



ANNO SEPTIMO ET OCTAVO

# VICTORIÆ REGINÆ.

No. 12.---1844.

*By His Excellency GEORGE GREY, Esquire, Governor and Commander-in-Chief of Her Majesty's Province of South Australia and its Dependencies, and Vice-Admiral of the same, by and with the advice and consent of the Legislative Council.*

*AN ORDINANCE to provide for the Protection, Maintenance, and Up-bringing of Orphans and other Destitute Children of the Aborigines.*

**W**HEREAS it frequently happens that half-caste and orphan children of the Aborigines are left destitute and without proper means of support, and it is expedient to provide for the protection, maintenance, and up-bringing of such, as well as of other children of the Aborigines, whose parents or near kindred may be willing in that behalf : Preamble.

Be it therefore Enacted, by His Excellency the Governor of South Australia, with the advice and consent of the Legislative Council thereof, That it shall be lawful for any two Justices, with the consent of His Excellency the Governor and of either of the parents, if living and within the Province, but if otherwise, then without such consent, on the application of the Protector of the Aborigines, to bind by indenture and put out any half-caste or other Aboriginal child, having attained a suitable age, as an apprentice, until he shall attain the age of twenty-one years, to any master or mistress willing to receive such child in any suitable trade, business, or employment whatsoever, and every such binding shall be effectual in Law, to all intents and purposes, as if the child had been of full age, and had bound himself to be such apprentice: Provided that such two Justices, previously to executing such indenture, shall inform themselves, as fully as they can, of the child's age, which age shall be inserted in such indenture, and shall thereupon, for the purposes of this provision, be taken to be the child's true age without further proof

Two Justices may bind any half-caste or other Aboriginal child as an apprentice.

proof: Provided also, that such Justices shall see that in the indenture due and reasonable provision is made for the maintenance, clothing, and proper and humane treatment of any such apprentice.

Power of Justices  
between masters and  
apprentices.

II. And be it Enacted, That it shall be lawful for any Justice, upon complaint by any such master and mistress, or by any such apprentice, or by the Protector of Aborigines, of misbehaviour by the apprentice on the one hand, or of ill-usage by the master on the other, to issue a summons or warrant to bring the party complained of before any two Justices, who may investigate the matter, and either dismiss such complaint, or punish the party complained of, if the master by fine not exceeding Ten Pounds or imprisonment, if the apprentice by imprisonment not exceeding in either case three months; and if it shall appear to such Justices that there is or has been ill-usage by the master, or incorrigible misconduct in the apprentice, it shall be lawful for such Justices to make an order cancelling and annulling the indentures.

Assignment or revo-  
cation of indenture.

III. And be it Enacted, That in the event of the death of any such master or mistress, his or her executor or administrator may, with the approbation of the Governor, and on the recommendation of the Protector of Aborigines, assign any such indenture for the residue of the term then unexpired therein, and any two Justices may, in case of such death, or upon the application of the master or mistress, with the consent aforesaid, in case it shall appear to be for the benefit of the apprentice so to do, assign any such indenture to any other person, or may absolutely cancel the indenture, in case there shall be no such executor or administrator: Provided that in every such case of assignment, the assignee shall be as much bound to perform the several covenants of the indenture, as if he or she had been the master or mistress originally named therein.

Protector of Abo-  
rigines to visit and  
report.

IV. Provided always, and be it Enacted, That it shall be lawful for the Protector of Aborigines, or such other officer as the Governor may from time to time, by *Gazette* notice in that behalf, appoint, to visit every such apprentice, and to enter the dwelling-house or premises, where he may be employed or reside, and ascertain whether the terms of the said indentures have been fulfilled; and he shall, from time to time, make such reports to the Colonial Secretary as may be required by order of the Governor, or as he may see to be necessary, regarding the treatment and attention paid to the moral or religious welfare of the apprentice.

Protector of Abo-  
rigines to be guardian

V. And be it Enacted, That the Protector of the Aborigines of South Australia shall, by virtue of his office, be the legal guardian of every half-caste and other unprotected Aboriginal child, whose parents are dead or unknown, or either of whose parents may signify before a Magistrate his or her willingness in this behalf, until such child shall attain the age of twenty-one years; and the said Protector shall have and exercise the same powers as any guardian of infants lawfully appointed according to the order and course observed in England.

VI. And

VI. And be it Enacted, That this Ordinance shall commence and take effect from and after the passing thereof.

G. GREY,  
Governor and Commander-in-Chief.

*Passed the Legislative Council this Twenty-eighth  
day of August, 1844.*

W. L. O'HALLORAN,  
Clerk of Council.

Acts of the Parliament of South Australia [electronic resource]  
Corporate Author: South Australia

AIATSIS Library, ELECTRONIC ACCESS ONLY  
vn1622047-1x\_a.pdf