

# MASTERS & SERVANTS

## Runaway Apprentices & Housemaids

In May 1836 Bernard Dunn, a cooper at Perth, published the following notice in the Bathurst Courier;

*Ran away from the subscriber, John McGinnis, an indebted apprentice. Any person found harboring him will be prosecuted according to the law.*

In August of the same year William Matheson twice advertised in the Courier in hopes of locating;

*Henry Pritty, a boy about 12 years of age absconded from the subscriber, his guardian on Friday last the 29<sup>th</sup> inst. Any person harboring him will be prosecuted according to the law.*

Young McGinnis had been apprenticed to learn the coopering (barrel making) trade. Although he might receive some training and education, twelve year old Pritty was essentially an indentured servant working for Matheson at his hotel on the corner of Drummond and Foster Streets, his 'Coffee House' tavern on Foster Street, or his boarding house near St. James Anglican Church.<sup>1</sup> During the 1830s and 1840s there were many apprentices like McGinnis and indentured servants like Pritty who were ill-content in their employ.

*March 1839 – Runaway, from the subscriber on the 5<sup>th</sup> inst., James Roberts, an indentured apprentice to the slice making business<sup>2</sup>. Any person harboring him will be prosecuted according to the law. T. M. Burke.*

*August 1839 – Runaway - One Penny Reward - Charles Hudson, an indentured apprentice to the print business. Any person found harboring him will be prosecuted. James Thompson.*

*November 1840 - Absconded, James Horton, an indentured apprentice to the printing business on Thursday, 1<sup>st</sup> October last and having eluded the pursuit of justice any person known to harbor him shall be prosecuted with the utmost severity of the law. James Thompson.*

Most 'absconding' apprentices and 'runaway' servants were escaping abuse and exploitation and chances are the men advertising for recovery of their apprentices were tough task-masters. Recalling William Matheson as he knew him in the 1840's an unidentified author

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<sup>1</sup> At various times in his life William Matheson (1788-1852) was also the Bathurst Deputy Sherriff, Drummond Township Collector of Taxes, Street Surveyor for Perth, Pound Keeper and auctioneer

<sup>2</sup> Timothy Michael Burke (1807-1883) was an Irish immigrant and cordwainer (shoemaker) with a shop in Perth. 'Slice making' may simply be a typo of 'shoe making'. Alternately it may refer to (a) slicing thick leather into two layers so that the layer without a grain surface can be turned into suede, and/or (b) slicing cork bark for use in the manufacture of slippers and shoes, or between the soles of heavy boots, to keep the feet dry. See *Dictionary of Trade Products, Manufacturing and Technical Terms* (1858).

wrote, “*Old Bill was by nature somewhat robust and a very austere man. At least we youngsters held him in some dread*”<sup>3</sup>, and William Bell recounts coming across Matheson in a violent fit of temper beating a horse “*little better than skin and bone ... with a great stick sufficient to kill him*”<sup>4</sup>. Matheson was also convicted in 1847 for poaching. James Thompson, who was publisher of the Bathurst Courier, must have been a demanding master as well as two apprentices abandoned him over the course of just 15 months. Bernard Dunn may have been overworking his apprentice, or otherwise failing to live up to his master’s obligations, due to financial difficulties. A year before McGinnis absconded a notice in the Courier “*forbid any persons from purchasing three notes of hand signed by Bernard Dunn ... for the sum of 2 pounds each*”. Apprentice James Roberts perhaps found shoemaker Timothy Michael Burke<sup>5</sup> a particularly tough master. In 1851 and again in 1854 the Courier reported Burke convicted of assault and battery (victim unnamed) and fined five and ten shillings.<sup>6</sup>

Exactly why the apprentices and servants of Matheson, Thompson and Dunn ran off is uncertain, but the mistreatment of servants at early Perth was not uncommon. Maria Brito Tayler (1790-1859), wife of Captain Josias Tayler (1787-1844) who was postmaster at Perth from 1819 to 1837, was somewhat infamous for her mistreatment of servants.

*... she was continually squabbling with them, and being of a very irritable temper, she went to great lengths in abusing them, and even beating them. One time she chased a girl from the house with an axe, and the use of a stick, to make them smart active, was no rare occurrence. She had a servant who was very apt to go to sleep, when left alone, in the long evenings, in the kitchen. Instead of admonishing her on these occasions, Mrs. T. usually inflicted some kind of summary punishment; and one time she was so much provoked that she threw a pail of water over her.*<sup>7</sup>

John Adamson (1775-c1841) proprietor of the first inn established at Perth<sup>8</sup> was also known to abuse his servants, even while his establishment hosted Governor General of the Canadas, Charles Lennox, 4<sup>th</sup> Duke of Richmond.

