

though they have but a house, or sleeping place in the Town, they are chargeable.

And the Statute of 43 Eliz. 2. which saith, that the Churchwardens and Overseers of the Poor, shall put out Children to be Apprentices, doth necessarily imply, that such as are fit, must necessarily receive such Apprentices, Resol. 1.

Tea, every Man who by his Calling, and Profession, or manner of living entertaineth, and must have use of other Servants of the like quality, must entertain such an Apprentice: Wherein notwithstanding discretion must be the guide upon consideration of Circumstances, Resol. 3.

And every able or wealthy person that liveth privately, though he hath no use of a Servant, yet he must contribute, and may be taxed towards the putting forth of Apprentices, as to other Charges for the provisions of the Poor, Resol. 4.

And Clergy men are not herein exempted, but may have Apprentices put to them; and this was the Opinion of all the Judges, upon two several references to them lately made from the King's Majesty (as I have been credibly informed.) Or at least they are chargeable to contribute to the putting out of Apprentices. See the words of the Statute of 43 Eliz. c. 2. hic antea.

Note also, That as the Statute inableth the Churchwardens and Overseers (with the consent of two Justices of Peace) to put out Apprentices, so it doth inable them to place those Apprentices with the Masters; for without Masters there can be no Apprentice. And the said Justices may compel all such as be of ability, to take such Apprentices (according to their discretion,) and if any such Master shall refuse to take such Apprentice so to him appointed, the said Justices may bind such Master over to the next general Gaol-delivery, there to answer such default. And this was the direction of Sir Henry Montague Knight, Chief Justice of the Kings Bench, at Cambridge Assizes Anno Dom. 1618. wherewithal agreed Sir Nicholas Hide, and Sir Francis Harvey, Judges of Assize at Cambridge Summer Assizes Anno 1627. And if he refuse to take such Apprentices, or to give Bail to appear at the next general Gaol-delivery or Quarter Sessions) he may be sent to Gaol, there to remain, until he will give such Bond, Resol. 6.

§ 14.
Compulsion
to take

Also the Statute of 43 Eliz. c. 2. seemeth to warrant as much, as the words of which Statute to this purpose, are thus: Be it further enacted, That it shall be lawful for the Churchwardens and Overseers, or the greater part of them (by the assent of two Justices of the Peace) to bind any such Children to be Apprentices, where they shall see convenient. Plus hic antea.

Or else the said Churchwardens and Overseers (with the consent of the said Justices, as it seemeth) may impose upon such Master (refusing to take such Apprentice) a competent sum of Money, for the putting out of such an Apprentice elsewhere. And upon the Masters refusal, to pay such Money, two such Justices may take their Warrant to levy the same by Distress and Sale of the offenders Goods, &c. See Poulton 2. 4.

Or the Refusers to take Apprentices, may be presented and indicted for the same, upon the Statute of 43 Eliz. at the Assizes, or Sessions of the Peace, and upon such Indictment they may be fined and imprisoned. Resol. 7.

This matter, although long used, and here so positively asserted, deserves consideration. For as in maintenance of this Opinion, several Opinions