

Again, in the case of *St. Nicholas v. St. Peters*, (*Burr. Sett. cases*) the same question was fully argued, and lord Hardwick, chief justice, in an elaborate judgment, said, "I am of opinion that it does not make this Indenture void, but only voidable, if the parties themselves think fit to take advantage of it;" and three other judges concurred in opinion.

It being, therefore, clearly established as law, that an apprenticeship may be good for a less term than seven years, until avoided by the parties in a legal and proper manner; until this be done, such apprentices are clearly within the operation of the various statutes relating to apprentices generally.

It has been held not an indictable offence to entice away an apprentice from his master, on the ground that it is not an act of a public nature, but a mere private injury, and therefore the proper subject of an action. *Rex. v. Daniel*. 6 Mod. 182. 1 Salk. 380. *Rex. v. Collingwood*.

At common law, an apprentice stealing his masters goods is guilty of felony,\* if they were simply under his charge: but not so, if entrusted to him to keep for his master, this being a breach of trust only. 1. H. P. C. 505. This however was made felony by Statute 21 H. 8. c. 7. in apprentices [not under eighteen years of age] embezzling to the value of forty shillings. It is a misdemeanor to solicit him to steal his master's goods, though no act be done by him as to the stealing. *Rex. v. Higgins*. 2 East. 5. *Rex. v. Collingwood, contra*.

It is an indictable offence to refuse or neglect to supply necessaries to a child, servant, or apprentice, whom a person is bound by duty or contract to provide for, if such child be of tender years and unable to provide for itself. *R. v. Friend*. Russ. & Ry. 20.

The apprenticeship may be determined by the death of the master, or the apprentice coming of age. *Ex. parte Davis*. 5 Term Rep. 715. *Chitty app. L. 79*.

#### *Differences between the Master and Apprentice.*

The master is allowed by law, with moderation, to chastise his apprentice. *Dalt. c. 58*.

But if the master and his apprentice cannot agree, they may proceed upon any one of the following statutes, applicable to the facts and circumstances of the case.

By 5 Eliz. c. 4. § 35. if any master shall misuse or evil entreat his apprentice, or the apprentice shall have any just cause to complain, or the apprentice do not his duty to his master, then the master or apprentice being grieved, and having cause to complain, shall repair unto one justice of the peace within the county, or