

Opinions of Judges of Assize may be urged with the continual practice of most Justices of Peace, and some of them very learned; ever since 43 *Eliz.* And the Resolution of the Justices, falsely so called, for the Reasons hereafter expressed. So on the other side; it may be truly said, That this matter was never yet judicially and solemnly resolved; for as I have heard that ancient learned Judge, Justice *Twisden* say, That in the Lord Chief Justice *Rolls* time one having removed an order, whereby he was charged to take an Apprentice into the *Kings Bench*, appeared thereupon; and upon several motions against him, there he was often chid, and went away as he said with a scratched face; but nothing more was done thereupon, and the Reasons of the other side are very weighty against such Imposition. It is one purpose of the Poores Tax, mentioned in the Statute of 43 *Eliz.* 2. to raise a Stock (amongst other things) for putting out of Poor Children to be Apprentices; and the words that issue in that Act, That it shall be lawful for the said Churchwardens and Overseers, by the assent of two Justices of Peace, to bind any such Children as aforesaid to be Apprentices, where they shall see convenient, &c. must needs be understood of doing it with, and out of such Stock; and that Clause doth only inable the Officers with such stock to bind them out, for otherwise there had been no compulsory power given to the Officers, to oblige the Children to be bound, or the Parents to suffer it: And the Statute of 1 *Jac.* 25. continuing the Statute of 43 *Eliz.* adds this, That all persons to whom Overseers shall bind any Children Apprentices may take, receive, and keep them as Apprentices; which, it seems, was doubted soon after the making of 43 *Eliz.* Which need not have been doubted, if the Statute of 43 *Eliz.* had intended or wrought such Compulsion to take; besides the putting out Children by stock, is the most equal way; for thereby every one pays his equal proportion: Also the Statute of 43 *Eliz.* mentions not what age such Children must be of, that are so put out; nor provides any appeal or relief for the party, to whom such Child shall be put Apprentice, being grieved thereby, as it hath done for a man that is over-taxed. Also the Authority seems to be too great, and the inconvenience too manifest; for a Man that wants no Servants, shall by this means be compelled to keep one or more; and a Child perhaps, neither cleanly nor honest, obtruded on a Gentleman for so long a time, as till their age of twenty one or twenty four. And it is well known, and easily apprehended, that such persons, as Overseers usually are; would prove partial to those of their own condition, and be unequal in such Imposition on Gentlemen. But this matter being directly under consideration of the Court of *Kings Bench*, in the Case between *King* and *Pyne*. A Case being made and agreed, and the Court having resolved to confer with the rest of the Justices and Barons thereupon, we may well hope for a speedy decision of this so long controverted point.

But there is no necessity that any Money should be given with Apprentices, for that must be left to the discretion of the Churchwardens and Overseers, all circumstances of age and ability being considered: And if they cannot agree with the Party, then the Justices of Peace adjoining; or in their default, the Sessions of Peace are to determine this.

Resol. 2.

§. 15.
Apprentice.

An Apprentice put to a Man in regard of a Ferm, when his Lease expireth, his Apprentice must go still with the Ferm, if the first Master will. Otherwise where the Apprentice is put to a Man in regard of his ability, or for other respect.

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