*“Mr. Adamson behaved very ill while the Duke was in his house, beating his wife and servants and turning them out of doors.”*<sup>9</sup>

McGinnis, Pritty, Roberts, Hudson and Horton, by absconding, were eluding “*the pursuit of justice*” because their indentured status bound them by law to their employers; and

<sup>3</sup> *Perth Courier*, May 27, 1892 – Letter to the Editor

<sup>4</sup> *The Condensed Diaries of Rev. William Bell* – Ec

<sup>5</sup> In the *Lanark County Historical Atlas* (1881) a T.

<sup>6</sup> ‘*Bathurst Courier*’, July 15, 1851 and December

<sup>7</sup> *William Bell Diaries*.

<sup>8</sup> ‘Adamson’s inn’ or ‘The Red House’, still standing

<sup>9</sup> *William Bell Diaries*.



anyone, including their parents, who failed to return them to their masters was also subject to prosecution “*with the utmost severity*” of the same law.

In its most formal sense, apprenticeship is a contractual agreement between an expert practitioner of a trade, art, or profession and a novice in which, for a fixed period of time, a young man (and occasionally a young woman) exchanges his/her labor for training. Over time, however, the institution, dating back to the European trade guilds of the Middle Ages, evolved into two distinct types of apprenticeship coexisting side by side.

The first was a predominately instructional form. Prosperous merchants, professionals, and artisans, placed their sons in the households of more-or-less equally prominent counterparts. With guild oversight and close monitoring by the parents ensuring protection of the novice’s interests, these apprenticeships generally resulted in genuine training.

At the opposite end of the social spectrum however, families of limited means apprenticed out their children primarily for financial reasons. Shifting older children to other households brought meaningful economic relief. For the masters who accepted these apprentices, often stretched economically themselves, the arrangement provided labor at marginal cost and training was only a by-product, not the primary object, of the exchange. Some masters promised to instruct their charges in a trade, but they had an economic incentive to maximize work and skimp on training. Other masters agreed to little more than providing shelter, food and clothing in exchange for the services of a general household, farm or workshop servant.

Legislation governing apprenticeships dated from the British ‘Statute of Artificers’ of 1562. Those laws were updated somewhat in 1802 by the ‘Health and Morals of Apprentices Act’ which limited an apprentice’s workday to 12 hours, six days per week (with Sunday work made illegal) and required that apprentices be taught arithmetic, reading and writing. In 1814 further amendments weakened some statutory controls and removed the requirement for a minimum of seven year apprenticeships. This was followed by the ‘Masters and Servants Act’ of 1823 toward “*the better regulations of servants, labourers and work people*”.



This act required the obedience and loyalty from apprentices and servants to their employer, with infringements of the contract punishable before a court of law, often with a jail sentence of hard labour.

Up to 1847, in the absence of any other legislation, the British statutes were generally considered to be in effect in the Canadian colonies, although several High Court decisions limited their application. Within the framework of these laws, however, apprenticeships were regulated primarily through indentures that were legally binding civil contracts. The master took responsibility for the apprentice’s training and welfare and provided him with accommodation. The apprentice agreed to conditions about how he/she should behave at work

and even outside his workplace. Trade apprenticeships lasted from two to seven years, depending on the particular trade, after which the apprentice became a journey man. Following another period of extensive experience the journeyman could become a master craftsman himself, set up his own workshop and train apprentices. Servants served out the period of their indenture and then engaged as wage-earning employees with the master or other employer.

