

Those persons, who on the Twenty fifth day of April, 1661. were in the Actual Service under the command of George Duke of Albemarle, and have not since deserted the Service, or refused to take the Oaths of Supremacy and Allegiance, that did heretofore use any Trade, but did not serve out their time, or are apt and able to practise any Trade, may set up any Trade to which they were Apprentices, as if they had served out their time; or if they were never Apprentices, may set up such Trades as they are apt and able for, in the places where they were born, without any let or molestation, in respect of using such Trade. And if they shall be sued or indicted in any Court, for so doing, they making it appear they were so in Service, and have not since deserted, and have taken the said Oaths; and upon Not guilty, shall be found Not guilty; and the person who so sued or indicted them, and shall have a Verdict pass against them; or so Nonsuit or discontinue, shall pay double Costs, to be recovered, as other Costs are to be recovered at Law.

Such Officer or Soldier shall prove his Service, by Certificate under the Hand and Seal of some Field-Officer, and two Commission-Officers of the Regiment, or some General-Officer of the Army, which shall be proved by one Witness; or in default of such Certificate, by two Witnesses.

And it is lawful for any person to use privately any Trade (as of a Cook, Brewer, Baker, or Taylor, &c.) in his own house, or in the house of any other, for the private use of the Family, although such person were never Apprentice to the Trade, *Co. ibid.*

If a Man use the Trade of Tallow-Chandler, Baker, Brewer, or any other lawful Trade or Manual Occupation, for his own use, or for the use of his Family, without selling any for lucre and gain, he may lawfully do it, *Co. 8. 129. 130.*

But yet he which useth any Trade, or other Manual Occupation, for the use of himself, or of his Family only (whithout selling) he cannot retain any Apprentice within the Statute of 5 *Eliz. Co. 8. 129.* But he may hire one to be his Servant, who is skilful in that Trade or Occupation.

One purchased a Mill, and hired a Miller to be his Servant, who ground the Grists of his Neighbors, and the Wife of the Owner of the Mill took Mony of the Neighbors for their Grist so ground; and for this the Husband (who was Owner of the Mill) was indicted at Cambridge Summer Assizes, *An. Dom. 1619.* by reason that he was never himself Apprentice to the Trade. It was the Case of *T. P. Yeoman.*

The intent of this Statute 5 *Eliz. cap. 4.* was, That no person should take upon them any Art, Mystery, or Trade, &c. But such wherein they had skill and knowledge, according to the Rule, *Quod quisque norit, in hoc se exercent,* *Co. 8. 130.*

And therefore none may keep a Common Brew-house, Bake-house, Cooks-shop, &c. to sell to others, except they have been Apprentices thereto by the space of Seven years, &c. *ibid.*

Note, That these words Mystery, Trade, and Craft, do all bear one sense or signification. See *Plow. 537 b. Co. 11; 54.*

Note next, that this Statute, 5 *Eliz. cap. 4.* extended not to Serving-men, but to Servants in Husbandry, and Handy-crafts: And yet where words of any Statute be, Servant, in general, there it seemeth to extend to all.

“Any employment that requireth no extraordinary skill to exercise it, is not within this Statute; and it hath been adjudged and affirmed in a