

WESTERN AUSTRALIA.

ANNO SECUNDO

VICTORIÆ REGINÆ,

No. 6.

An Act for appointing and authorising certain persons to be Commissioners and to act as Guardians to Emigrants, being Minors, sent to this Colony from the United Kingdom by a Society known by the style of "The Children's Friend Society."

WHEREAS a Society, entitled the Children's Friend Society, ^{Preamble.} has been formed in London for the purpose of affording relief to poor and destitute children, and the said society has formed an establishment for the care, maintenance and education of such children, with a view of binding them as apprentices in England, or to respectable individuals in the Colonies; and whereas, in order that persons in this colony desirous of obtaining the services of children from the said Institution may be enabled to exercise a legal authority over them, it is necessary that some persons be authorised to act as Guardians for and on behalf of such children, with power to apprentice or otherwise provide for them as to their said Guardians may appear most expedient;—

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Persons appointed Commissioners for the Guardianship of Juvenile Emigrants,

II. Be it therefore enacted, that from and after the passing of this Ordinance, the following persons, videlicet, the Honorable the Commandant, the Honorable the Colonial Secretary, the Honorable the Advocate General, the Honorable the Surveyor General, George Leake, Esquire, William Tanner, Esquire, Thomas Peel, Esquire, W. L. Brockman, Esquire, the Reverend J. B. Wittenoom, (Colonial Chaplain,) H. C. Sutherland, Esquire, (Collector of Colonial Revenue), James Crichton, Esquire, (Colonial Surgeon), Daniel Scott, Esquire, (Harbour Master), George F. Stone Esquire, (Sheriff), Alfred H. Stone Esquire, (Registrar Civil Court), R. M. B. Brown, Esquire, (Government Resident, Fremantle), Thomas N. Yule, Esquire, (Government Resident Middle Swan), R. H. Bland, Esquire, (Government Resident, York), J. R. Phillips, Esquire, (Government Resident Williams River), H. Bull, Esquire, (Government Resident, Leschenault), John Molloy, Esquire, (Government Resident, Augusta), Francis Whitfield, Esquire, (Government Resident, Toodyay), Major Nairn, R. Hinds, Esquire, John Hardy, Esquire, John Bussell, Esquire, John Schoales, Esquire, George Nash, Esquire, and William Burges, Esquire, be nominated and appointed Commissioners, under the style or title of "Commissioners for the Guardianship of Juvenile Emigrants," for the purposes hereinafter mentioned, three of whom, together with their Secretary, shall constitute a quorum, with full power and authority to carry into effect the provisions of this Ordinance, hereinafter named.

any three of whom, with their Secretary, to constitute a quorum.

Lists of Children to be transmitted, specifying names, age, and parentage, when known.

III. AND be it further enacted, that it shall be lawful for the said Commissioners to receive or take under their charge any children, either male or female, sent from the United Kingdom to this Colony by the Society before mentioned, unless the said Society shall transmit a list of such children, signed by the Secretary thereof, in which shall be particularly specified the names and ages, and, if known, the parentage of each and every child so sent: and the statements in such lists shall be considered and taken as *prima facie* evidence of the facts therein contained.

Commissioners empowered to bind such Children.

IV. AND be it further enacted, that on the arrival of any children sent out in the manner aforesaid, and from time to time, so often as occasion may require, it shall be lawful for the said Commissioners, or any one of them duly authorised to act in the name and on the behalf of the said Commissioners, to bind 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 of obtaining their services, and who shall have been approved of by the said Commissioners, such apprenticeship to continue in force until the child, if male, shall have attained the age of twenty-one years, and if female, until such female shall have attained the age of twenty-one years, or shall be married, continue till the age of 21 years in the case of a male, and till the age of 21 years or the time of marriage in the case of a female, except when expedient to limit it to a shorter period.