At Perth, trade apprenticeship was not limited to skills such cooperage and shoemaking, or to service in a hotel, tavern or household. Reverend William Bell (1780-1857), Perth's first Presbyterian minister apprenticed three of his sons. Two of them trained in the mercantile trade at Perth, one with William Morris (1786-1858) and another with Roderick Matheson (1783-1873). His third son apprenticed as a printer with William Buell Jr. (1792-1862) publisher of the Brockville Recorder;

*My son William [1806-1844], having been with Mr. Morris some time as a clerk, and being satisfied with his situation, a permanent engagement was made. He was to be provided with board, lodging, washing, and clothing, till he was 21, and then to receive a sum of money equal to his services, but this to be at the discretion of Mr. Morris. When William went to him he was 17. So that he had to remain four years.*

*John [1806-1849], his twin brother went to Mr. Mathieson, another merchant in the town, in the same employment, upon the same terms.*

*Robert [1808-1894] went to Mr. Buell at Brockville on the same terms, to learn printing.*

*These changes reduced both our family and our expenses, for hitherto the boys had earned nothing for themselves.<sup>10</sup>*

Although British tradition surrounding apprenticeships had largely been followed in early Canada, in 1847 the Legislative Assembly of the Province of Canada declared there was, in fact, no act in force to govern master-servant relationships and in 1849 adopted the first Canadian legislation. That new law went some way to better balancing the relationship between master and apprentice or servant but, as it was enacted primarily to help the Ottawa Valley timber industry enforce worker contracts, it still heavily favoured the employer. When a complaint or charge arose, masters could be summoned, but servants could be arrested. On conviction, employers could be fined for mistreatment but employees could be jailed for misconduct.

Despite, or perhaps because of, the new legislation, the relationship of master and servant continued to be a legally troubled one. A study<sup>11</sup> of court records for Canada West (Ontario) found that master-servant complaints accounted for about one in eleven cases heard by magistrates between 1847 and 1877. There were 1,000 summary convictions; 75% of those were wage claims, 20% for desertion and 5% for disobedience or abuse. A full 90% of wage claims succeeded but where workers were fined, the fines were ordered paid immediately, while in findings against employers for wage arrears, restitution was allowed to be paid over time. Charges brought against apprentices resulted in an 89% conviction rate. Most of them were

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<sup>10</sup> *The Condensed Diaries of Rev. William Bell* – Edited by Robert Bell Douglas.

<sup>11</sup> *Masters, Servants & Magistrates in Britain & the Empire 1562-1955* – Edited by Douglas Hay & Paul Craven (2004)

fined; only a very small number were jailed, mostly those who had failed to pay an originally levied fine. In an age when wages were \$1.00 to \$1.25 per day half of the fines were for \$2.00 or less, with a few as high \$10.00. Penal provisions of the Canadian master-servant act were repealed in 1877.

Whether Dunn, Matheson, Burke and Thompson ever located their absconding apprentices is not reported. In that he offered a reward of only one penny, it may be that Thompson cared very little about whether his apprentice Hudson was ever found. A multitude of other such Perth apprentices and servants were however tracked down and called before Magistrates under the 1847 act. In some cases the Bathurst District (and later Lanark County) Courts simply ordered the apprentice or servant to return to their master, but many of those who absconded were fined and several were jailed for periods of up to 30 days. In the 'returns of convictions' as published by the Bathurst/Perth Courier the person listed as 'Prosecutor' is the 'Plaintiff' or individual bringing the charge.



*Lanark County Court House*

*December 14, 1855 - Leaving Master's Employ, Anthony Linton*

*April 11, 1856 - Leaving Employ, Felix Du Frene, two pounds - committed to gaol.*

*April 17, 1857 - Refusing to Work - John Lane, one pound*

*September 25, 1857 - Leaving Employment - Timothy Mackie, Jeremiah Clary, John Hearel, two pounds each.*

*Sept. 21, 1860 - Leaving Employ of Plaintiff - Timothy Ryan, ordered to find sureties of the peace, sureties given.*

*June 22, 1860 - Leaving her master's employment - Mary Gilmour, prosecuted by John McIntosh also Jane Gilmour, two pounds, ten shillings each.*

*Jan. 25, 1861 - Leaving Employ - Edward Price, two pounds ten shillings.*

*February 1, 1861 - Absconding Apprentice - Peter Collins, prosecutor Abraham Fraser, ordered to return to employment.*

*February 1, 1861 - Absconding Apprentice - William Dunlop, prosecutor Robert Dunlop, one pound, five shillings.*

*March 15, 1861 - Absconding Apprentice - Patrick O'Brine<sup>12</sup>, fifteen shillings.*

*Jan. 25, 1861 - Deserting Employment - Cyrus Prye, one pound.*

*Jan. 25, 1861 - Left Employment - John Good, three pounds fifteen shillings.*

*July 12, 1861 - Absconding Employment - M. Martin, prosecutor J. Sevalwell, four pounds, imprisoned thirty days.*

