

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1786. Saint John, NB: J. Ryan, 1786.

26 George III – Chapter 37

An Act for regulating Servants

Whereas damage and inconvenience may arise from apprentices and indented servants leaving the service of their masters without a proper discharge.

II. Be it enacted by the Governor, Council and Assembly, That from and after the publication of this act, all servants or apprentices bound by indenture, shall at the expiration of the term for which they are engaged, require and receive from their master or mistress a discharge or certificate of such servants having served his or her time.

III. And if any person shall knowingly hire or harbour any indented servant or apprentice till he or she shall produce such certificate or discharge, such persons so offending and being thereof convicted before the general session of the peace, shall forfeit and pay five pounds to be levied by distress and sale of the offender's goods and chattels, by warrant from such general sessions, one half of which shall be to the prosecutor, and the other half for the benefit of the county where the same shall be recovered.

IV. And all indented servants and apprentices as aforesaid, who shall absent themselves from their service, shall be liable to make satisfaction by service after the time of their indenture is expired, double the time of service so neglected, and if their absence was in seed time or harvest, or the charge of recovering them be extraordinary, the court before whom complaint is made, shall adjudge a longer time of service proportionable to the damage the master shall make it appear he has sustained.

V. And in case any person shall refuse his or her servant a certificate or discharge as aforesaid, such servant may apply to one of his Majesty's justices of the peace in the county where said master or mistress does reside, who shall give notice to said master or mistress, and require the reasons for such refusal, and in case no regard is paid to such notice within five days, or the justice by a reply shall find no sufficient cause for such refusal, he shall without any fee, give such servant a certificate to that purpose, which shall be a sufficient discharge from said indenture. And if any person shall be convicted of making use of a false certificate upon oath before any two of his Majesty's justices of the peace, he shall be publicly whip'd not exceeding thirty stripes at the discretion of said justices.

VI. And be it further enacted, That before any indenture is finally concluded, or assigned over, the parties shall go before one of his Majesty's justices of the peace, who shall examine whether the apprentice or servant has any just objection to such

indenture or assignment thereof, and if he has not, shall give a certificate on the indenture accordingly.

VII. And be it further enacted, That no master of any ship or vessel shall receive, harbour, or conceal, on board, any indented servant or apprentice, on pain of forfeiting ten pounds for every such offence, to be recovered and applied as aforesaid.

VIII. And be it further enacted, That every master or mistress shall provide for his or her servant or apprentice according to the full tenor of their agreement.

IX. And every servant or apprentice having just cause of complaint for the non-performance of such agreement, or for hard or cruel usage. may and shall on application to any two of his Majesty's justices of the peace, be heard concerning the same, and if said justices shall find sufficient cause of complaint, they are hereby empowered and required to make an order for the relief of said servant or apprentice, by a discharge from their service or otherwise as they may see fit.

X. And if either party shall not be satisfied with the order of said justices, appeal may be had to the next general sessions of the peace where the matter shall be finally determined.

XI. And be it further enacted, That it shall not be lawful for any merchant, trader, tavern-keeper or other person whatsoever, to sell upon credit to any indented servant or apprentice, and all actions commenced against such persons, shall and are hereby declared to be void and of no effect.