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whichever shall first happen, except in such case in which it shall be considered expedient by the said Commissioners to limit the apprenticeship to a shorter period, and the said Commissioners, or any one of them acting on behalf and by authority of the rest, shall jointly with the master or mistress of the said apprentice execute and sign a form of Indenture to contain such provisions and covenants for the protection of the interest of such apprentice as to the said Commissioners may appear desirable, which said Indenture shall be good, valid, and binding to all intents and purposes; and the said apprentices, and their masters or mistresses, shall be subject and liable to the laws now in force, or which may hereafter be made, relating to apprentices or Indentured servants other than apprenticed labourers.

V. AND be it further enacted, that any sum which shall be required by the said Commissioners to be paid and agreed by the said masters or mistresses to be paid by the said masters or mistresses as consideration for having the said apprentices so bound to them, shall be considered in the light of servant's wages, and be recoverable as such by the said Commissioners before any Justice of the Peace for the said Colony.

VI. AND be it further enacted, that it shall be the duty of the said Commissioners to afford all lawful and necessary protection to the said apprentices, and enforce the performance of the covenants contained in any Indenture for the benefit of such apprentices; and if any person shall neglect or refuse to perform the conditions of such Indenture made in pursuance of this Ordinance, he shall be liable and subject to an action or other proceeding upon such Indenture at the suit of the said Commissioners as Guardians for such Apprentice, and if on being sued for any neglect of said conditions, the Commissioners shall obtain a judgment against him or her, such person shall not shew cause to the satisfaction of the Court awarding such judgment for such neglect or refusal, he or she shall pay to the said Commissioners such damages and costs of suit as the Court in its discretion shall allow; and the said Commissioners shall, and they are hereby authorised to bring or defend any action, suit, or other proceeding touching or concerning any of the property, rights or claims of the said Commissioners or their Wards, in the name of the "Commissioners for the Guardianship of Juvenile Emigrants," without specifying the names of the Commissioners, and without other description, and no action or other proceeding shall abate by reason of the death or going out of office of any Commissioner; and that whenever it shall be necessary for the said Commissioners to execute any Deed or Instrument in writing, such Deed or Instrument shall be signed in the name of the Commissioners by some person or persons appointed for that purpose by such Commissioners, and every such Deed or Instrument, signed

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in manner herein provided, shall have the same effect in law as if it had been signed by all the Commissioners.

In case of death, resignation or absence, how vacancy to be filled up.

VII. AND be it further enacted, that upon the death, resignation or departure from the Colony of any of the Commissioners aforesaid, it shall be lawful for the remaining Commissioners to elect some fit and proper person to fill up the vacancy so created, and they are hereby required to complete the said election within twenty-eight days from the period of such vacancy being made known, and within fourteen days after the completion of the said election, to publish the name of the Commissioner so elected in the Government Gazette of this Colony, for the information and guidance of all persons whom it may concern.

Commissioners not to be liable for expenses, &c.

VII. AND be it further enacted, that the said Commissioners shall not be liable for any expenses incurred in bringing out or supporting the said children further than they themselves shall expressly undertake and become responsible for; and that any Indenture made under this Ordinance shall continue to be valid and binding upon and in favor of the Successors of such Commissioners to be appointed as aforesaid.

Commissioners to provide apartments, and provide books, &c., and appoint officers;

provided such expenditure shall have been agreed to previously by majority.

IX. AND be it further enacted, that it shall be lawful for the said Commissioners from time to time, as it may become necessary, to hire apartments, to provide furniture, books, and other necessaries, and to appoint officers and servants necessary for the transaction of the business of the said Commissioners, and to defray the costs and charges of the same respectively out of any fund which may belong or accrue to the said Commissioners as aforesaid; provided that all such expenditure, and any such appointment, shall have been previously agreed to by a majority of the entire body of the said Commissioners.

Act in force for two years.

X. AND be it further enacted, that this Act shall be and continue in force until the eighteenth day of March, one thousand eight hundred and forty-one.

JOHN HUTT,
GOVERNOR AND COMMANDER-IN-CHIEF.

Passed the Legislative Council }
the 4th day of April, 1839. }

WALKINSHAW COWAN,
Clerk of the Council.