

Judge that they have been conceived only after his death 7th Gl.
 Incapacity of a Bastard ceaseth when they are Legitimated by the
 consent marriage of the Natural parents Praegibid. 36 Veni's libri
 autem Naturalis & Co. But not by a letter of Legitimation from the
 King Craig Feud. lib. 2 Tit. 18. § 5. And the Incapacity of Aliens may
 cease by Naturalization, which Incapacity ceaseth only for the time to
 come; that is, a Bastard Legitimation or a foreiners Naturalization
 will made him Capable only of Succession which may fall to him for
 the future, and that he is not to require to have any Succession which
 fell before the Legitimation or Naturalization on the time that is
 Incapacity did stand. See above Privileg. 80. Tom. 1 part 2 lib. 1 Tit. 10.
 2 lib. 21. 22. & 23. 5th Those born Deaf and Dumb, or with other
 infirmities which Render persons Incapable of the Management of their
 Estates, are never to be capable of Inheriting as well as the other
 Children. And upon those who are made acquire the Succession will
 fall to them, as well as if such estate was ever Intestate. For all such
 Qualities render them Incapable of Inheriting themselves, and that the
 quality of this may contain some Engagements. For their Estates
 Executors contract for them; they always agree this condition,
 that if the Successions are burdensome to them they may Renounce
 them and be relieved from the said Engagements. 34 Inflod. de
 Lib. & Diff. l. 3 § 51. If a Legator, vel omnia Res. 67. By the Law
 of France see in a Privileg. 80. Tom. 1 part 2 Pref. lib. 1. Afore En.
 (Lillelon Tenures lib. 1. sect. 4) the goods of a Natural Intestates that
 is, which Descend to one from his father or other Ascendants or
 Collateral Relations of the father's Side cease appropriated to
 nearest kind of Blood on the part of the father, and the goods of
 Maternal Intestates that is, which came by the Mother's Side, are
 appropriated in the same manner to the nearest kind of Blood on
 the part of the Mother. Which Rule is Commonly Express'd by these
 words, paterna paternis, Materna maternis, and founded on this
 Reason that the goods come from one family may not pass to
 another as it would happen if the paternal Estate should go to
 those in the Maternal line, or the Maternal Estate go to those in
 paternal line; who would transmit them to their heirs, and
 that means take them away from the family from whence it
 came. But our Law allows signals only, and not Cognates to
 Success, even tho' the Inheritance come by the Mother or tho' it
 is her line. And the nearest lawful heirs are served, and the
 lowest, without Enquiring or Considering whether the Inheritance
 flowed from the paternal or maternal part, Materna Maternis
 takes the place in Scotland, Craig Feud. lib. 2. Tit. 17. § 3. Hair

lib. 3. Tit. 4. § 34. M. Kenzie sig. lib. 3. Tit. 8. § 57. Shirlan Injurious to
 Violet Don. lib. 3. Materna Maternis. Child a father was found heir
 to his son in land, whereas the son died at heir to his Mother, and
 Excluded the Mother brother of the deced'd by the same Mother. 3 lib. 6.
 1663 Lennox contra Lennox. And if a person succeeding to his Mother
 die without heirs on the father's Side there is place for an Heir Maternal
 Street. And that the same Distinction Opinion Poole's and quid Lord
 Fitzgibbon the Gl. Materna Maternis that Inheritance flowing from the
 Mother or her kindred, must be in succession to those in the Maternal
 line is Reserved in her Custom and the general judgment of all our
 other Lawyers. If a child at the age of 13 years can succeed as
 heir, or be otherwise conveyed from the father to whom he is heir, he may
 write to marry himself of his own free Will. And if Enacted in the Power of his
 own free Will as above before the full age, he may marry before he
 attain the same; then upon the next assize entered by the father
 Succession any Conveyance made, and assigned to the said
 profligate heir, who is to be served heir to the Deced'd and to have
 right to the Estate and goods from the surviving of the said Intestates
 with the burden of the debts of the person Enacted Anterior to the
 Exclusion, and of the Debts of the Deced'd till the person Excluded
 or his heir purge himself as above; in which case he is to be
 Relieved as before the Exclusion; that Intersaving Rights with
 the burden of the Personal Annual debts of 100 lbs. remaining
 with the profligate heir. And if the Person heir do not renounce
 before within 10 years after the Intestates, not reckoning the year
 of Marriages he is Excluded for ever and the Estate belongs to the
 said profligate heir, or with all its lawful conditions and bur-
 dens, see 3 lib. 9. Part 2. § 49. § 1. No person could by the Civil Law
 Renounce the benefit of Succession before it fell by the Death
 of his kindred, without his Consent, and all pactions and Covenants
 or hereditas Inventis were allowed as contra Bonos Mores
 l. 1. § 1. 19. C. de pact. l. ult. Fofchis & Legiti. § 1. l. 3. C. de Collat.
 and of promissio's Consequens Brevis. Such Contracts might be
 a Temptation to destroy that person whose estate is Expected. But
 such pactions and Contracts de hereditate Inventis are allowed
 with us 14 January 1631 Sharp contra Sharp Stair lib. 1. Tit. 10
 § 3. lib. 3. Tit. 8. § 25.

The order of Succession is Regulated by the
 1st Descendants, succeed according to their proximity of blood by
 the Roman Law Children Male and female succeed Equally by the
 head or in equal portions Nov. 118. Cap. 1. § 2. Nov. 22. Cap. 29 for
 preventing Emulation & Dissension. By the Law of Moys, the Female