

CHAPTER 10
MASTER AND APPRENTICE

- § 10101. Minors May Bind Themselves.
- § 10102. Persons Who May Bind Minor With His Consent.
- § 10103. Apprenticeship, Generally.
- § 10104. Incapacity, Jury Trial.
- § 10105. Abandoned Minors Apprenticed.
- § 10106. Apprentice Kept Within Court Jurisdiction.
- § 10107. Investigation in Minors Treatment.
- § 10108. Complaints to be Heard.
- § 10109. Discharge Generally.
- § 10110. Covenant; Liability.
- § 10111. Refusal of Apprentice to do His Duty.
- § 10112. Liability Persuading Runaway.
- § 10113. Master Leaving Guam.

§ 10101. Minors May Bind Themselves.

Every minor of the age of fourteen (14) years or upwards, may be bound by indenture as an apprentice to any mechanical trade or art or the occupation of farming to the age of eighteen (18) years, if a female, or to the age of twenty-six (26) years, if a male.

SOURCE: §264 CC.

§ 10102. Persons Who May Bind Minor With His Consent.

A minor, with his consent, may be bound by his father, or, in case of his death or incompetency, or where he has willfully abandoned his family for one (1) year without making suitable provisions for their support, or is habitually intemperate in the use of intoxicants, or is a vagrant, then by his mother or legal guardian. An executor, who, by the will of the father, is directed to bring up a child to a trade or calling, has power to bind by indenture in like manner as the father might have done, if living. If a child is illegitimate, the mother alone has power to bind him. If a minor has no parent or guardian competent to act for him, he may bind himself, with the approval of the Superior Court. If the mother of a minor, whether legitimate or illegitimate, marries after his birth, she cannot bind him without the approval of such Superior Court.

SOURCE: §265 CC.

§ 10103. Apprenticeship, Generally.

**19 GCA PERSONAL RELATIONS
CH. 10 MASTER & APPRENTICE**

Every indenture of apprenticeship must be executed in duplicate, must state the age of the minor, and, except as hereinafter provided, must show that he consented thereto, must be signed by him and the person binding and the master, and when made with the approval of the Superior Court, a certified copy of the order of approval must be attached to the indenture. One copy of the indenture must be delivered to the master and the other kept for the use of the minor by his parent or guardian when executed by him, or, when made with the approval of the court, it must be filed and deposited with the clerk for safekeeping for the use of the minor. No indenture binds the minor after the death of the master, but thereafter the minor may be bound anew. Every indenture entered into otherwise than as herein provided, is, as against the apprentice, absolutely void.

SOURCE: §266 CC.

§ 10104. Incapacity, Jury Trial.

Facts of incapacity, desertion, habitual intemperance, and vagrancy must be decided in said court, before the indenture can take effect, and an endorsement on the indenture, under seal of the court, that the charge or charges are proved, is sufficient evidence of the mother's power to give such consent; but if the court does not find the charge or charges to be true, the person at whose instance such proceedings may have been had must pay all costs attending the same.

SOURCE: §267 CC.

§ 10105. Abandoned Minors Apprenticed.

When a minor is poor, homeless, chargeable to the Territory, or an outcast who has no visible means of obtaining an honest livelihood, the Superior Court may, with his consent, bind him as an apprentice during his minority. Proceedings therefor may be instituted by any citizen, and no fee must be charged by any officer for any action in connection therewith. In all indentures by the court for binding out an orphan or homeless minor as an apprentice there must be inserted, among other things, a clause to the following effect: That the master to whom such minor is bound must cause him to be taught to read and write and the ground rules of arithmetic, ratio and proportion, and must give him the requisite instruction in the different branches of his trade or calling, and at the expiration of his term of service, must give him or her Fifty Dollars (\$50.00), and two (2) whole new suits of clothes, to be worth in the aggregate at least Sixty Dollars (\$60.00).

SOURCE: §268 CC.

§ 10106. Apprentice Kept Within Court Jurisdiction.

A master must not remove his apprentice out of the Territory, and must pay and deliver to him the money, clothes, and other property to which he is entitled under the indenture of apprenticeship, to be held by him as his sole property.

