

away or departure, seemeth not to be within the Statute of 5 Eliz. neither is the allowance of the Justice of Peace requisite or needful therein.

6 E. 4. 2.
2 E. 6. 33.
Br. 30, 38.
The Master may discharge his servant by word, but an Apprentice cannot be discharged by his Master, except it be by Writing: For that an Apprentice cannot be but by Writing.

2 E. 6. 33.
Br. 30, 38.
Br. 48.
10 H. 2. 3.
If a Servant shall be put away by his Master, yet he shall have his wages for the time he served. And yet in this case, if the Servant agree thereto, the Servant shall have no Action to recover any part of his Wages; but must crave the help of the Justice of Peace herein. But if such Servant be within age, it seemeth such Agreement shall not prejudice the Servant.

10 Ed. 4. 2.
49 H. 19.
But if a Servant of his own accord shall depart from his Master before his time expired, he shall lose all his Wages.

Br. 40.
Apporc. 26.
If a Servant be retained according to the Statute, and the Master die, his Executors shall be chargeable to pay such Servant his Wages. Otherwise it is where the Retainer was not according to the Statute, except it were by Indenture. See 2 H. 4. 15. Br. Labor. 49. and Fitz. Nat. Br. 168. f.

An Infant of five years of age or other person which is not *Potens in corpore*; yet if they shall be retained and shall serve indeed, their Master must pay them their Wages. See 38 H. 4. 22. Br. Labor. 46. and Ley Gager 67.

If a Servant retained for a year, happen within the time of his service to fall sick, or to be hurt or lamed, or otherwise to become *Non potens in corpore*, by the Act of God, or in doing his Masters business; yet it seemeth the Master must not therefore put such Servant away, nor abate any part of his Wages for such time.

3 H. 6. 37.
If a Servant shall refuse to do his service, that is a departure in Law, although he stay still with his Master.

Fitz. 1. 68.
Br. 51.
P. 6.
If the Master shall detain from his Servant his Wages, Meat, or Drink; this a good cause of departure: But yet this cause is now by the Statute of 5 Eliz. to be allowed of by the Justices of Peace, before the Servant may lawfully or safely depart.

Fitz. 168.
Br. 51.
P. 9.
So if the Master shall License his Servant to depart, or if the Master, or Wife of the Master shall beat the Servant; these were good Causes for the Servant to depart, before the Statute 5 Eliz. 4. But now the allowance of the Justice of Peace, is requisite as aforesaid. And yet note, that the Master by Law is allowed with moderation to chastise his Servant or Apprentice. See 33 H. 8. 12. And in the title, *Surety for the Peace*.

But now that by the Statute of 5 Eliz. the Causes of putting away and departing of Servants, are referred to the consideration and allowance of the Justices of Peace: It behoveth them to have good care, lest by their giving too much way therein, either to the Master or Servant, many, which might by due ordering, have proved good Servants, turn Rogues and Vagabonds.

If a Servant depart before the end of his Term, or at the end of his Term, without a Quarters warning, or refuse to serve for the Wages limited, or promise to serve, and do not serve; upon complaint any two Justices, or the Major and two Aldermen, &c. They may commit him to Ward without Bail, until he be bound to the party offended to serve as he ought 5 Eliz. 4.

If any Servant or Apprentice shall unlawfully depart, or flee into another Shire, the Justice, &c. may grant Writs of *Capias* to the Sheriff, or other Officer, whither the Servant is gone, to take his Body returnable before