him, were confiscated and carried into the public treasury. And in like manner when any one died intestate without heirs or next of kin capable of taking after him, his real and personal estate escheated to the lord, or vested in the king, who, necessarily, for the public peace and to prevent confusion, succeeded to the property as a vacant possession. And where in such case the lands were not, according to the feudal system, holden of any intermediate lord, they escheated to the king; and, under his authority, might be sold and the proceeds taken into the public treasury. When property was forfeited, because of the treason or felony of its owner, by the ancient law of England, the creditors, except those who had incumbrances upon the realty, were left quite without remedy; but in Scotland, it was otherwise, there the public took the forfeited estate, subject to all charges upon it. (*n*) But by the more modern law of England, the creditors of a traitor or felon are paid to the extent of his forfeited property; and for that purpose the king waives his prerogative and authorizes an administrator to be appointed, who is held liable to the creditors, as in all similar cases, so far as the assets will go. (*o*) And where lands escheat for want of heirs, the lord or the king, takes them subject to all incumbrances and claims for the satisfaction of which they were bound as the assets of the deceased; and where the king succeeds to the personal estate of the deceased, because of his leaving no next of kin, the king takes subject to the claims of the creditors of the deceased; and the personalty is put into the hands of an administrator accordingly. (*p*)

In Maryland, under the provincial government, the same rules and practice prevailed; as where the deceased had been found upon an inquest to be a *felo de se*, the forfeiture was released for the benefit of his widow and children. And where certain property, on the death of the owner intestate, had escheated for want of heirs, the Lord Proprietary took the estate subject to all claims against the deceased, and his creditors were paid as from such an amount of assets. Relief was obtained in such case by petition

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(*n*) Bedford *v.* Coke, 2 Ves. 117; Burgess *v.* Wheate, 1 Eden, 203; Cuddon *v.* Hubert, 10 Cond. Cha. Rep. 160.—(*o*) Megit *v.* Johnson, 1 Doug. 542.—(*p*) Manning *v.* Napp, 1 Salk. 37; Jones *v.* Goodchild, 3 P. Will. 33; Burgess *v.* Wheate, 1 Eden, 177; Middleton *v.* Spicer, 1 Bro. C. C. 202; Barclay *v.* Russell, 3 Ves. 436; 1 Will. Exrs. 259.