

the French, became an honorable title in Scotland conferred at the Kings pleasure without Restriction to a Number.
 There were also both in Scotland and England Knights for Life, called Bannerets, equites vexilliferi created under the Royal Standard in the Field of Battle, the King. These in the Opinion of Thene (de verb. significat. banneretes) were derived from their having Power to raise a Banner with a Company of Men of War. But this Honour is now obsolete.
 Knight Bachelor, called eques auratus, from the ancient Method of creating such a Knight by girding him with a sword and putting gilt spurs upon him, is both in Scotland and England a Degree of Honour for Life, and dies with the Person on whom it is conferred. This title was in former Times bestowed only upon Warriors for military Service, or upon Children descended of such Persons, to encourage them to be like their Ancestors. But of Late it hath been conferred upon Governours, as Lawyers, Physicians and others of distinguished Merit with no other Ceremony, but the Kings highly touching those to be knighted on the Shoulder as they kneel'd down, and saying heretofore in French, Sois chevalier au nom de Dieu. Be thou a Knight in the Name of God, and then in ancient Chevalier said up Sir Knight.

Esquire (in Latin armiger) signifies now in England a Title of Dignity next to and below a Knight Bachelor, given to such as either by Birth, place in the Service, or merit some higher Attribute than that of Gentlemen.
 Gentleman, is one whom his Blood and Race doth, without any other Title, distinguish from the Multitude; as being descended from a Family that hath born a Coat of Arms. This word is a Compound from *Gentil* and *Man*: The former whereof some derive from the Latin Word *gentilis*, signifying in its pure sense, a Person of each one of the same Name and Family; others from the same Word *gentilis* used in a different sense about the declining of the Roman Empire and afterwards for a Person who was no Roman, but one of those Northern Nations who pulled down that Empire, and in their framing of Words out of the Latin to make up their peculiar Languages, were so fond of the Word *gentilis*, by which they found themselves designed by the Romans, that they made it the distinguishing Character of Persons of Quality and Esteem, as appears from the Italian *gentilissimo*, the Spanish *gentilhomme*, the French *gentilhomme*, and Gentleman used with us. And to this latter Opinion concerning the Origin of the Word Gentleman, the learned Gohar Selden (tit. of Honour part. 2. chap. 8. s. 2.) inclineth. All are in Britain called Gentlemen who maintain themselves without manual Labour. Landed Gentlemen are in Scotland called *Lairds*, from the *Leudes* in Burgundy, who were subject to the *Alodes* or Lords. Gentry (as in general many Nobility) and Arms descend to all Sons alike, only the eldest bears the Arms without, and the younger with Difference. The Chief of a Family takes the Place of any Gentleman thereof.

Burgesses are those who have the Privilege of Trade and Merchandizing within their respective Burghs, exclusive of all others. Those who exercise this Privilege, are called *trading Burgesses*, and such as do not use it are stiled *honorary Burgesses*. Burgesses are divided into those who have Right to themselves only for Life, called *Simple Burgesses*; and such as have it to themselves and their Children called *Burghers* and *Gold-Brothers*. vid. vol. 2 pag. 584.

It may be here observed, concerning Commoners in general, that the no Peers can go out of the Kingdom, without a License from the Sovereign; single Commoners are under no such Restriction, unless the Duke doth particularly stand in Need of their Presence &c. In which Case the King may by his Writ *ne exeat Regno*, stop any Person from going out of the Kingdom, and make him give Security not to depart without his Majestys License, Wood's imper. just. lib. 1. cap. But in no Case are Commoners allowed to remove out of the Kingdom: Multitudes seeing the State could not subsist under such a Liberty Wood ibid.

Chap. 2.
 of Persons in Particular Relative or Civil Capacities.
 Those in Particular Relative Capacities, are 1^o Man and Wife. 2^o Parents and Children. 3^o Masters and Servants: who make the three kinds of Family Relation.

Tit. 1.
 of Husband and Wife.

Man and Wife are made such by Marriage, the first Society of divine Institution it not being in the Power of the Parties, even by common Consent, to alter any Substantial; as to make the Marriage for a Time, to divest the Man of his marital Power over the Wife, and lodge it in some other or the like.
 Marriage is often preceded by Esponsals, called in the Canon Law *sponsalia de futuro*. Esponsals, which are the blither of Marriage, are a Contract or mutual Promise to marry each other hereafter expressed in these Terms I will marry you, which in the Civil Law is called a *consent de futuro* l. i. ff. de sponsal. So that Esponsals are not, as Sir George Mackenzie (inst. lib. 1. tit. 6. s. 3) says, a Promise to solemnize the Marriage; which he seems to found upon the ordinary Rule of our Contracts of Marriage, bearing the Parties to accept and take each other for their lawful Spouses, and to oblige themselves to solemnize the Marriage. For this is truly Marriage, the Consent being present; and if consummated by getting Children, such Children would be lawful, and need no Legitimation. Solemnizing of Marriage before a Minister is indeed required ad majorem honestatem; but it is not essential to Marriage which consists in Consent without the recitacion or pastoral Benediction: where as *sponsalia* suspend the Consent for some Time, Esponsals are not effectually obligatory by the Canon Law as that the espoused Persons may be forced to perfect the Marriage, unless there be a reasonable Excuse for not doing it, as that either Party had contracted since the Esponsals some infectious Disease c. 2. de sponsal. punit. c. ult. x. de conju. leprof. Out both the Civil Law l. i. c. de sponsal. and the Law of Scotland Mar. inst. lib. 1. tit. 4. n. 6. allow either Party to refuse *rebus integris* while Matrons are intire; that is, till carnal Copulation follow. However where a Man obliged himself by Bond to solemnize Marriage with a Woman betwixt and a certain Day, and in Case of Failure to pay her 500 Merks; after expiring of the Day prefixed Action was sustained at the Woman's Instance for payment of the 500 Merks, without a previous Declaration of the Failure incurred: seeing dies interpellat pro homine; and it was not affirmed that they were married, and when ever the Grantor of the Bond did complete the Marriage, the Sum would return to himself. About it was pleaded for the Man, that an Obligation to marry under Penalty was disallowed in Law.