

Passed March 4, 1763. Referred for consideration by the King in Council, December 9, 1763, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIV, Section II, and the note to the Act of Assembly passed March 26, 1762, Chapter 480. Repealed by the Act of Assembly passed February 18, 1769, Chapter 594.

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CHAPTER CCCCLXXXVI.

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AN ACT FOR THE REGULATION OF APPRENTICES WITHIN THIS PROVINCE.

Whereas great mischiefs and losses have been sustained by the masters and mistresses of apprentices within this province for want of some law to regulate their conduct and behavior during their apprenticeships, to prevent their absenting themselves from their said masters' or mistresses' service without leave, to punish them for any disorderly or immoral behavior, and to make the covenants between them mutually obligatory:

For remedy whereof:

[Section I.] Be it enacted by the Honorable James Hamilton, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of Newcastle, Kent and Sussex upon Delaware, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That all and every person or persons that at any time or times after the publication of this act shall be bound by indenture to serve as an apprentice in any art, mystery, occupation or labor with the assent of his or her parent, guardian, next friend or overseers of the poor, although such persons or any of them be within the age of twenty-one years at the time of making their several indentures, shall be bound to serve the time in their respective indentures contained, so as such time or term of years of such apprentice, if a female, do expire at or before the age of eighteen years, and if a male at or before the age of twenty-one years, as fully to all intents and purposes as

if the same apprentices were of full age at the time of making the said indentures, any law, usage or custom to the contrary notwithstanding.

[Section II.] And be it further enacted by the authority aforesaid, That if any master or mistress shall misuse, abuse or evilly treat or shall not discharge his or her duty towards his or her apprentice according to the covenants in the indentures between them made, or if the said apprentice shall abscond or absent him or herself from his or her master's or mistress's service without leave, or shall not do and discharge his or her duty to his or her master or mistress according to his or her covenants aforesaid, the said master or mistress or apprentice being aggrieved in the premises shall or may apply to any one justice of the peace of any county or city where the said master or mistress shall reside, who, after giving due notice to such master, mistress or apprentice, if he or she shall neglect or refuse to appear, shall thereupon issue his warrant for bringing him or her, the said master, mistress or apprentice, before him, and take such order and direction between the said master or mistress and apprentice as the equity and justice of the case shall require, and if the said justice shall not be able to settle and accommodate the difference and dispute between the said master or mistress and apprentice through a want of conformity in the master or mistress, then the said justice shall take a recognizance of the said master or mistress and bind him or her over to appear and answer the complaint of his or her said apprentice at the next county court of quarter sessions to be held for the said county or city and take such order with respect to such apprentice as to him shall seem just; and if through want of conformity in the said apprentice, he shall, if the master or mistress request it, take a recognizance of him or her, with one sufficient surety, for his or her appearance at the said sessions and to answer the complaint of his or her said master or mistress, or commit such apprentice for want of such surety to the common gaol or work house of the said county or city respectively; and upon such appearance of the parties and hearing of their respective proofs and allegations, the said court shall and they are hereby authorized and empowered,

if they see cause, to discharge the said apprentice of and from his or her apprenticeship, and of and from all and every the articles, covenants and agreements in his or her said indenture contained, the indenture of his or her said apprenticeship or any law or custom to the contrary notwithstanding; but if default shall be found in the said apprentice, then the said court is hereby authorized and empowered to cause, if they see sufficient occasion, such punishment, by imprisonment of the body and confinement at hard labor to be inflicted on him or her as to them, in their discretion, they shall think his or her offense or offenses shall deserve.

[Section III.] And be it further enacted by the authority aforesaid, That if any apprentice of any of the arts, trades, mysteries, occupations or labor aforesaid shall depart and abscond from his or her master's or mistress's service into [any] other county of this province or into the city of Philadelphia, it shall and may be lawful to and for any justice of the peace of such county or city to issue his warrant to any constable within his county or city to apprehend, take and have the body of such apprentice before him or some other justice of his county, and upon such appearance and hearing of the complaint and defense of the parties, if default be found in the said apprentice, then and in such case the said justice before whom such warrant shall be returned shall commit him or her to the common gaol of the county where his or her said master or mistress shall reside, unless he or she will consent to return home or shall find sufficient surety to appear at the next sessions to be held for the county where such master or mistress shall reside and answer the complaint of the said master or mistress and not to depart the same without leave.

[Section IV.] And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall harbor, conceal or entertain any such apprentice, knowing him to be such, during the space of twenty-four hours, without his or her master's or mistress's consent, and shall not give notice thereof to his or her said master or mistress, every such person or persons offending in the premises shall pay to the said master or mistress the sum of twenty shillings for every day he shall

so harbor, conceal or entertain such apprentice, to be recovered in a summary way as debts under five pounds are by law directed to be recovered if the same shall not exceed five pounds, if otherwise to be recovered by an action of debt to be brought at the suit of the party injured in any court of common pleas within this province.

[Section V.] Provided always nevertheless, That nothing in this act contained shall be deemed, held or understood to repeal, alter or change any article, clause or thing in the act of general assembly of this province, entitled "An act for establishing Orphans' courts,"<sup>1</sup> passed in the eleventh year of Queen Anne.

[Section VI.] And be it further enacted by the authority aforesaid, That this act and every article, clause and thing therein contained shall be and continue in full force for and during the space of seven years from the publication hereof and from thence to the end of the next session of assembly and no longer.

Passed March 4, 1763. Referred for consideration by the King in Council, December 9, 1763, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIV, Section II. Repealed by the Act of Assembly passed September 29, 1770, Chapter 616.

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## CHAPTER CCCCLXXXVII.

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AN ACT TO CONTINUE AN ACT, ENTITLED "AN ACT FOR REGULATING WAGONERS, CARTERS, DRAYMEN AND PORTERS WITHIN THE CITY OF PHILADELPHIA AND FOR OTHER PURPOSES THEREIN MENTIONED."<sup>1</sup>

Whereas an act of general assembly of this province, entitled "An act for regulating wagoners, carters, draymen and porters within the city of Philadelphia and for other purposes therein mentioned,"<sup>1</sup> was passed in the first year of the present reign and hath been found on experience to be of use and benefit to the

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<sup>1</sup> Passed March 27, 1712-13, Chapter 197.

<sup>1</sup> Passed March 14, 1761, Chapter 459.