

adding, after the first paragraph of the said section, the following :

Amounts re-  
tained return-  
ed if employe  
leaves service  
before having  
right to pen-  
sion.

“ If a person is obliged, through physical or mental infirmity, to leave the civil service before the time when a pension could be granted to him, the amounts that have been retained from his salary or stipend shall be immediately paid over to him, or if he dies before that time, such sums so retained shall be paid over to his wife or to his children, if he leaves no wife.

40 Vic., c. 10,  
s. 16, replaced

7. Section 16 of the said act is repealed and replaced by the following :

Payment of  
pensions.

“ 16. The pensions to be paid in accordance with the present Act shall be paid out of the Consolidated Revenue Fund of the Province.”

Pension Fund  
transferred to  
Consolidated  
Revenue Fund

8. The special fund called the: “ Pension Fund,” established by the Act 40 Vict., chap. 10, section 6, is hereby transferred to the Consolidated Revenue Fund of the Province, to form part thereof.

Act in force.

9 This Act shall come into force on the day of its sanction.

## C A P. X V .

An Act respecting Masters and Servants.

[Assented to 30th June, 1881.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Punishment of  
servants, &c.,  
for miscen-  
duct, &c.

1. Any apprentice, servant, journeyman or laborer, bound by act of indenture, or written contract or agreement, or verbally before one or more witnesses, for one month or for any longer or shorter period, who refuses or neglects to enter the service of his master, at the time agreed upon, or who is guilty of ill-behaviour, refractory conduct or idleness, or of deserting from his service or duties, or of absenting himself by day or night, without leave, from his said service, or from the house or residence of his employer, or who refuses or neglects to perform his just duties, or to obey the lawful commands which may be given him by his master or mistress, or who is guilty of dissipating his master's or mistress' property or effects, or of any unlawful act that may affect the interest of his master or mistress, shall be liable to a penalty not exceeding twenty dollars.

**2.** Any domestic, servant, journeyman or laborer, engaged by the month, or longer space of time, or by the piece or job, who deserts or abandons the service or job for which he was engaged, before the time agreed upon, shall, for each offence of such nature, be liable to the penalty provided in the next preceding section.

Punishment for desertion.

**3.** In every case of contravention against the two preceding sections, on the part of any servant or laborer engaged to work or serve in the woods and forests of this province, for the making of saw-logs or the manufacture of square or other commercial timber, or firewood of any kind, the contravening party may be prosecuted and convicted before any justice of the peace of the judicial district wherein he shall have contracted his engagement, or wherein he shall be apprehended, notwithstanding that the territory where the contravention shall have been committed, may happen to be beyond the limits of such district.

Suits against servants employed to work in woods.

**4.** Any person, knowingly harboring or concealing any apprentice or servant, engaged by written act or agreement, or verbally before witnesses, who has abandoned the service of his master or mistress or instigating or engaging or inducing any apprentice or servant to abandon such service, or keeping such servant in his or her service, after being informed of the fact, shall, for such offence, be liable to the penalty provided in the first section.

Punishment for harboring servants.

**5.** Any domestic, servant, journeyman or laborer, engaged by the week, month, or year, and not by the piece or job, or for a fixed period, who intends to quit the service in which he is engaged, at the expiration of his engagement, shall give at least one week's notice of such intention, if his engagement be by the week, two week's notice, if it be by the month, and one month's notice, if it be by the year; and if any such person quits the service without giving such notice, he shall be considered as having deserted from the said service and be punished accordingly.

Servants wishing to leave service to give notice.

Every master, mistress or employer shall give a like notice to any servant, journeyman or laborer, engaged by the week, month or year, whose services he or she no longer requires; but any domestic, servant, journeyman or laborer so engaged, may be discharged at or before the expiration of his agreement, without notice, upon full payment of the wages to which he would have been entitled had the term of service expired and had the required notice been given.

Every master to give similar notice before dismissing servant.

Penalty for dismissing servant without paying wages.

Penalty against master for misusage, &c.

Complaints before whom tried.

Penalty.

Contract, annulled in certain cases.

6. Any master or mistress, who discharges his or her servant, without paying his wages as aforesaid, shall incur the penalty provided in the first section.

7. Any master, mistress or employer, against whom any just cause or complaint exists on the part of his or her apprentice, domestic, servant, journeyman or laborer, bound or engaged as aforesaid, for any misusage, defect of sufficient wholesome provisions or food, or for cruelty or illtreatment of any kind, shall upon each and every conviction be liable to a penalty not exceeding twenty dollars.

8. Any complaint, founded upon contravention of any of the provisions of this act, may be heard and determined before any one justice of the peace, resident in the district where such contravention occurred, 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, condemn such offender to the penalty imposed for the offence, and in default of payment of the said penalty, with costs of suit, with or without delay, to be imprisoned in the common gaol of the district for a period not exceeding two calendar months, unless the said penalty and costs of suit, together with the costs of apprehension and conveyance of the delinquent to the gaol, be sooner paid. And on a suit by a servant for wages the defendant may plead the fact of such desertion, misconduct or disobedience hereinbefore mentioned and on proof thereof and of the damages incurred in consequence by the defendant it may be declared that the plaintiff hath lost all recourse for his wages in whole or in part in the discretion of the Court, according to the circumstances.

9. Upon complaint by any master, mistress or employer against his or her apprentice, servant or journeyman, or by any apprentice, servant or journeyman against his master, mistress or employer, of continued misconduct or misusage, 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 he is hired, any two justices of the peace, resident in the district where the master or mistress lives 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, were bound to each other.

**10.** All penalties imposed by this act, when paid, shall be handed over to the sheriff of the district within which the offence was committed, to form part of the building and jury fund. To whom fines are paid.

**11.** The prosecution for any offence against the provisions of this act shall be commenced within three months after the offence has been committed, and not after. Prescription of suits.

**12.** This act shall apply to all parts of the province, except to the cities of Quebec and Montreal and to all other incorporated cities, towns and villages which have passed or may hereafter pass by-laws regulating the relations of master and servant. Application of act.

**13.** Chapter twenty seven of the consolidated statutes for Lower Canada, chapter thirty four of twenty nine and thirty Victoria and chapter twenty of thirty three are hereby repealed. C. S. L. C. c. 27, 29-30 Vic., c. 34 and 33 Victoria, c. 20, repealed.

## C A P. X V I.

An Act to order the registration of customary dowers and servitudes in certain cases not provided for by law.

[Assented to 30th June, 1881.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** Article 2116 of the Civil Code shall, in future, apply to customary dowers created before the 1st of August, 1866, on which day the code came into force. Art. 2116, C. C. to apply to certain customary dowers.

**2.** Nevertheless, a delay of two years, counting from the coming into force of this act, is granted to parties interested in maintaining such dowers in order to enable them, in the event of its not being already done, to effect the enregistrement mentioned in the said article 2116, after which delay such dowers, if not registered, shall be null and void and have no effect as regards third parties who shall have become proprietors or creditors subsequent to the passing of this act, and who shall have enregistered the titles giving them a claim upon the immovables originally subject, or which may have since become subject, to dower. Delay allowed to enregister.