

§. 10.
Three Ju-
stices Cer-
tificate.

The Certificate which is to be made to the Head-officer of any City or Town Corporate, where a Child is to be bound Apprentice, (*scil.* That the Father of such a Child may dispend Forty shillings *per annum*) must be under the Hands and Seals of three Justices of the Peace of the Shire, where the Land lieth. 5 Eliz. 4.

The Reason of this Law seemeth to be, for that such as be to be bound Apprentices in Corporate Towns, &c. if their Parents be of a competent livelihood, then their Masters shall not only be the better secured, &c. But such Apprentices also in likelihood, shall have the better means to set up their Trades after their time expired. And concerning such, whose Parents have not Forty shillings *per annum*, they are fitter to be bound Apprentices to Husbandry, &c. in the County.

But concerning this Certificate, it seemeth not much in use at this day; neither is this Certificate so of the substance of the matter, or so material, that for want thereof, the Indentures for the binding of such an Apprentice shall be void, (for the Justices of Peace cannot be compelled to certify,) &c. but if the Parents have Forty shillings *per annum*, it sufficeth: And so were the opinions of Sir *Humphery Winch* and Sir *William Jones* in the Court of *Common Pleas*, *Termino Pasch.* 21 *Jac. Regis.* But Sir *Henry Hobart* Lord Chief Justice of the *Common Pleas*; did not then deliver his opinion therein directly; yet he seemed to me to hold, That the Parents of such an Apprentice ought to have Forty shillings *per annum*, and also ought to procure such a Certificate from the Justices of Peace.

Here I think it not amiss to set down certain Cases, some of them being by way of Exposition of this Statute 5 *Eliz. cap. 4.* And other some at the Common Law, or grounded upon former Statutes; yet such as may give light and help to our Justices of Peace in this business.

§. 11.
Trades.
what law-
ful.

First, By the Common Law, no man may be prohibited to work in any lawful Trade, for the Law abhorreth idleness, as the mother of all evil. Co. 11. 51.

A Man cannot be restrained to use the Trade of making Dice, Cards, Bowls, or the like, (except it be by Parliament) for all Trades, which do avoid idleness, and exercise Men in labor for the maintenance of them and their Families, and for to increase their substance, and to serve the King, when need shall be, are profitable for the Commonwealth; and therefore the restraining of them is against the Law, &c. Co. 11. 116.
Co. 12. 86.

So necessary are Trades to a Kingdom, That if a Man be bound not to use a Trade that he hath been brought up in generally, that Bond is void: But a Man may bind himself not to use a Trade in a particular Town or Parish.

Also by the Common Law no Man is prohibited to use divers Mysteries or Trades at his pleasure: And although this was prohibited by the Statute of 37 *Ed. 3. cap. 6.* yet presently at the next Parliament (that restraint of Free trade being found prejudicial to the Commonwealth) it was Enacted again; That all persons should be as free as they were at any time before the said Statute, *Co. 11. 54.* See the Statute of 38 *Ed. 3. cap. 2.* Co. 11. 51.

For that without an Act of Parliament, no Man may be restrained in any manner, either to work in any lawful Trade, or to use divers Mysteries or Trades; therefore Ordinances made to restrain any person therein are against the Law: And yet Ordinances made for the good Order and Government of Tradesmen, &c. are good. *Co. ibid.* Ibid.

Apprentice
five years.

None shall use any Art, Mystery, Craft, Trade, or Occupation, except he hath been brought up therein seven years as Apprentice, 5 *Eliz. 5.* By 15 *Car. 2. cap. 15.* "Hempdressers, and making Cloth of Hemps, and Nets. And Tapistry is excepted.

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