

And now though such Child hath used Husbandry till his age of Twelve years, yet if he be not bound as an Apprentice to Husbandry, (and that his Parents be not able to maintain him) then it seemeth, that the Overseers for the Poor, by the assent of the Justices, may bind as an Apprentice such a Child, according to the Statute 43 Eliz. cap. 2. and that by force of the said Statute, P. tit. Poor, 23. And any person to whom the Overseers shall so bind such an Apprentice, may take, and keep him as his Apprentice, &c. 1 Jac. 25. & 21 Jac. 28.

2 H.4. f. 13. Br. 13. Fitz. 168. a. If a Woman who is a Servant, shall marry, yet she must serve out her time, and her Husband cannot take her out of her Mr. service.

A married Man and his Wife do bind themselves to serve, they shall be compelled to serve according to their Covenant or Agreement, Fitz. 168.

One under the age of Thirty years, and brought up in Husbandry; or a Maid-servant brought up in any of the Trades mentioned in the Statute of 5 Eliz. 4. and not inabled to live (according to that Statute) at his or her own hands such persons living out of service; and not having visible means of their own to maintain themselves without their labor, and refusing to serve as an hired Servant by the year, may be bound over to the next Sessions; or Assizes, and to be of Good Behavior in the mean time; or may be sent to the House of Correction. Dier, 17.

But a man that holdeth Land of his Lord, to do certain days works yearly, shall not be compelled to serve. 40 E. 3. 39 Cromp. 185.

A Servant may be compelled to serve in Summer, in the place were he served in the Winter before. But this seemeth to have been only by force of the Statute made 25 E. 3. cap. 4. which Statute now standeth repealed by the Statute made 5 Eliz. cap. 4.

Fitz. 168. b. If a Man who is not able nor sufficient to keep a Servant, shall retain a Servant, such Retainer is void. Br. 25.

If a Man retaineth a Laborer or Servant, to serve him according to the Statute, though no Wages be spoken of upon the Retainer, ye the Retainer is good, and they shall have such Wages as are assessed and appointed by Proclamation, for that Wages are certain. See to this purpose the Book, 3 H. 9. fol. 23. Br. 1. §. 13. What Retainer is good.

If a Man retaineth another, except the Retainer be according to the Statute, it seemeth to be void; without it be by indenture, and then being by Deed, he is bound by his Covenant. See Fitz. N. B. f. 168.

If a Man retaineth upon Condition, it seemeth to be a good Retainer. See 11 H. 4. 42. Br. 23.

A Man retaineth a Servant to serve him, generally, not expressing in what Office, or in what Business (as to say to serve him in Husbandry or in the Office of a Book, Butler, Horse-keeper, &c.) yet such Retainer seemeth to be good. 21 H. 6. 9. Br. Labor. 29.

A Man is retained to serve during his life, it seemeth a good Retainer, Br. 44. 2 H. 4. fol. 15. And so for three years or more, Fitz. 168.

A Man is retained for one year, to serve at any time when he shall be thereto required; this is no good Retainer. See 23 H. 6. 30. Br. 31.

Fitz. 1. 9. b. P. 1. C. L. 42. b. Retainer of a Servant generally, without expressing any certain term, shall be for one year (in construction of Law) for that Retainer is according to Law. "And this is now by 5 Eliz. cap. 4. made void, unless it be for a year, to certain Trades therein named.

A. retaineth a Servant for Forty days, and after B. retaineth the same Servant