

Orphans Act 1848, South Australia

1848 – 1867

Other Names: • Children's Apprenticeship Act 1848

URL: http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/sa/num_act/oa8o11a12v1848198/

Details

The Orphans Act 1848 (No 8 of 11 and 12 Vic, 1848) was passed and commenced on 10 November 1848. Its full title was: Ordinance Enacted by the Governor of South Australia, with the Advice and Consent of the Legislative Council thereof to Provide by Apprenticeship for the Protection, Guardianship, and Advancement in Life of Emigrant Orphan Children, and of other Poor Children maintained at the Public Expense. The Act was repealed by the Destitute Persons Relief Act 1866-7 on 11 January 1867.

The Orphans Act 1848 established the Children's Apprenticeship Board. This Board was made the legal guardian of all orphans and poor children maintained at the public expense, until the age of nineteen, and had the right to 'bind' children as apprentices.

The Children's Apprenticeship Act was referred to both as Act No. 8 of 1848 and as the Orphans Act, 1848. In the text of the legislation itself, it is referred to as an Ordinance.

This piece of legislation established the Children's Apprenticeship Board. This Board was made the legal guardian of all orphans and of poor children maintained at the public expense, until they reached the age of nineteen. The Board was also given the task of carrying out the requirements of the Ordinance.

The main power given to the Board by the Ordinance was the right to 'bind' children, once they had reached 'fit and proper ages' as apprentices, to a master or mistress, or to a trade or occupation. The Ordinance outlined the expectations upon all Masters and Mistresses to provide apprentices with 'sufficient and suitable Food, Bedding and Lodging and the means of Washing'. It stated that Masters or Mistress 'shall and will properly and humanely treat the said Apprentice, and pay particular attention to his or her morals'. The rate of pay for apprentices indentured in this way was set by the Board.

The Ordinance reveals a distinct bias in the way breaches of the terms of the apprenticeship were handled. A child apprentice could make complaints about ill-treatment to a Justice of the Peace and if the Master or Mistress was found to be guilty of maltreatment, they could be fined up to ten pounds. On the other hand, if a Master or Mistress reported to a Justice of the Peace that a child had misbehaved, the Justice could order that the child be punished 'by commitment to the nearest Gaol or House of Correction there to be kept in confinement on Bread and Water for any time not exceeding Fourteen days'.

The Ordinance also stated that the Board would arrange for apprentices to be visited 'from time to time' to make certain that the terms of the indenture were being fulfilled.

This Ordinance did not repeal or affect the 1844 Ordinance which provided for 'the Protection, Maintenance, and Upbringing of Orphans and other destitute Children of the Aborigines.'

More info

Chronology

- **Orphans Act 1848, South Australia (1848 – 1867)**
 - Destitute Persons Relief Act 1866, South Australia (1867 - 1872)

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