

CAP. XXXV.

An Act in furtherance of and to regulate Juvenile Emigration from Great Britain to this Province.

Passed 22d March 1834.

Preamble.

‘ **WHEREAS** the great and increasing Demand for Labour, and the consequent high Rate of Wages in this Province, render it desirable to adopt Measures to answer the same, in a Manner less burdensome and expensive than at present : And Whereas a Society has lately been formed in England, in aid of poor Children, and for the Prevention of Juvenile Vagrancy, whereof the Right Honorable the Earl Grosvenor was President; which said Society have formed an Establishment for the Care, Education and Maintenance of poor Children therein, with a View to binding them out as Apprentices in England or to respectable Individuals in the Colonies : And Whereas in order that Persons in this Province desirous of obtaining Children from the said Institution, may be enabled to exercise a legal Right over them, after they shall have incurred Expense in bringing them to this Province, it is necessary that some Persons in the Province, be authorized to act as Guardians for such Children, and to execute Indentures of Apprenticeship to bind the said Children;’

Governor to appoint Three Commissioners to carry into Effect the Provisions of this Act.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for His Excellency the Lieutenant Governor or the Commander in Chief for the Time being, and he is hereby authorized and empowered, to appoint and nominate Three Persons as Commissioners for the Purposes hereinafter mentioned, and the same or any of them, at his Pleasure, to displace and appoint others in their Stead, or in case of the Death or Resignation of any of them, to fill up the Vacancies so occasioned; which said Commissioners are hereby vested with

with full Power and Authority to carry into Effect the several Provisions in this Act hereinafter contained.

II. And be it enacted, That the said Commissioners shall appoint a Secretary, to whom shall be forwarded all Proposals and Applications for Children to be imported under the Provisions of this Act; which said Proposals and Applications, if approved of by the said Commissioners or any Two of them, shall be forwarded by the said Commissioners to the said Society in England.

Commissioners to appoint a Secretary to whom Applications for Children shall be made.

III. And be it enacted, That whenever and so often as any Children, either male or female, shall be sent from England to this Province by the said Society, to the Care of the said Commissioners, a List of such Persons shall be forwarded and sent with them by the said Society to the said Commissioners, in which shall be particularly specified the Names and Ages, and, if known, the Parentage of each and every of such Children; and the Statements in any such List, shall be considered and taken as *prima Facie* Evidence of the Facts therein contained.

Lists specifying Names, Ages and Parentage of Children to be sent with them from England.

IV. And be it enacted, That on the Arrival of any such Children so to be sent out as aforesaid, it shall and may be lawful for the said Commissioners, or any Two of them, by and with the Consent of such Children, to be signified by their Signature to the Indenture to be made in the Presence of a Justice of the Peace for the County where the Indenture shall or may be executed, or in case of the Refusal of any of them to consent, by and with the Consent of Two of His Majesty's Justices of the Peace in the County where the Person to whom such Child or Children is or are proposed to be bound, to be signified as aforesaid, by Writing indented under their Hands and Seals, to bind out such Children as Apprentices to the Persons at whose Instance they may have been sent out, or to such other Persons as may be desirous

Commissioners to bind the Children as Apprentices, Males until 21 Years and Females until 18 Years of Age.

sirous of obtaining them, the Males until they arrive at the Age of Twenty one Years, and the Females until they arrive at the Age of Eighteen Years; their Ages to be respectively ascertained and computed according to the Statements in the Lists accompanying them as aforesaid: which said Indentures shall be and be considered good, valid and binding to all Intents and Purposes, and the said Apprentices and their Masters shall be subject and liable to the Laws now in Force, or which may hereafter be made relating to Apprentices, or indented Servants.

Commissioners to protect said Apprentices and enforce Covenants in Indentures.

V. And be it enacted, That it shall be the Duty of the said Commissioners for the Time being, to afford all lawful and necessary Protection to the said Apprentices, and to enforce the Performance of the Covenants which may be contained in any Indenture, for the Benefit of such Apprentices; and if any Person shall neglect or refuse to perform the Conditions of any Indenture to be made in pursuance of this Act, he shall be liable and subject to an Action upon such Indenture, at the Suit of the said Commissioners for the Time being, as Guardians for any such Apprentice.

Commissioners not to be liable for Expense of bringing out Children.

VI. And be it enacted, That the said Commissioners shall not be liable for any Expenses incurred in bringing out or supporting the said Children, farther than they themselves shall expressly undertake and become answerable for the same; and that any Indenture to be made by any Persons as Commissioners under this Act, shall enure to and be good, valid and binding upon, and in favor of, their Successors to be appointed as aforesaid.

Limitation.

VII. And be it enacted, That this Act shall continue and be in Force for Two Years and no longer: Provided always, that any Indenture made in pursuance of this Act shall still continue good, and valid, notwithstanding the Expiration of this Act.

Proviso.

CAP.