

Laws of Her Majesty's Province of United Canada, passed in the year 1851. York: Stewart Derbyshire and George Desbarts, 1851.

14 & 15 Victoria – Chapter 11

An Act to amend the Law relating to Apprentices and Minors. 2d August, 1851.

Whereas there is no Statute in force in that part of this Province called Upper Canada, to provide for binding Apprentices for a less term than seven years; and whereas it would promote the general interest of society if shorter terms of Apprenticeship were made legal, and the law relating to Apprentices more clearly defined: 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 from and after the passing of this Act, it shall and may be lawful for any parent, guardian, or other person having the care or charge of any Minor, not under the age of fourteen years, with the consent of such Minor, to put and bind the same as an Apprentice by written Indenture, to any Master Mechanic, Farmer, or other person carrying on any trade or calling for any term not to extend beyond the minority of such Apprentice.

II. And be it enacted, That in any City or incorporated Town, it shall and may be lawful for the Mayor, Recorder, or Police Magistrate, and in any County or Union of Counties, it shall and may be lawful for the Chairman of and at any Court of General Quarter Sessions of the Peace, to put and bind as aforesaid, to any Master Mechanic, Farmer or other person as aforesaid, with the consent of such person, and with the consent of the Minor, any Minor who may be an orphan, or who may be deserted by his or her parents or guardian, or whose parents or guardian may for the time be committed to any common gaol or house of correction, or any Minor who may be dependant upon any public charity for support; and such Apprentice and the Master of such Apprentice shall severally be held in the same manner as if such Apprentice had been bound by his or her parent.

III. And be it enacted, That if any Master of any such Apprentice shall die, such Apprentice shall by Act of Law, be transferred to the party, if any such there be, who shall continue the establishment of the deceased Master, and such party shall hold such Apprentice upon the same terms as his Master if alive would have done, and any Master may legally transfer his Apprentice to any person competent to receive or take any Apprentice; Provided always, that no Master shall transfer his Apprentice except to another carrying on the same kind of business as himself.

IV. And be it enacted, That every Master shall provide suitable board, lodging and clothing, or such equivalent therefor as may be mentioned in the Indenture, to his Apprentice during the term of his Apprenticeship, and shall also properly teach and instruct, or cause him to be taught and instructed in the art and mystery of his trade or calling.

V. And be it enacted, That every Apprentice shall, during the term of his Apprenticeship, faithfully serve his Master, shall obey all lawful and reasonable commands, and shall not absent himself from his service, day or night, without his consent.

VI. And be it enacted, That any Justice of the Peace, Mayor, or Police Magistrate, shall have power, on complaint made before him on oath, by any Apprentice against his Master for any refusal of necessary provisions, misusage, cruelty or ill-treatment, after having duly summoned such Master to appear before him to answer to the complaint, to hear and determine such complaint, and on conviction to levy such fine on the offender not exceeding the sum of Five Pounds currency, as to such Justice, Mayor, or Police Magistrate may seem meet, and to issue distress to collect such fine and the necessary costs, and in default of satisfaction of such distress, to imprison the offender in any common gaol for a term not exceeding one month. And any of the said Justices, Mayor, or Police Magistrate shall have power also, on complaint of any Master against his Apprentice for refusal to obey his commands, for waste or damage to property, or for any other improper conduct, to cause such Apprentice to come before him, and to hear and determine such complaint, and on conviction, to order such Apprentice to be imprisoned in any common gaol or house of correction for any time not exceeding one month.