SOURCE: §269 CC.

§ 10107. Investigation in Minors Treatment.

Parents and guardians and such court must, from time to time inquire into the treatment of children bound by them respectively, or with their approval, and the judges of such courts are responsible for the charge of apprentices bound by a court, or with its approval, and must defend them from all cruelty, neglect, breach of contract, or misconduct on the part of their masters.

SOURCE: §270 CC.

§ 10108. Complaints to be Heard.

The Superior Court must hear the complaints of apprentices, who reside within Guam, against their masters, alleging undeserved or immoderate correction, insufficient allowance of food, raiment, or lodging, want of instruction in the different branches of their trade or calling, or that they are in danger of being removed out of Guam, or any violation of the indenture of apprenticeship, and the court must hear and determine such case and make such order therein as will relieve the party in the future.

SOURCE: §271 CC.

§ 10109. Discharge Generally.

The Superior Court has power, where circumstances require it, to discharge an apprentice from his apprenticeship, and, in case any money or other thing has been paid or contracted to be paid by either party in relationship to the apprenticeship, the court must make such order concerning the same as seems just and reasonable. If the apprentice so discharged was originally bound by the Superior Court it must, if found necessary, again bind such minor if under age.

SOURCE: §272 CC.

§ 10110. Covenant; Liability.

Every master is liable to an action on the indenture for a breach of any covenant thereof on his part. All damages recovered in such action, after

**19 GCA PERSONAL RELATIONS
CH. 10 MASTER & APPRENTICE**

deducting necessary charges in its prosecution, belong to the minor, and must be applied and appropriated to his use by the person recovering it in his behalf, and must be paid to the minor, if a male, at the age of twenty-one (21) years, and if a female, at the age of eighteen (18) years. If no action is brought during the minority of the apprentice, it may be commenced by him in his own name at any time within two (2) years after his coming of age.

SOURCE: §273 CC.

§ 10111. Refusal of Apprentice to do His Duty.

An apprentice who is guilty of any gross misbehavior, or refusal to do his duty, or willful neglect thereof, is liable to the complaint of his master in the Superior Court. Such complaint must set forth the circumstances of the case, and have attached thereto a citation, signed by the clerk of the court, requiring him and all persons who have covenanted in his behalf to appear and answer the complaint within ten (10) days after the service thereof. The complaint and citation must be served in the manner required for serving civil process. When the parties have answered or when, though they have not answered, the time therefor allowed after the service of the complaint has expired, the court must proceed to hear and determine the cause, and, if the evidence warrants it, may render judgment that the master be discharged from the contract or apprenticeship and for costs of suit. Such costs may be recovered from the parent or guardian of the minor, if there is any who signed the indenture, and execution therefor may issue accordingly. If there is no parent or guardian liable for such costs, the execution may be issued therefor against the minor, or the amount thereof may be recovered in an action against him after he arrives at full age. He is also liable to the master in an action on the indenture for the breach of any covenant on the part of the apprentice contained therein, committed before the master was discharged from the indenture.

SOURCE: §274 CC.

§ 10112. Liability Persuading Runaway.

It is unlawful for any person to entice, counsel, or persuade to run away, any apprentice, or to harbor, or conceal him knowing him to be a runaway. Any party so offending is guilty of a violation, and may be fined not more than One Hundred Dollars (\$100.00), to be recovered by the master in any court having jurisdiction.

SOURCE: §275 CC as amended by P.L. 13-187:3.

§ 10113. Master Leaving Guam.

**19 GCA PERSONAL RELATIONS
CH. 10 MASTER & APPRENTICE**

Whenever any master wishes to remove out of Guam, or to quit his trade or business, he must appear with his apprentice before the Superior Court, and if the court is satisfied that the master has done justice to the apprentice for the time he has had charge of him, the court has power to discharge the master from the indenture and to again bind the apprentice, if necessary.

SOURCE: §276 CC.

NOTE: *Island Court* changed to *Superior Court* in this Chapter as authorized by P.L. 12-85.
