

Laws of Her Majesty's Province of Upper Canada, passed in the year 1849. Montreal: Stewart Derbyshire & George Desbarats, 1849.

12 Victoria – Chapter 55

An Act to amend an Act relating to Masters and Servants in the Country parts of Lower-Canada.

Whereas it is expedient to repeal the Act hereinafter mentioned, and to make better provision for the decision of differences arising in the country parts of Lower-Canada, between Masters and Mistresses, and their Apprentices, Servants, Journeymen or Labourers: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower-Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Act of the Legislature of Lower-Canada, passed in the sixth year of the Reign of His late Majesty King William the Fourth, and intituled, *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and their Servants, Apprentices and Labourers, in the country parts of this Province*, shall be and is hereby repealed.

II. And be it enacted, That this Act shall apply to those parts of Lower-Canada which are not within the Cities of Quebec or Montreal, or the Town of Three-Rivers, and to no other part of this Province.

III. And be it enacted, That any and all Apprentices or Servants of either sex, or Journeymen or Labourers bound by Act of Indenture or written contract or agreement, and all Servants of either sex, or Journeymen or Labourers verbally engaged before one or more witnesses for one month or for any longer or shorter period, who shall be guilty of ill behaviour, refractory conduct, or idleness or of deserting from their service or duties, or of absenting themselves by day or night without leave, from their said service, or from the house or residence of their employers, or who shall refuse or neglect to perform their just duties, or to obey the lawful commands which shall be given them by their Masters or Mistresses, or of any unlawful act that may affect the interest of their said Masters or Mistresses, or who shall be guilty of dissipating their Masters' or Mistresses' property or effects,—shall be liable, upon conviction before any Justice of the peace, to a penalty not exceeding Five pounds currency, or to an imprisonment not exceeding thirty days, for each and every offence, or both.

IV. And be it enacted, That every Domestic Servant, Journeyman or Labourer, engaged for a fixed period by the month or for a longer space of time, and not by the piece or job, who shall intend to quit the service in which he or she shall be during that time engaged, shall give or cause to be given notice of such intention, at least one month before the expiration of such agreement; and if any of the said persons shall quit the service without giving such notice, he or she shall be considered as having deserted from the said service, and be punished accordingly; and every Master, Mistress or Employer, shall give to his or her Servants, Journeymen or Labourers like

notice of his or her intention no longer to keep or employ them after the expiration of their time of service; Provided always, that every Domestic Servant, Journeyman and Labourer, engaged for a time, may be discharged by his or her Master, Mistress or employer, at or before the expiration of his or her engagement, without notice, upon full payment of the wages which he or she would have received for the full time of his or her service; if the time shall be expired, the person so discharged without notice shall be entitled to wages for the full time included between the day when such notice should have been given, and the day of his or her discharge as aforesaid.

V. And be it enacted, That any Master or Mistress who may discharge their Servant without paying their wages as aforesaid, shall incur a penalty not exceeding five pounds, and the Justice of the Peace may allow the Servant such portion of the fine as he shall consider to be a reasonable compensation for the injury incurred by such Servant, and shall moreover condemn the said Master or Mistress to pay to the said Servant the amount of wages to which he may be entitled.

VI. And be it enacted, That any and every Domestic Servant, Journeyman or Labourer, engaged by the month or longer space of time, or by the piece or job, who shall desert or abandon the service or job for which he, she or they shall have been engaged, before the time agreed upon, shall for each and every offence be liable to a fine or penalty not exceeding five pounds currency, or to an imprisonment not exceeding thirty days, or to both.

VII. And be it enacted, That any and all persons knowingly harbouring or concealing any Apprentice or Servant engaged by written act or agreement, who shall have abandoned the service of his or her Master or Mistress, or instigating or engaging any Apprentice or Servant to abandon such service, or keeping such Servant in his or her service after being informed of the fact, shall be liable to a fine or penalty not exceeding five pounds currency, or to an imprisonment not exceeding thirty days, or to both, for each and every offence.

VIII. And be it enacted, That all complaints founded upon contravention of any of the four next preceding sections of this Act, may be heard and determined before any one Justice of the Peace, who may by Warrant or Summons require the attendance of the offender before him, and upon the offender being brought up under Warrant or if summoned, upon proof of the service of such Summons, may either in the absence or presence of the offender, determine such complaint in a summary manner, on the oath of any one or more credible witness or witnesses to be sworn before him, and may if the offender be convicted, sentence such offender to the penalty or imprisonment or both hereby imposed for the offence, and may commit such offender to Gaol accordingly, and levy such penalty by Warrant of distress and sale of the offender's goods and chattels: Provided always, that the Warrant of distress shall not issue if sufficient security be offered for the payment of the fine and costs within a period of fifteen days.

IX. And be it enacted, That any Apprentice, Domestic Servant or Journeyman, bound or engaged as aforesaid, having any just cause or complaint against his or her Master, Mistress or Employer, for any misusage, defect of sufficient wholesome provisions or food, or for cruelty or ill-treatment of any kind, may cause such Master or Mistress to be summoned and to appear before one of the nearest Justices of the Peace to the residence of the party complained against, to answer the

complaint to be preferred against him, her or them, by such Apprentice, Domestic Servant or Journeyman; and any and every Master or Mistress, convicted upon such complaint of any offence aforesaid, towards his, her or their Apprentice, Domestic Servant or Journeyman, shall upon each and every conviction be liable to a penalty not exceeding five pounds currency, or to an imprisonment not exceeding thirty days; such complaint to be heard and determined, and such penalty levied, or such imprisonment enforced in the manner provided by the next preceding Section of this Act.

X. And be it enacted, That upon complaint by any Master, Mistress or Employer, against his, her or their Apprentice, Servant or Journeyman, or by any Apprentice, Servant or Journeyman, against his, her or their Master, Mistress or Employer, of continued mis-conduct or mis-usage, and of repeated violations of the ordinary and established duties of the parties towards each other, or of incapacity to perform the services for which they are hired, any two Justices of the Peace may at a special sitting, upon due proof of the facts, annul the contract or agreement, whether written or verbal, by which such Master, Mistress or Employer, and such Apprentice, Servant or Journeyman may be bound to each other.

XI. And be it enacted, That all penalties imposed by this Act shall be paid to the Municipality having jurisdiction over the Parish or Township wherein the offence is committed, except as hereinbefore provided.

XII. And be it enacted, That every prosecution for any offence against the provisions of this Act shall be commenced within three calendar months after the offence has been committed, and not after.