

nullius sunt. Thus his Majesty hath unquestioned Right to the Liferent Es-  
 cheat of Ministers, comprehending the Profits of their Manors Glebes Stipends  
 or Benefices during their Lifetime or Incumbency, tho' lying within a Regal  
 Jurisdiction. See Stat. 28. March 1620 Fletcher contra Irving Stair Lib. 2. Tit. 4. s.  
 63. & 68. Michenise Observ. on de Stat. 49. And the vacant Stipends of such Benefices  
 be otherwise applied. His Majesty is also intitled to the Liferent Escheat  
 of heretable Rights in the Persons of Purchasers, that require to be com-  
 pleted by Infeoffment, as Bonds Contracts Dispositions, if Infeoffment be not  
 not passed upon them. See July 1626 Halyburton contra Stewart 22 July 1677  
 Monzie contra Kennedy. Rad. Prall. 20 Decemb. 1609 Gray contra Laur.  
 Seeing the grantor of the Right continues Vassal to the Superior, till he  
 be denuded by another's taking Infeoffment and the Fee which is full  
 cannot open to the Superior, by the Incapacity of one who was never his  
 Vassal; nor yet hinder him from having a Vassal, as it is in the Case of an  
 apparent Heir wilfully delaying to enter to a Fee vacant by the Death of his  
 Predecessor. And for the same Reason it would seem that Liferent Tacks  
 Lands or Tithes. Stat. 15. Par. 22. f. 6. and long Tacks for several 19 Years  
 exceeding the longest Life of Man Stewart. Tit. Tacks of Tithes, which  
 under Liferent Escheat, should pertain to the King, who has Right to all  
 Caducities, that Law provides not in Favour of others. But the Lord Stair  
 Tit. s. 62. and Sir George Michenise (Tit. s. 25) will have Liferent Tacks to  
 fall by Escheat to the Master of the grounds; Tho' he do not see Reason or Law  
 for it, and the Lord Stair in another Place (Lib. 9. Tit. 9. s. 1) doth own the King  
 Title to them. Whatever be in this, the Liferent Escheat of one of several In-  
 feoffments in a Tack, carries only the Benefit of it for his own Lifetime, and  
 not Prejudice to the other Liferent. Stat. 15. Par. 22. f. 6. Where a Tack is  
 set to one for his Lifetime, and to his Heirs and Assigns for the Space of 19  
 Years thereafter, such a Tack for the 19 Years falls not under the Liferent  
 Escheat of the first Tacksmen, but pertains to his Heirs, in Respect it was  
 never in bonis ejus, and had no Beginning till after his Death 29 July  
 1625 Her contra. And tho' a Liferent Tack assigned to another  
 falls under the Assigny's single Escheat. Yet a Tack for 19 Years exceed-  
 ing the longest Life of Man assigned would fall under the Assigny's Liferent  
 Escheat Stewart. Tit. Tacks. Seeing if such a Tack were brought under the  
 Rebel's single Escheat his Heir would be thereby prejudiced and hurt as to  
 Years to run after his Death, contrary to the Design of the Law, that sustains  
 even a Liferent Escheat to the sole Prejudice of the Rebel himself. The Reason  
 why a Liferent Tack and not a Tack for Years <sup>exceeding</sup> any Liferent, falls un-  
 der the Assigny's single Escheat is, because a Liferent Tack assigned may  
 expire in the Assigny's Lifetime, by the Tenant's dying before him. Whereas  
 not

an Assigny to a Tack for Years beyond the Term of Life, hath Right there-  
 by for his own Lifetime. Albeit in Burgage Lands the Burgh only is Vas-  
 sal to the King; yet the Liferent of private Heretors of the Lands falls to his  
 Majesty. Michenise. Tit. s. 20. junct. s. 36. and carries the Rents thereof during  
 the Lifetime of such Heretors: Not quia Superior, but pure corona tanquam  
 bona vacantia; according to the Proceed of the Feudal Law, quod nullius est  
 est domini regis. If the Liferent Escheat be gifted by the Superior to the Vas-  
 sal himself, it appears to be discharged; But if the Vassal fall thereafter  
 to be Year and Day at the Horn, his Liferent will again fall to the Superior,  
 as if it had not fallen before Stewart. Tit. Liferent Escheat. Altho' the  
 Superior cannot have two Liferents of one Person.

In old Time the Lord Treasurer had Right to intromit with the goods  
 of one whose single Escheat had fallen, and to cause raise Letters at his In-  
 stance directed to the Sheriff of the Shire or Mespingent at home for upholding  
 thereof. Stat. 75. Par. 6. f. 6. which were called Letters of Intromission, and  
 the Sheriff was accountable yearly in the Exchequer for all the Escheat goods  
 Stat. 74. Par. 11. f. 6. But now both single and Liferent Escheats are to be  
 gifted, and upheld by Donatories. Which Donatories are liable for ne-  
 ligence, except in so far as they exclude other Donatories or Creditors, or do not  
 desert the Debtor; and voluntary Payment to them by the Rebels  
 Tenants, does not make the Donatories liable to hold Count for subsequent  
 Terms 17 January 1678 Crawford contra Crawford and others. One hav-  
 ing taken to himself his Heirs and Assigns a gift of his Debtor's  
 Escheat, burdened with the Debt in the Hornings whereupon it fell, and  
 the Debt due to the Donatory himself; and having given Back-bonds in  
 Exchequer to apply any further Benefit thereby to the Behoof of the  
 rest of the Creditors at the Right of the Lord of Treasury: The Donatory  
 and his Representatives were found accountable only for what accrued from  
 the gift during the Donatory's Life; and his Representatives were found  
 not liable for Diligence in further executing the Trust after his Death.  
 But the Creditors in the Back-bond might have applied for a new gift,  
 to intitle them to Intromission after the Debt in the first gift were  
 satisfied 21 Feb. 1724 Representatives of L. Bowhill contra <sup>Representatives of</sup> Scott of Gala.

Albeit by our Law Pactions about Rights that may accrue to private  
 Men, are effectual before such Rights fall to them (vid. Sup. Pag. 641) yet  
 a Gift of one's Escheat, when he shall be denounced is void and null. Stat. 23  
 Par. 1. f. 6. Because the passing such a gift before Denunciation, might  
 occasion the Person whose Escheat is gifted, to be denounced vijs et modis,  
 by indirect and precipitant Means. Gifts of Escheat, as all other Gifts by the  
 King, are null, if granted before the actually fall Stair Lib. 3. Tit. 3. s. 10.  
 And a gift was null by Reception, for not mentioning the particular Hornings  
 whereupon