VII. And be it enacted, That if any Apprentice shall absent himself from his Master's service or employment before the time of his Apprenticeship shall be expired, he shall at any time thereafter, wherever he shall be found in this Province, be liable and may be compelled to serve his Master for so long a time as he shall have so absented himself from his service, unless he shall make satisfaction to his Master for the loss he shall have sustained by his absence from his service. And in case such Apprentice shall refuse to serve as hereby required, or to make such satisfaction to his Master as aforesaid, or in case any such Apprentice refuse to obey the lawful commands of his Master, or in any other way or manner refuse to perform his duty to his Master, or neglect to perform the same, such Master, or his overseer or agent, may complain on oath to any Justice of the Peace, Mayor, or Police Magistrate, either in the County, City or Town where such Master resides, or in any County, City or Town where such absconding Apprentice may be found; and any such Justice, Mayor, or Police Magistrate may, by Warrant under his hand and seal, cause such Apprentice to be apprehended and brought before him, or some other Justice of the Peace, and upon hearing the complaint, may determine what satisfaction shall be made by such Apprentice to his Master: And in case such Apprentice shall not give or make such satisfaction immediately, or if the satisfaction be of such a nature as not to allow of immediate performance, give sufficient surety to make such satisfaction, then in either case it shall be lawful for such Justice, Mayor, or Police Magistrate to commit such Apprentice to the common gaol, or House of Correction of such County, City or Town, for any time not exceeding three months: Provided always, that such imprisonment shall not release such Apprentice from his obligation to make up his lost time to his Master as aforesaid: And provided also, that where such Apprentice shall not have left that part of this Province called Upper Canada, or having left it, shall return thereto, such Master shall not proceed under this Act against such Apprentice, except within three years next after the expiration of the term for which such Apprentice shall have contracted to serve, or next after such his return, as the case may be.

VIII. And be it enacted, That any person who shall knowingly harbor or employ any absconding Apprentice, shall be liable to pay to the Master of such Apprentice the full value of such Apprentice's labor, which value shall be deemed and taken to be the value which such Master would have received from the labor and service of such Apprentice if he had continued faithfully in his service, which may be recovered in any Court having jurisdiction where such Apprentice may be employed, or where his Master may reside.

IX. And be it enacted, That if any Apprentice shall become insane, or be convicted of any crime of the degree of felony, or be sentenced to the Provincial Penitentiary, or abscond, his Master may avoid the indenture of Apprenticeship, from the time he shall give notice in writing of his intention so to do to the other parties to the indenture, either by serving them with such notice or copy thereof, or by inserting the same in some newspaper of the County or City where such Master's establishment is situated, or in the Canada Gazette: Provided always, such Master make such election within one month after the happening of the event upon which such right of election arises, but not otherwise.

X. And be it enacted, That the provisions of a certain Act of the Parliament of this Province, passed in the Session thereof held in the thirteenth and fourteenth years of the reign of our Sovereign Lady Queen Victoria, intituled, *An Act to extend the right of appeal in certain cases in Upper Canada*, shall be held to extend and apply to all cases arising under this Act, or having any reference thereto.

XI. And be it enacted, That nothing in this Act shall, be construed to deprive the Court of Quarter Sessions of primary jurisdiction over offences committed against this Act, but that whenever the said Court of Quarter Sessions shall be called upon to adjudicate in any matter or case arising under this Act, in addition to the powers now possessed by such Court, it shall have power and discretion in cases where it shall appear necessary for the full and perfect administration of justice, to annul any Apprenticeship, and compel the parties to the indenture of Apprenticeship to deliver the same up to be cancelled, and make such further order as the circumstances may require.

XII. And be it enacted, That all fines imposed and collected under this Act shall be paid to the Chamberlain of the City, or to the Treasurer of the County or Town respectively, where the offence was committed.

XIII. And be it enacted, That the word "Master," when it occurs in this Act, shall include any person or number of persons, male or female, carrying on business singly or in copartnership; and words importing the singular number or masculine gender, shall include several persons, and males as well as females, unless there be something in the subject inconsistent with such interpretation.

XIV. And be it enacted, That any Minor over the age of sixteen years having no parent or legal guardian, or who shall not reside with his parent or guardian, who shall, after the passing of this Act, enter into any engagement written or verbal to perform any service or work, shall be subject

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to the same legal provisions, and have the same benefit as if such Minor had been of legal age at the time of making such agreement.

XV. And be it enacted, That this Act shall extend only to Upper Canada.