

The Provincial Statutes of Lower-Canada, Being the second session of the fifteenth Provincial Parliament of Lower-Canada. Quebec: John Carleton Fisher & William Kemble, Law Printer to the King's Most Excellent Majesty, 1836.

6 William IV – Chapter 27

An Act for the more easy and less expensive decision of differences between Masters and Mistresses and their Servants, Apprentices, and Labourers, in the Country parts of this Province. (21st March, 1836.)

Whereas it is expedient that the Justices of the Peace residing in the Country Parishes, extra parochial places, Seigniories [Seigneuries] or Townships in each District of this Province, should be empowered to decide the differences which arise between Masters and Mistresses and their Apprentices, Servants, and Journeymen, in the several Country Parishes, extra-parochial places, Seigniories, or Townships in this Province (the Parishes of Quebec, Montreal and Three-Rivers [Trois-Rivières] excepted,) for the purpose of avoiding the great expenses attendant on the decision of causes of the kind aforesaid, in the Towns:—Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America;' And to make further provision for the Government of the said Province;" and it is hereby enacted by the authority of the same, that from, and after the passing of this Act, the following Rules and Regulations concerning Masters and Mistresses, Apprentices, Servants, and Journeymen, shall be obeyed and executed in all the Country Parishes, extra parochial places, Seigniories, or Townships of this Province, (the Parishes of Quebec, Montreal and Three-Rivers excepted) that is to say:—Firstly—That if any Apprentice or Servant of either sex, or Journeyman, who may be bound by Act of Indenture, or other written contract, for a longer time than one month, or by verbal agreement for one month, or for any shorter or longer period, shall be guilty of ill behaviour, refractory conduct, idleness, absence without leave, or dissipating his or her Master's, Mistresses or Employer's effects, or of any unlawful act that may affect the interest, or disturb the domestic arrangements of such Master, Mistress, or such employer; such Apprentice, Servant, or Journeyman, may, upon complaint, and due proof thereof made by such Master, Mistress or employer, before two Justices of the Peace, at a special sitting, be by such Justices sentenced to pay a sum not exceeding two pounds ten shillings currency, and in default of payment, to be imprisoned in the common gaol of the District, or in the house of correction, for a term not exceeding fifteen days. Secondly, that if any such Apprentice, Servant, or Journeyman, bound or engaged as aforesaid, has any just cause of complaint against his or her Master, Mistress, or employer, for any misuse, defect of sufficient and wholesome provisions, or for cruelty or other ill-treatment, or other matter of the same kind, such Master, Mistress, or employer may be prosecuted before two Justices of

the Peace; and if the complaint shall appear to be well founded, such Justices of the Peace may condemn such Master, Mistress, or employer, to pay a penalty not exceeding two pounds ten shillings currency. Thirdly, that on complaint made by any Master, Mistress, or employer, against his or her Apprentice, Servant, or Journeyman; or by any Apprentice, Servant, or Journeyman, against his or her Master, Mistress, or employer, of continued misusage, and repeated violations of the ordinary and established duties of the parties towards each other, any Justice of the Peace, at a special sitting, may, on due proof of the fact, annul the agreement or contract (whether verbal or written) by which such Master, Mistress, or employer, and such Apprentice, Servant, or Journeyman may be bound to each other. Fourthly, that any Apprentice, Servant, or Journeyman who shall absent himself or herself, without leave, or shall altogether desert the service of such Master, or Mistress, or employer, shall, upon due proof of the fact, be condemned to make such time good to his Master or Mistress or employer; or in case of default on the part of such Apprentice, Servant, or Journeyman, so to do, he or she may be apprehended on the warrant of the Justice of the Peace, and committed (to the common gaol of the District, or to the house of correction, for a time not exceeding fifteen days. Fifthly, that if any such Apprentice, Servant, or Journeyman, shall absent himself or herself, by day or by night, without leave, or shall altogether desert the service, of his or her Master, Mistress, or employer, such Apprentice, Servant, or Journeyman shall be proceeded against by warrant, under the hand and seal of any one Justice of the Peace. Sixthly, that if any person shall knowingly harbour or conceal any such Apprentice, Servant, or Journeyman, engaged as aforesaid, who may have deserted from the service of his or her Master, Mistress, or employer, such person shall incur and pay a penalty not exceeding two pounds ten shillings currency, to be recovered, as aforesaid, before any two Justices of the Peace in Special Session. Seventhly, that no such Master and Mistress shall take and carry out of the District in which they reside, any such Apprentice or Servant, without the consent of such Apprentice or Servant, (or his or her parents or guardians, if a minor), except such as may be bound to the sea service. Eighthly, that if any person shall knowingly entice, by any means whatever, any such Apprentice, Servant, or Journeyman, so engaged as aforesaid, to depart from the service of his or her Master, or Mistress, or employer, and that in consequence such Apprentice, Servant, or Journeyman shall depart from such service, any person or persons so offending shall be liable to a penalty not exceeding two pounds ten shillings currency, to be recovered as aforesaid, or in default of payment, shall be imprisoned in the common gaol of the District, or in the house of correction, for a time not exceeding one month. Ninthly, that in all verbal agreements between Masters, Mistresses, or employers, and the Servants and Journeymen, for any longer period than a month, the party who shall not intend to continue the engagement beyond the term so agreed upon, shall be bound to give the other party fifteen days notice at least to that effect, otherwise the agreement shall be held to have been continued for one month, from the date of such notice; the whole under a penalty of two pounds ten shillings currency, and in default of payment of imprisonment in the common gaol of the District, or in the house of correction, during a period not exceeding fifteen days.

II. And be it further enacted by the authority aforesaid, that in case of the nonpayment of the penalties aforesaid, with costs, within fifteen days after conviction, it shall be the duty of either of the Justices of the Peace, before whom such conviction shall have taken place, to issue his warrant, addressed to any Constable or Bailiff whomsoever, to cause the amount of such penalty and costs to be levied according to Law, in the ordinary manner, and (in case of non-payment) by the seizure and sale of the goods and chattels of the Defendant; or it shall be lawful for such Justice of the Peace to commit such person to gaol or to the house of correction, for a period not exceeding fifteen days; and such imprisonment shall be in the place and stead of the penalty.

III. And be it further enacted by the authority aforesaid, that all penalties imposed by this Act, shall be paid into the hands of the Receiver General of this Province, there to be at the disposal of the Provincial Legislature, and shall be accounted for to His Majesty; his Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, his Heirs and Successors shall be pleased to direct.

IV. And be it further enacted by the authority aforesaid, that every prosecution for any offence against the provisions of this Act, shall be commenced within, three Calendar months after the offence shall have been committed, and not afterwards.

V. And be it further enacted by the authority aforesaid, that it shall be the duty of the senior Captain of Militia, in each Parish, Seignior, or Township, to cause this Act to be read and published every year at the door of the Church of the Parish, on the first Sunday in the month of May, immediately after Divine Service, in the forenoon.

VI. And be it further enacted by the authority aforesaid, that this Act shall be and remain in force until the first day of May, one thousand eight hundred and forty, and no longer.