'or Assizes; if he refuse to give such Bond, let him be sent to the Gaol, 'there to remain until he shall give such Bond.

'7. *Qu.* If such a Parishioner who refuseth to take such Apprentice, 'shall be bound over to the Sessions for not taking such an Apprentice, and 'when he appeareth there, shall likewise refuse, what shall be done to 'him; and what shall be done to the Parents who refuse to suffer their 'Children to be put out to be Apprentices, themselves not being able to 'maintain them?

'*Resol.* If at the Sessions or Assizes such a one refuseth to take an 'Apprentice, and his excuse be not allowed, it is fit he be bound to 'the Good Behaviour; and it will be a good course to indict such a re- 'fuser for a Contempt, and thereupon to Fine and Imprison him, if he 'refuse to be bound to the Good Behaviour, let him be imprisoned till 'he will; and the Kings Book of Orders, directs that such be bound 'with good Sureties to appear at the Council Board: And if the Parents 'of such poor Children refuse to suffer their Children to be bound Ap- 'prentices, or being bound, intice them away, themselves not being 'able to maintain them, let them be committed to the House of Corre- 'ction.

Refusers to take Apprentices at the Quarter Sessions to be bound to the Good Behaviour.

'8. *Qu.* Whether it be in the power of any General Quarter Sessions 'to mitigate any Penalty upon a Statute Law; if the Party Indicted, 'shall submit himself to the Fine of the Court, and wave the Tra- 'verse?

Fines certain not to be mitigated.

'*Resol.* If the Party be convicted, or confess the Fault, it is not in the 'power of the Court to mitigate the Fine, in such cases where the Statute 'makes it certain: But if the Party indicted protesting his innocency, yet '*quia noluit placitare cum domino rege* puts himself up into the Grace of 'the Court, the Court may impose a moderate Fine, and order to forbear 'the Prosecution.

9. *Qu.* If any be bound to appear at the Sessions, and shall 'tender submission to the Court, whether the Sessions may stay the 'Indictment, and mitigate the Fine aforesaid upon the Confession of the 'Fact?

'*Resol.* This is answered before to the next precedent Article.

'10. *Qu.* If a Man be convicted for being drunk, tipling, and keeping 'an Unlicensed Alehouse, or being Licensed, for suffering others to re- 'main tipling in his house; or for swearing or driving Cattel upon a Sun- 'day contrary to the Statute in that case provided; whether the Justice 'of Peace, before whom he was convicted, or any other Justice of the 'Peace may discharge him of all, or part of the Forfeiture or Punishment 'appointed by the Statute?

No discharge of any Forfeiture after Conviction for Drunkenness, tipling, &c.

'*Resol.* The Justices have no such power of mitigation after convicti- 'on, where the Statute appoints the measure of the punishment.

'11. *Qu.* Whether a Constable may upon a Warrant for carrying one 'to the House of Correction for keeping an Unlicensed Alehouse, upon 'the second Conviction break open the house, wherein the Party convicted 'is, to apprehend him?

Constable.

'*Resol.* This Question is to be advised upon, it is put in general terms, 'and referred to be considered in the particular where it appeareth.

'12. *Qu.* If a Woman unmarried be hired from week to week, or 'from half year to half year, in one Parish; and there be gotten with Child, 'and then goeth from thence unto another Parish, where she is settled in 'service by the space of two or three Months, and then discovered that 'she is with Child. The Question is, Whether she shall be settled in the

Settlement of a woman gotten with child.

'Parish