Apprentices during the Time of their Apprenticeships are under the Power of their Masters, to whom any Gain they make doth accrue, unless it be otherwise agreed; and may be corrected moderately by them, for Faults and Misdemeanours. In a Process at the instance of a Master against the Cautioners in the Indenture for his Apprentice, for making up to the Pursuer Damages sustained by the Apprentices imbezling his Goods, and disposing of them without his Knowledge, a Trait of domestick Thieving by the Apprentice being proven: the Lords allowed the Master to give his Oath in Litem upon the particular Species, Quantitys and Prices of the Goods imbezled; reserving to themselves to modifie after his Deposition 7 Novemb. 1684 Forrester contra Merston and Her. it being impossible for a Master to prove all the Particulars otherwise. The Cautioner for an Apprentice is not free from causing the Apprentice serve out his Time, and from paying Damages for his Absence upon this Account that the Master having got the Prentice-fee, suffered him to escape and go beyond Sea, without Intimation to the Cautioner, that he might restrain him and bring him back to his Services as if the Master had been presumed to connive by Collusion with the Apprentice at his going Abroad in Order to recover Damages off the Cautioner 17 June 1663 Allan contra Paterson.

A Master should not imploy his Apprentice in any other Work than his Calling. And where the Master's Damage thro his Apprentice's Absence out of his Service, was liquidated by the Indenture to two Days Service for one Day's Absence; the Time ~~[illegible]~~ the Apprentice was imployed by his Master in other Work than his Calling, was allowed to compensate so many of his absent Days 14 January 1678 Symontoun contra Brocks. And where a Master's Damage thro his Apprentice's Absence was agreed to be two Days Wages for each Day's Absence; the Lords modified the Penalty of three Years Absence to 50 Pound 17 June 1663 Allan contra Paterson.

Where a Master dies within the Term of the Apprenticeship, his Representative ought to maintain and instruct the Apprentice, or bind him over to some other Master of the same Calling, for the Remainder of the Time, or must restore a Proportion of the Prentice-fee. 16 Feb. 1711 Cuthbert contra Littleton.

But one who entered into Indentures to a Chirurgeon Apothecary in Edinburgh, who was bound to book him in the Dean of Guild's Books of that City and to make him Free-Man of his Calling there, was found not intitled to claim any Abatement of the Prentice-fee upon the Master's removing himself to Kirkaldy to exercise his Imployment there, where it could not be supposed the Apprentice would have that Insight and Improvement in his Calling as in the metropolitan City, where Apprentices have also

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the Benefit of the Physick Garden. But the Apprentice was found obliged to follow his Master, the Master always instructing that by the Custom of the Calling, all Apprentices to one who is a Free-Man Chyrurgeon in Edinburgh, do by their Service acquire Freedom in that Calling in Edinburgh, whatever Place their Master live in during their Apprenticeship. In Respect the Indentures laid no Obligation on the Master to reside within Edinburgh, and the Nature of the Contract implied no such thing: it being arbitrary to a Master of Craft, to seek his Trade where he can best have it, and be the fittest judge of his own Convenience where to set up and practise. Nor is it to be supposed that he would go and settle at Kirkaldy, had he not some Assurance of more Practice there where there is none to compete with him, than at Edinburgh where there are so many able Men of his Imployment. But the Master was decerned to book his Apprentice in the Dean of Guild's Books of Edinburgh in due Time, that is 3 Years after the booking of his last Apprentice 7 December 1687 Lauder contra Robertson.

Having spoke of persons not only in their Natural, but also in their Relative and Civil capacities; It may not perhaps be amiss to Treat now of Precedency which is a part of the Civil Law and Law of Nations, so far Exceeding all other matters there, as Honour doth Money, but they had to be treated of to every one, Jus Satisfaction 2. of Corporations and Communities; which is the Subject of the next Book.

Book 3.

Concerning Precedency, and Communities or Corporations

Chap. I.

Of Precedency.

Precedence or Precedency is that Rank or place of Honour which a person is intitled to in Companies either for Sitting or Walking.

Precedence is either of Courtesy or of Right de Jure; The former is due to Age, to Estate &c. which is regulated by Custom and Civility; The Latter is settled by Authority, and where it takes in upon it gives an Action at Law. Tho' there were no disputes or differences arising from the Ambition and Vanity of those that affect to set themselves above others; and that on the contrary every one made it his Business to give way to others, and to place himself below those whose Rank is inferior to his: yet it would be necessary to have Rules touching Rank and precedency, pointing out to every one what place belongs to him; for preserving the publick order of Society and decency on every occasion where many persons meet together. Among those who are supreme, Kings are preferred to common wealths, and the Emperor of Germany takes place of Kings, as Successor to the Roman Emperors, who are thought to have been universal Monarchs, because they are said in Scripture to have taxed the whole world Luke 2. 1. I shall not debate the much contested precedency of Kings, common-wealths and patriarchs among one another, but refer my Reader who is curious to know that matter to the first Seven Chapters of Sir G. McKenzie's Treatise of precedency, and content my self to handle Briefly, the precedency of Subjects in Scotland.

In the Question touching Rank and precedency, It is necessary to distinguish 1. The precedency of the orders among themselves, viz. Ecclesiasticks and Laymen. Both which have this in common, that there are in every one of them ~~[illegible]~~ Ranks, first general, which distinguish the persons of each as it were into divers classes, which have different Ranks among themselves as the

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