

Burn observes, that this being left indefinite, it seems most apposite that the justices commit the apprenticed to the house of correction for a time, to be kept to hard labour, or otherwise corrected, as the nature of the offence may require; but that this clause in the act does not restrain but enlarges the power of magistrates over apprentices, beyond the power given them over masters, whom the justices cannot punish, and the magistrates may inflict corporal punishment, or discharge an apprentice at their discretion.

*Proceedings at Sessions under 5 Elizabeth.*

An order of discharge may be made upon the application of either party, for an apprentice may be discharged from a bad master, and a bad apprentice from his master. 1 *Saund.* 315. 16. 313. n. 2.

But the sessions cannot discharge without setting forth some cause in their order. 1 *Bott.* 577. 2 *Str.* 1013. *Ib.* 704. 1 *Bott.* 576.

The usual causes for which the apprentice complains against the master are cruelty and misusing his contract, either by neglecting to instruct him, or the like.

And when the master applies to get rid of his apprentice it is generally upon the ground of incorrigible behaviour.

There is no power to discharge for sickness, as "where the apprentice was lame and in the surgeons opinion incurably afflicted," for the master takes him for better or worse, and is to provide for him in sickness and in health. 1 *Str.* 99. 1 *Bott.* 574.

The order must be under the hands and seals of four justices, and enrolled as the act directs, or the superior courts will set it aside. 1 *Saund.* 316. n. 5. 2 *Salk.* 470. 1 *Bott.* 572. 1 *Str.* 99.

The power of discharge is confined, in counties, to four justices at the least, and must be made at a general sessions, and not a private sessions, or the order may be set aside. 1 *Skin.* 98. 1 *Bott.* 572.

*If against the Master.*

Although the 5 Eliz. requires the discharge to be made on the masters appearance, the court held that the act must have a reasonable construction, and the sessions might proceed in the masters absence, otherwise, if he ran away, the apprentice could not be discharged. 2 *Salk.* 491. 1 *Bott.* 572.

*Common form of an Indenture of Apprenticeship.*

This Indenture witnesseth, that A. B. of the age of — years, the son of B. C. of the township of — in the home district, yeo-