

more members of the Executive Council of the province, shall compose a court of appeal, for hearing and determining all appeals from such judgments or sentences, as may be lawfully brought before them; and by § 35. an appeal shall lie to this court in all matters exceeding £100. upon proper security being given by the appellant to prosecute such appeal, and answer the condemnation and pay such costs as shall be awarded, in case the judgment or sentence appealed from shall be affirmed; and by § 36. the judgment of such court of appeal shall be final in all cases under £500. but in cases exceeding that sum, as well as in all cases relating to any annual or other rent customary, or other duty or fee, or any other such like demand of a general and public nature, affecting future rights, of what value or amount soever the sum may be, an appeal may lie to His Majesty in his privy council, upon proper security.

APPRENTICES.

AN APPRENTICE is one under age, who is bound by indenture to serve his master or mistress for a term of years during his minority.

The 5 Eliz. c. 4. commonly called the statute of apprenticeship, provides and enacts, that all indentures for a less term than seven years shall be void.

If this regulation be not complied with the indentures are *voidable* at the parties election. 1 *Anstr.* 256. 6 *Esp. R.* 8.

It has however been decided, that as between the parties themselves the indenture is not absolutely void, but *only voidable*, and that it must be avoided in a proper manner. *Rex. v. Evered. Caldecott's Rep.* 26. 1 *Botts.* 530. 1. 6 *Term Rep.* and when a party is bound as an apprentice for less than seven years, no third person can avail himself of this deviation from the statute, so as to protect him from liability to an action for enticing away such apprentice. 6 *Term Rep.* 652. 7 *Term. Rep.* 310. 314. and it is settled in the case of *Rex. v. St. Nicholas*, that a binding for four years gives a settlement, and Aston, Justice, said, "supposing the indenture voidable, I cannot conceive that the apprentice's *running away* can avoid them; had he served regularly, and during such service declared his intention to depart, it might have been different; here he would make use of his offence in order to avoid the punishment that attended it, but it is too late to do it before a justice, when charged with a crime. And Willes and Ashhurst, justices, were of the same opinion. 1 *Bott.* p. 525. pl. 709.