*September 27, 1861 - Absconding from Master's Employment - William Henry Andrews, prosecutor John Riddell, ordered to employment.*

*January 3, 1862 - Deserting Employment - Antoine Langlois, prosecutor J.P. Bostwick.*

*January 3, 1862 - Absconding Apprentice - Henry Duncan, prosecutor John Dougall, ordered to return to employer.*

*May 10, 1870 - Refusing to Work - John Belisle, charges brought by James Poole, fined \$1.*

*September 22, 1871 - Leaving Service - John L. Belanger, William Belanger, Peter Belanger, charges brought by John Allan, fined \$4 each.*

*Sept. 22, 1871 - Refusing to Work - J.D. Shamway, charges brought by Freeman Wald, fined \$10.*

*March 1, 1872 - Leaving Services - George Adams, charges brought by W.W. Field, fined 29 cents.*

*August 23, 1872 - Leaving Service - Ann McKnight, charges brought by John O'Neil, fined 20 cents.*

*March 1, 1872 - Leaving Services - George Adams, charges brought by W.W. Field, fined 29 cents.*

*August 23, 1872 - Leaving Service - Ann McKnight, charges brought by John O'Neil, fined 20 cents.*

*April 11, 1873 - Leaving Service - Peter Tovey, charges brought by Matthew Stanley, fined \$1.*

*December 12, 1873 - Disobeying His Master - Hugh Nixon, charges brought by William Butler, one month in gaol.*

As apprenticeship agreements were, at their core, civil contracts, they could also result in civil rather than criminal court actions. In October 1848 the Perth Courier briefly reported on a

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<sup>12</sup> Perhaps a misspelling of 'O'Brien'.

case brought by a master against the father of an apprentice who “absented himself” (presumably absconded);

*The Assizes: Civil Case - Lake versus McGee - Breach of Covenant - Lake is a wagon maker of Smith's Falls - action instituted against McGee, Sr., for loss of time of his son who was bound as an apprentice to Lake. It seems that the son had absented himself from the employ of the plaintiff but plaintiff did not find fault with him at the time. The learned judge in charging the jury told them that Mr. Lake should have found fault with him at the time and not four years afterwards. Verdict for the defendant.*

Justice was not entirely a one way street. Apprentices and servants could and did prosecute their masters with some degree of success;

*July 15, 1851 - Refusing to Pay Plaintiff his Wages - John Plant, six pounds, five shillings.*

*December 12, 1856 - Refusing to Pay a Servant - William Merrick, one pound, ten shillings*

*January 13, 1860 - Non-payment of Wages - John S. Menatian[?]-paid the wages*

*Sept. 21, 1860 - Non-payment of Wages - John Murphy, prosecutor Margaret McIlroy, three shillings.*

*July 12, 1861 - Nonpayment of Wages - James Guest, prosecutor W. Peeves and F. Gruce.*

*September 27, 1861 - Wages - James W. Johnston, prosecutor John Williams, defendant ordered to pay plaintiff when he puts in his time.*

*July 9, 1869 - Nonpayment of Wages - George Stone, charges brought by Mary Ann Bohart, fined \$2.50*

*May 10, 1870 - Non Payment of Wages - Dennis O'Connor, charges brought by Harriett O'Brien, fined \$7.69.*

*Sept. 22, 1871 - Non Payment of Wages - William Grimsby, charges brought by Roger Hegarty, fined \$14.*

*Sept. 22, 1871 - Nonpayment of Wages - Thomas Jamieson, charges brought by Margaret Kane, fined \$14.*

*February 14, 1873 - Nonpayment of Wages - Patrick Flaherty, charges brought by Jesse Mason, fined \$20.*

*July 25, 1873 - Wages Due - John McCrae, charges brought by Jane and John Perrie, \$30.*

*Dec. 12, 1873 - Non Payment of Wages - John Farrell, charges brought by Catherine Cline, fined \$10.50.*

*October 5, 1888 - Nonpayment of Wages - Thomas Swallowell, \$16.*

*July 8, 1898 - Refusing to Pay Wages - William Hogg, complainant was Alexander C. Fraser, fine was \$40 plus costs.*

*Sept. 30, 1898 - Refusing to Pay Wages - Henry Brace, \$7.40 plus costs*

- **Ron W. Shaw (2016)**