

George Clark be pressed into the service. It would seem absurd, therefore, that the will of him, who is not at his own disposal, but is a bound apprentice, should liberate him from his master's service.

The LORDS refused the bill of suspension.

Fol. Dic. v. 2. p. 32. C. Home, No 200. p. 333.

* * * The same found in a case, in which the parties were STEWART against GRANT, 26th November 1778, not collected.

Fol. Dic. v. 2. p. 32.

1754. February 14.

SYLVESTER DONALDSON against WILLIAM FULTON.

FULTON put out his son apprentice to Donaldson shoemaker. The sum to be given with the apprentice was not inserted in the indenture; but, in lieu thereof, Fulton accepted a bill for L. 3: 3 Sterling, payable to Donaldson. Donaldson having charged on this bill, Fulton suspended; and the case was reported by Mr Alexander Boswell of Auchinleck, Lord Probationer.

Pleaded for Fulton the suspender: No action can lie on this bill; for that the indenture on account whereof it was granted, is itself void. The act *act. Ann. cap. 8.* provides, that the full sum of money received, or in anywise directly or indirectly given, with every apprentice, be inserted in the indenture; and in default thereof, that the indenture be void, and the apprentice incapable of acquiring his freedom, or of exercising his intended profession. Now, in the present case, the sum given with the apprentice was not inserted in the indenture, but a distinct security taken for it; the indenture is therefore void by the statute; and the bill, as it cannot be separated from its cause, must be also void.

Pleaded for Donaldson the charger: When the sum given with the apprentice is not inserted, the act *act. Ann. cap. 8.* voids the indenture, but not any separate obligation for such sum: And therefore, although the indenture should be found void, the bill must subsist. The cause of granting the bill was not that the apprentice might be free of a corporation, but that he might be taught the trade of a shoemaker; and this cause is not removed by the voiding of the indenture.

THE LORDS sustained the reasons of suspension.

A. J. Grant.

Alt. Wedderburn.

Reporter, Auchinleck.

Fol. Dic. v. 3. p. 32. Fac. Col. No 98. p. 148.

Dalrymple.

No 5.

No 6.

A man binding his son apprentice inserted no sum in the indenture as apprentice-fee; but, in lieu thereof, accepted a bill to the master. The indenture null on the statute, and the bill not actionable.