

Case No. 4,250.

EASBY v. FLETCHER.

[1 Hayw. & H. 35.]<sup>1</sup>

Circuit Court, District of Columbia.

April 27, 1841.

APPRENTICES—UNAUTHORIZED ABSENCES—REMEDY—CONTEMPT.

1. Where an apprentice absents himself from his master without consent, the court [after expiration of the apprenticeship] will compel the apprentice to serve his master the number of

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days lost by his absence, to commence from the expiration of his apprenticeship.

[2. For failure to obey the order of the court, the apprentice may be punished as for a contempt, and for that purpose, and until the order is obeyed, the cause will be continued from term to term.]

This was a suit brought by the petitioner [William Easby] for compensation for the loss occasioned by the absence of the respondent [Archibald Fletcher] from the petitioner's service without consent. The petition is as follows: "Archibald Fletcher was, on the 19th day of February, 1838, duly and lawfully bound as an apprentice to the petitioner, to learn the trade and mystery of a ship carpenter, and to serve as such until the 18th day of January, 1840. He came into the service of the petitioner as such apprentice and remained and continued under indenture until the 26th day of March, 1839 [when he absented himself], and continued absent until the 20th day of May, 1839, and again on the 27th day of August, 1839, when he ran away and absented himself from the service of the petitioner, and hath remained and continued so absent hitherto to the present time, and although often requested to return, hath hitherto refused to return to his service or to make the petitioner any compensation for the loss he has thereby sustained. The petitioner averred that he well and truly kept and performed all the warranties of the indenture required of him; that the apprentice's service was of great value to him." The petitioner prayed that he may be awarded such compensation either by service or by payment of money as justice and equity may require. The case was submitted on the petition and the indenture accompanying it, after being argued by the respective counsel.

Joseph H. Bradley, for petitioner.

Brent & Brent, for respondent.

OPINION OF THE COURT. It appears that the respondent, Archibald Fletcher, was, on the 19th day of February, 1838, lawfully bound out by his father as an apprentice to the petitioner, William Easby; the said Archibald being then 19 years and 11 months of age; and that by the terms of said indenture, the time which he had to serve expired the 18th day of January, 1840; and that during the said time which he had to serve as aforesaid, he absconded from his said master, and absented himself from the service of his said master from the 26th day of March, to the 22d day of May, 1839, and from the 27th day of August, 1839, to the 18th day of January, 1840, making in all 150 working days. The court, therefore, on this 27th day of April, 1841, upon the petition of the said William Easby, and upon the appearance of the said Archibald Fletcher, and upon full hearing of the parties by their counsel, doth award and order that the said Archibald Fletcher make compensation to the said William Easby, for his loss of the services of the said Archibald Fletcher, by serving him, the said William Easby, as an apprentice, for the term of one hundred and fifty working days, commencing on the 3d day of May next. And in case the said Archibald Fletcher should refuse to obey this order, the said William Easby will have leave to apply to this court for an attachment of contempt or other

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process to enforce the same, for which purpose this cause will be continued from term to term until the further order of the court.

<sup>1</sup> [Reported by John A. Hayward, Esq., and George C. Hazleton, Esq.]