

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Tuesday the 28th of May 1765 in the Fifth Year of His Majesty's Reign.

5 George III – Chapter 7

An act for Regulating Servants.

Whereas great damage and inconveniences have arisen, and daily do arise by apprentices and bound and hired servants, deserting and leaving their service without a legal discharge; for prevention whereof.

Be it enacted by the governor, council and assembly, that from and after the publication hereof, all servants bound by indenture, or hired servants, for any time not less than six months, at the expiration of the term for which they were bound or hired to serve, shall have from their master or mistress a certificate or discharge of such servants having serv'd his or her time, which shall be a sufficient warrant for any person to entertain or take such servant into his or her service, and the person hiring such servant, shall take his or her certificate or discharge, and keep it until the time they contracted for, be expired, and if any person shall knowingly take into his or her service, (or knowingly harbour or entertain) any person, who has been in any former service, without such certificate or discharge, such person being thereof convicted at the general sessions of the peace held for the county or place, where such offence shall be committed, shall forfeit ten pounds to be levied by distress and sale of the offenders goods and chattles, by warrant from such general sessions, one moiety of which forfeiture, shall be to the poor of the township where the offender resides, and the other moiety to the informer who, shall discover and prosecute the same.

Provided always, that in case any person shall refuse to give his or her servant a certificate or discharge as aforesaid, such servant may apply to some neighbouring justice of the peace of the county wherein such master or mistress inhabits, who shall give notice to the master or mistress of such servant, and require from them respectively the reason, why such servant is refused such discharge and certificate of his or her service, and in case no regard be paid to such notice within five days, or that the justice shall sooner by a reply to such notice, find that the cause of the refusal of such discharge or certificate was not sufficient, the said justice is required to give a certificate thereof, or of such reasons as the master or mistress gave for refusing such discharge or certificate, that such person who is about to hire such servant, may be apprized of such servants behaviour, and judge thereof before he or she hires such servant, for which certificate no fee shall be paid, and the said certificate shall be as good as if the same had been give by such master or mistress, and any servant who shall be convicted of counterfeiting or producing a counterfeited certificate, under the hand of any master or mistress, or justice of the peace, by the oath of one or more witnesses, or by such servants own confession, before two of his Majesty's justices of the peace, shall be publicly whipp'd at the discretion of such justices.

And be it further enacted, that all bound or hired servants as aforesaid, who shall desert or absent themselves from their master or mistress's service, shall be liable to make satisfaction by service, after the time by indenture or agreement is expired, double their time of service so neglected, and if the time of their desertion or absence was at seed time or harvest, or during the fishing season, and the charge of recovering them, extraordinary, the court of general sessions of the peace, before whom the complaint shall be made, shall adjudge a longer time of service proportionable to the damage the master shall make appear he hath sustained.

And whereas the adjudging the time such bound or hired servant should serve is often referred until the time by indenture or agreement is expired, when the measure of such further service may be rendered difficult to ascertain.

Be it enacted, that the master or mistress of any servant so deserting or absenting themselves, that intends to take the benefit of this act, shall so soon as he or she hath recover'd such servant, carry him or her to some one of his Majesty's justices of the peace, and there declare and prove the time of his or her absence, and the charge he hath been at in his or her recovery, which justice thereupon shall grant his certificate thereof, and the court shall and may on such certificate, pass judgment for the time such servants so deserting or absenting themselves, shall serve for his or her absence.

And be it also enacted, that every master or mistress shall provide for his or her servant according to the tenor of their agreement, and any bound or hired servant as aforesaid, having just cause of complaint against his or her master or mistress, for cruel and bad usage, may and shall on application to two of his Majesty's justices of peace, be heard concerning the same, provided such complaint be made within a reasonable time, not exceeding ten days after the cause given, unless such servant is prevented by his or her master or mistress or by sickness, and if the said justices shall find by sufficient proof, that the said servants cause of complaint is well founded, the said justices are hereby requir'd to make an order for the relief of such servant by discharging him or her from their service or otherwise, as they may see fit, and if either party shall not be satisfied with the order of the said two justices, they may appeal to the next court of general sessions of the peace, where the matter shall be finally determined.

And be it also further enacted, that no master of any private ship or vessel of war, or master of any merchant ship or vessel, carrying into, tarrying or abiding in or going forth from any port, harbor, or place within this province, shall receive, harbor, entertain, conceal or secure on board such ship or vessel, or suffer to be there harbour'd or detained, any bound or hired servant as aforesaid, knowing them to be such, without licence or consent of his or her master or mistress in writing, under his or her hand, first had and obtain'd, on pain of forfeiting ten pounds for every such offence, which forfeiture shall be applied and disposed of, as is directed in, and by the first clause of this act, and shall and may be recover'd by bill, plaint or information in any of his Majesty's courts of record in this province.

“And whereas it often happens, that indented apprentices or servants are contracted within Great Britain, Ireland, or other of his Majesty’s dominions, and imported into this province, and there assigned over to the inhabitants thereof, without the previous knowledge or consent of such apprentice or servant,”

Be it therefore enacted, that before any inhabitant shall accept of the assignment of any such indenture, he shall with the parties go before some one or more of his Majesty’s justices of the peace, who shall examine whether the indenture proposed to be assign’d, be made and execution agreeable to law, and whether the apprentice or servant has any legal objection to the assignment thereof, and to determine the validity of such objections, a certificate of which judgment shall be recorded by said justice or justices.

And be it further enacted, that if any servant shall engage, and contract himself with any person or persons carrying on the fishery, in the capacity of a salter, splitter, or shoresman, and shall upon trial be found incapable, and unqualified to discharged the duty of the station, for which he shall have contracted himself, such servant upon due proof of his incapacity before any one of his Majesty’s justices of the peace, shall forfeit and loose all wages due to him, for his service in such employment, whereof he shall be so found incapable.

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