

same, it may affect the husband's heirs and executors, but ought not to prejudice the husband's lawful creditors prior to the deed of remuneration.

The Lords did find, That any right, made in remuneration to the wife, could not prejudice his prior lawful creditors; seeing, in law, he was not obliged to grant that deed; and that the legacy which fell to her during the marriage did, *ipso facto*, belong to the husband, and not to the wife: and, therefore, any thing given to her in contemplation thereof, was, in effect, *sine causa onerosa*; and, being voluntary, should not prejudice lawful creditors.

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1676. July 26. SIR WILLIAM PURVESS *against* The CONVENTICLERS.

IN a pursuit at Sir William's instance, as his majesty's agent, against conventicle-keepers, for payment of the fines imposed by the Act of Parliament; compareance being made by advocates for the persons cited, as likewise some being called as intercommuners,—by report to the whole Lords, it was ADVISED, If advocates could compear, consult, and plead for them.

It was found, That all who were denounced rebels, and not relaxed, they had not *personam standi in judicio*, and no defence could be proponed by them; and as to the intercommnners, that no advocate could meet or consult with them, all communication being interdicted. Which seemed hard to some; seeing, 64 Act Parl. advocates are allowed to consult and plead for those accused of treason, which is a higher crime.

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1676. July 26. SIR ANDREW RAMSAY, Lord Abbotshaw, *against* FRANCIS KINLOCH of Gilmerton.

IN a declarator, at the instance of the Lord Abbotshaw, against Gilmerton, to hear and see it found, that his right to the land of Gilmerton was a redeemable right upon payment of the sum of fifteen thousand pounds, in so far as his right did flow from Mr John Cockburn, by disposition and assignation, which Mr John, when he obtained from Wauchton an absolute and irredeemable right, did grant a reversion to Wauchton, of that same date, declaring the lands to be redeemable upon payment or consignation of that foresaid sum: likeas, when the said Mr John did dispone his right to the said Francis, with warrandice from his own proper fact and deed, to secure him from all hazard through the reversion he had formerly made to Wauchton, Francis did grant and subscribe a declaration, that he should be free of the personal warrandice, in case of redemption by Wauchton; and did accept of the said irredeemable right, with the burden of the reversion; which now belonged to Sir Andrew, as coming in the place of Wauchton. It was craved that it might be declared, that he had full power to redeem the said lands for the price foresaid.