

= notary's single Escheat 10 March 1631 Stewart contra Lady Sa-
 melburn. So Sheriff-Clerk's single Escheat, was found to carry his
 office Hope maj. Pratt. Tit. Horning, Kinross contra Drummond.
 The single Escheat of Ministers or Beneficed Persons carries the
 Melioration of their Manes. Stair Jhd. The Escheat of an Exor, car-
 ries only ~~the~~ his own interest in the Exor, and not the Share of
 the relict Children or nearest of Kin, which is liable to be confis-
 cated for their own Rebellion: Albeit the Testament were to be exe-
 cuted by Deceits at the Exor's Instance, against the Debtors of
 the deceased 21 Decemb. 1671 Gordon contra L. Trum. The Office of a
 Tutor doth by his being denounced Rebel fall to the King, who may ou-
 = pose thereof Spotswood Pratt. Tit. Tutors, and Curators.

Liferent Escheat, is a Forfeiture, of all liferent Rights belong-
 = ing to a Rebel or Outlaw, who hath continued Year and Day at the
 Horn unrelaxed or loosed, for a civil or criminal Cause. This liferent
 Escheat is not only a Penalty for Disobedience to Law, as the single
 Escheat is; but also a legal consequence of the condition of the Rebel,
 who thro' his continuing Year and Day in Outlawry (like captivi
 Amicitia among the Romans) is reputed civiliter mortuus civiliter
 dead, and excluded from the Possession of all his Rights. We have
 other Instances of civil Death in our Law, as of a Protestant turning
 Papist, whose Estate goes to the next Heir as if he were dead. Tit. 3.
 Sect. 8 & 9. Par. K. W. Such State is termed civil Death, because it
 cuts off from the civil Life those Persons who fall under it, and ren-
 ders them as it were Slaves to the Punishment which is inflicted on
 them. *Haque preoccupat hinc lapsus mortem l. 29. ff. de pænis.* In
 popish Countries professed Monks or Nuns are under another
 Kind of civil Death, which is voluntary and renders them inca-
 = pable of Marriage or of having any Property in temporal Goods.
 They having at the Time of their Profession solemnly dedicated
 themselves and all that they have to the Service of God, and renounced
 the World with all that is in it. Liferent Escheat falls by the Rebel-
 = lion or Denunciation: For the Year and Day is given only to the
 Rebel to purge by Relaxation; and if he relax not within that Time
 his Liferent Escheat takes Effect from the Denunciation, M'kenzie
 = just. Lib. 2. Tit. 5. §. 2. 8. ^{Stair Jhd. Answer to Duff's Doubts, Tit. 5. §. 2. 8. Escheat.}
 Be, after the Letters are found ^{at the Horn} ~~found~~ ^{proceeds} ~~proceeds~~, again denounced: The
 Time of the former Rebellion or Outlawry, would not be conjoined with
 the

the latter, to make up the Year and Day, allowed him to purge his Re-
 = bellion; for all Escheats are odious and unfavourable, Stewart Inse-
 = pers to Drollet. Doubts Tit. Liferent Escheat. Some Liferent Rights
 fall to the Superior, whether the King or a Subject; others go to the King
 jure coronæ. Law gives to the Superior not only the Mails and
 Profits of all heretable Rights of Property or Liferent, vested in the
 Rebels Person by Infeftment, during all the Days of the Outlaw's
 natural Life. Act. 32. Par. 4. §. 5. Because the Superior wants a Vas-
 = sal to serve him, but also the profits of Lands wherein he might
 have been infeft as apparent. Heir 3 July 1624. Heir contra. Adam
 and E. Gallaway Hope Min. Pratt. Tit. Liferent Escheat §. 199. M'kenzie
 = just. Lib. 2. Tit. 5. §. 25. if he enter at any Time thereafter. Tit. Lib.
 2. Tit. 4. §. 62. But if he renounce to be Heir, or die intestate, there is
 no Reason why his Liferent Escheat should hurt another Heir's Creditors.
 Some heretable Rights which by their Nature require no Infeftment
 as Force and Courtesy belong to the Superior of the Land. Stair Jhd. M'ken-
 = zie Jhd. Because Liferent by Courtesy and Force are as Vassals dur-
 = ring their Lifetime and owe him Fidelity and Obedience. But Sir James
 Stewart (Jhd) thinks that the Liferent Escheat of Husband's having
 the Courtesy or Lady Tenants should fall to the King, and not to the Su-
 = perior of whom their Lands are held, seeing Courtesy and Force are
 constituted by Law without any Infeftment. I. Just. consigned to redeem
 a Wadset was found affected with the Wadsetters Liferent Escheat, and or-
 = dained to be reemployed for the Superior during the Rebels Lifetime. 24
 June 1661 Tailzier contra. Maxton and Cunningham. But the Lifer-
 = ent of a Person infeft upon a Wadset the gillie, both determine and
 cease by Redemption of the Wadset, Stewart Jhd. Tit. Ward. Because
 the Wadsetter had not an absolute Right. Albeit where a Superior be-
 comes Outlaw, after his Vassals Liferent Escheat had fallen to him, the
 Vassals Liferent would come under the Superiors single Escheat; seeing
 he had only Right to the Subject thereof while the Vassal lives, and not
 during all the Days of his own Lifetime: Yet the Superiors Liferent Escheat
 carries the Liferent Escheat of his Vassal accruing to the Superior after he
 had been Year and Day at the Horn 26 Feb. 1623. Heir contra L. Lethinty
 & L. Clunie & March 1620. Douglaf contra L. Wedderburn 24 July 1632
 Rule contra Billie. Because then the Superior's Superior is in his Place, and
 has Right to whatever would have belonged to him. Where a Rebel hath
 Lands held of several Superiors, each Superior hath Right to the Mails
 and Dutys of the Lands held of himself. What falls under Liferent Escheat,
 and doth not belong to the Superior, goes to the King as *bona vacantia que*
 nullius