

Case No. 1,049.

BARRETT V. MCPHERSON.

[4 Cranch, C. C. 475.]<sup>1</sup>

Circuit Court, District of Columbia.

Nov. Term, 1834.

APPRENTICE—BINDING OUT BY TWO JUSTICES—APPROVAL OF PARENTS.

The binding out of an apprentice by two justices of the peace in Washington county, D. C, is of no effect, unless the parent or parents, if living, approve and indorse the indentures within two months.

This was a petition of an apprentice to be discharged. The petitioner was bound by two justices of the peace, with the consent of her mother.

It was contended that the indentures were good under the act of 1793, [Md.] because under that act a parent may bind out a child. But that act authorizes a father, only, to bind out his child. It was then contended that this was a good binding out under the act of 1794, c. 47, [Md.] by which any child who may be bound by the orphans' court may be bound by two justices of the peace when the orphans' court is not in session, provided the indentures be approved and recorded according to the sixth section of the act of 1793, c. 45, [Md.] and that the parent, or parents, if living, shall approve and indorse the same within two months thereafter. The indentures were approved by the orphans' court in the manner in which they are generally approved; but such approval is never indorsed.

THE COURT (THRUSTON, Circuit Judge, absent) decided that the indentures were void, because not approved and indorsed by the parent within two months after their execution.

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]