

or mistress pay the said fine or penalty, and costs, the said apprentice shall be obliged to serve during the time adjudged by the said court.

C H A P.
XLV.

XI. AND BE IT ENACTED, That no master or mistress of an apprentice, bound out within this state, shall send or carry his or her said apprentice out of the said state; and any justice of the peace, on being credibly informed, or having from his own observation good reason to suspect, that any master or mistress designs to carry or remove his or her apprentice out of this state, except mariners, shall require, demand and take recognizance of such master or mistress, with reasonable and proper security, to be forfeited in case he or she shall directly or indirectly remove or carry such apprentice out of this state; and on such master or mistress's refusal to enter into recognizance, with security as aforesaid, such justice shall discharge such apprentice from his or her master, and provide another master; as heretofore directed by this act.

Not to be carried out of the state, &c.

XII. AND BE IT ENACTED, That all that part of an act of assembly, entitled, An act for the establishment of orphans courts, (a) that directs the summoning of an orphan jury, be and is hereby repealed; and that the justices of the respective county courts shall give in charge to their grand juries, at every county court, to inquire into all matters and things, as are given in charge to the orphans jury.

Part of an act repealed, &c.

(a) February, 1777, ch. 8.

XIII. AND BE IT ENACTED, That all apprentices, except those bound to tradesmen or mechanics residing in any town, shall be compelled to perform reasonable labour in wheat, rye and hay harvests only, unless the particular contract shall be otherwise.

May be compelled to labour. &c.

XIV. AND, whereas apprentices are not, nor is it intended that they should be, assignable, and on the death of the master, the apprentice, although he has been maintained and considerably advanced in the art of his trade, is either bound out to a new master, who derives an immediate profit from his skill and labour, or is suffered to go at large, and it is reasonable that the widow of the deceased master, if he leave any, should derive some benefit from the expence, care and instruction, given the said apprentices, BE IT ENACTED, That the widow of any master of a male apprentice, bound agreeably to the directions of this act, whose time shall not have expired at the death of his master, may, with the approbation of the orphans court, if the said apprentice was bound by the trustees of the poor, by the court, or if the said apprentice was bound by his father, with the approbation of the father, assign the whole residue of the contract, on such consideration as she may agree for, to some other person of the same trade with the first master, and the new master, and the apprentice, shall be bound to perform the residue of the contract, as if the new master had been an original party thereto; and the gratuity or consideration, if any, received by the widow for such apprentice's time, shall be to her own use, and shall not be considered as assets of the deceased husband; and where female children are bound out to married men, as the qualities of their wives make a leading motive for such preference, and the girls are chiefly benefitted by the care of the wives, such apprentice girls shall serve out the residue of their time with the widow, on the death of the husband, and the widow shall make good, and strictly comply with, the terms of the contract made with her deceased husband; but if the widow shall not think proper to keep such apprentice girl, then the said widow shall carry the said apprentice to the orphans court of the county, and deliver her up, when she shall be again bound out as heretofore directed by this act.

Widow may assign apprentice, &c.

XV. AND BE IT ENACTED, That in every case where the consent of the father cannot be obtained by the widow of any deceased master to assign the residue of the contract of any apprentice, that it shall and may be lawful for any judge, or any two justices of the peace in the county where the deceased master did last reside, to appoint three persons of the same trade or occupation with the deceased master, any two of which shall have power to value, upon oath, or affirmation, the residue of the contract, and the father may make his election, either to pay the widow of the deceased master such valuation, or the widow shall have power to make the assignment without his consent, of the residue of the indenture, with the approbation of the orphans court.

Judge, &c. may appoint three persons, &c.

XVI. AND, whereas it often happens, that immediately after the decease of the master of any apprentice, the apprentice leaves his home and employment without any licence or authority, not only to his own injury, but also to the detriment of society, BE IT ENACTED, That every apprentice, whose master shall die and leave a widow, shall continue at his home and business, as well after as before the death of his master, and shall be subject to the control and directions of the widow, until order be taken therein by the county or criminal court, or justice aforesaid; and the said court-

Apprentice shall continue at his home, &c.