decease.

INCAPACITY OF PARENT TRIED.] § 3. The fact of such habitual drunkenness, prostitution, imprisonment, incapacity or desertion, may be tried and found by a jury to be impeached for that purpose by the county or circuit court of the county in which the minor resides, upon such reasonable notice to the parties interested, by personal service or advertisement, as the court shall direct.

FINDING OF THE JURY.] § 4. The finding of the jury shall be indorsed upon the indenture by the judge, attested by the clerk, under the seal of the court, and shall be deemed sufficient evidence of the facts found.

BINDING BY EXECUTOR.] § 5. The executor or executors who are, or shall be, by the last will and testament of a father, directed to bring up his child to some trade or calling, shall have power to bind such child by indenture, in like manner as the father, if living, might have done; or shall raise such child according to such directions: *Provided*, this section shall not be so construed as to deprive the mother of the custody and tuition of her child, without her consent, if she be a fit and competent person to have such custody and tuition.

MINOR BEGGAR OR PAUPER.] § 6. Any child under the age of 16, who habitually begs for alms, or who is, or either of whose parents is chargeable to the county or town as having a lawful settlement therein, whereby the child has also to be supported, or who is supported there, in whole or in part, at the charge of the county or town, may be bound as an apprentice, clerk or servant until he arrives at that age, by the county board or overseers of the poor, as the case may be, with the approval of the judge of the county or circuit court.

BROUGHT BEFORE THE COURT.] § 7. The court may, on application of the county board or overseer of the poor, issue a writ requiring the sheriff, coroner or any constable of the county, to bring such minor before it, for the purpose of being so bound.

OF THE INDENTURE.] § 8. No minor shall be bound, unless by an indenture of two

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parts, sealed and delivered by both parties, and when the consent of any person or court is required, the same shall be signified, in writing, in or upon the indenture, and signed by the person or judge whose consent is required.

AGE AND TIME OF SERVICE.] § 9. The age and time of service of every apprentice or servant shall be inserted in such indentures; but if the age is unknown, then it shall be inserted according to the best information, which age shall, in relation to the term of service, be taken as the true age of such minor.

TAUGHT TO READ AND WRITE: EXPIRATION OF TERM.] § 10. In all indentures it shall be provided that the master shall cause such clerk, apprentice or servant, to be taught to read and write, and the ground rules of arithmetic; and also that at the expiration of such term of service, the master shall give to such apprentice a new bible, and two complete suits of new wearing apparel, suitable to his or her condition in life, and \$20. in money in all cases where the term of service has been one year or more.

APPRENTICES' COMPENSATION.] § 11. Every sum of money paid or agreed for, with or in relation to the binding of any clerk, apprentice or servant, as a compensation for his services, shall be inserted in the indentures, and all money or property so paid or agreed to be paid, shall be secured to, and for the sole use and benefit of the minor.

INDENTURE, COPY FILED WITH CLERK.] § 12. Whenever any minor shall be bound by other than his parent or guardian, one copy of the indentures shall be filed in the office of the clerk of the county court, for safe keeping.

MUST CONFORM TO THIS ACT.] § 13. All indentures, covenants, promises and bargains, for taking, binding or keeping any apprentice, clerk or servant, not in conformity with the provisions and requirements of this act, shall be utterly void in law, as against such clerk, apprentice or servant.

TERMS OF INDENTURE ENFORCED.] § 14. It shall be the duty of the officers or persons binding such minors, and of the judge of the county or circuit court, to see that the terms of the indentures are complied with, and that such minor is not ill used.

COMPLAINTS AGAINST MASTERS.] § 15. The judge of the circuit or county court shall at all times receive the complaints of any person against masters, alleging undeserved or immoderate correction, unwholesome food, insufficient allowance of food, raiment or lodging, want of sufficient care or physic in sickness, want of instruction in their trade or profession, or the violation of any of the agreements or covenants in the indentures of apprenticeship contained, or that the apprentice, clerk or servant is in danger of being removed out of the jurisdiction of this state; and shall cause such masters to be summoned before them, and shall, on the return of the summons, whether such master appear or not, hear and determine such cases, in a summary way, and make such order thereon, as in the judgment of the said judge will relieve the party injured in future; and shall have authority, if said judge think proper, to discharge such clerk, apprentice or servant from his apprenticeship or service; and in case any money or other thing shall have been paid, given, or contracted or agreed for by either party, in relation to the said apprenticeship or service, shall make such order concerning the same, as the said judge shall deem just and reasonable. And if the apprentice so discharged shall have been bound originally, as provided in § 6 of this act, it shall be the duty of the judge granting the discharge, again to bind him, if said judge shall think proper.

REMOVING APPRENTICE FROM THE STATE.] § 16. It shall not be lawful for any master to remove any clerk, apprentice or servant bound to him as aforesaid out of this state, without the consent of the county court; and if at any time it shall appear to any judge, or justice of the peace, upon the oath of any competent person, that any master is about to remove or cause to be removed, any such clerk, apprentice or servant out of this state, it shall be lawful for such judge or justice to issue his warrant, and to cause such master to be brought before him, and if, upon examination, it appear that such apprentice, clerk or servant is in danger of being removed without the jurisdiction of this state, the judge or justice may require the master to enter into recognizance, with sufficient security, in the sum of \$1,000., conditioned that such apprentice, clerk or servant shall not be removed without the jurisdiction of this state, and that the said master will appear with the apprentice, clerk or servant before the circuit court, at the next term thereof, and abide the decision of the court therein; which recognizance shall be returned to the circuit court, and the said court shall proceed therein, in a summary manner, and may discharge or continue the recognizance, or may require a new recognizance, and otherwise proceed

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according to law and justice. But if the master, when brought before any judge or justice, according to the provisions of this section, will not enter into a recognizance as aforesaid, if required so to do, it shall be lawful for such court or justice to discharge such clerk, apprentice or servant from such apprenticeship or service, and to award judgment against such master for costs, and for such sum as, considering the terms of the indenture and the condition of the parties, may be deemed just and reasonable.

APPRENTICE DISCHARGED.] § 17. Whenever any master of any clerk, apprentice or servant, bound by the court as aforesaid, shall wish to remove out of this state, or to quit his trade or business, it shall be lawful for him to appear with his clerk, apprentice or servant before the circuit or county court of the proper county; and such court shall have power, if deemed expedient, to discharge such clerk, apprentice or servant from the service of such master.

BOUND TO TWO: IN CASE OF DEATH.] § 18. When any person shall become bound as clerk, apprentice or servant, according to the provisions of this act, to two or more persons, and one or more of them die before the expiration of the term of service, the indentures and contracts shall survive to and against such survivors; and in case of the death of all the masters in any such indenture or contract named, before the expiration of the term of service, such clerk, apprentice or servant shall be thereby discharged from such service.

ENTICING TO RUN AWAY.] § 19. Every person who shall counsel, persuade or entice any clerk, apprentice or servant to run away, or to absent himself from the service of his master, or to rebel against or assault his master, shall forfeit and pay a sum not less than \$20., nor more than \$500., to be sued for and recovered by action on the case, with costs, by such master, in any court of competent jurisdiction.