

No 20. relief was found moveable, and to belong to executors, though the principal bond was of a different and heritable tenor.

Fol. Dic. v. I. p. 254. Fountainball, v. I. p. 334.

S E C T. III.

To whom Single Escheat falls.

1542. *May 28.*

ORMISTON, the King's donatar, *against* The BURGH of EDINBURGH.

No 21.

If a man is convicted for slaughter within burgh, his escheat belongs to the burgh; but if he is fugitate for not compearance, his escheat belongs to the King.

GIF ony man committis slauchter within Edinburgh, and beis apprehendit and convict thairfoir, the escheit of his moveabill gudis aucht and sould pertene to the Burgh and communitie of Edinburgh, *ratione criminis commissi, infra burgum*. But gif ony persoun committis slauchter within the samin Burgh, and is fugitive, and denuncit rebell, for non-compearance to underly the law thairfoir, in that cais his escheit aucht and sould pertene to the King, becaus in this cais his escheit falls not be reasoun of crime committit within the Burgh, but be reasoun of his non-compearance.

Fol. Dic. v. I. p. 254. Balfour, (BURROW.) No 43. p. 52.

* * * This case is reported by Sinclair, No 18. p. 2265.

1609. *February 23.*

LAIRD of BAIRFUTES *against* DRUMMOND and MAUCHAN.

No 22.

A husband's *jus mariti* of lands, belonging to his wife which falls under single escheat, was found to belong to the wife's superior, and not to the King.

ARCHIBALD HAMILTON of Bairfutes, as having by gift of my Lord of Lothian, the liferent of sik lands as Agnes Mauchan held of his Lordship, fallen in his hands by the rebellion of Harry Drummond, and his remaining year and day at the horn, pursued for declarator thereof. Compeared Mr John Kerr, donatar to the said Harry's escheat, given to him by the King's Majesty, and being admitted for his interest, *alleged*, That no declarator could be granted to the pursuer upon the Earl of Lothian's gift, because nothing could fall to the Earl, but the liferent of his vassal who was not at the horn, and the rebellion of her husband could not make her liferent fall, because he was not vassal to the Earl; and if she was either divorced, or her husband died before her, neither his