

SMITH v. ELLIOT.

{4 Cranch, C. C. 710.}<sup>1</sup>

Circuit Court, District of Columbia.

March Term, 1836.

APPRENTICE—INDENTURES—PRESENCE IN COURT.

In the indentures of an apprentice, bound out by the ORPHANS' court, it is not necessary to state that the apprentice was present in court. It will be presumed, unless the contrary appears.

{This was an action by Thomas Smith against Jonathan Elliot.}

Petition, by an apprentice, to be discharged from his indentures.

Mr. Brent, for petitioner, contended that the indentures were void because they did not state that the boy was present in the ORPHANS' court when he was bound out as an orphan child, under Act Md. 1793, c. 45.

THE COURT (nem. con.) was of opinion that it was not necessary to state that fact in the indenture; as it will be presumed that he was present, unless the contrary should be proved.

The complaint was that the boy was not well fed and clothed; but THE COURT thought that the complaint was not supported by the petitioner's witnesses, and dismissed the petition, without hearing the defendant's witnesses.

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

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