

was rebel, being charged to compare before the Secret Council, for insolencies committed against her, and not comparing to answer thereto, in end by the mediation of his friends she purchased protection to him, to come and treat for the settling controversies betwixt them, at which time the said promise was made to a mediate person, to her use, and for her sustentation, and the bairn procreated betwixt them; and also the same was made to herself, for the same cause: Which case being considered in these circumstances, and being a cause alimentary, and to the pursuer, who was a stranger, it was sustained by the Lords, and the allegiance was repelled.

Act. Russel.

Alt. Lawrie.

Clerk, Gibson.

Fol. Dic. v. i. p. 413. Durie, p. 251.

No 367.

1734. November 29. HOME against LADY ECCLES.

THOUGH a contract *bona gratia* is ever revocable, a contract of separation, founded upon articles of maltreatment, sufficient for a legal separation, is not revocable; and therefore a separate aliment was sustained, though above a reasonable aliment, such as a Judge would have determined. See APPENDIX.

Fol. Dic. v. i. p. 413.

No 368.

## DIVISION XI.

Marriage Dissolving within the Year, all things are  
Restored *hinc inde*.

## S E C T. I.

Terce.—Second Marriage.—Mourning.—Effect as to Postnuptial  
Contracts.—Effect as to Liferent Provisions.

1600. January. MAXWELL against GARLIES.

IN an action pursued by my Lady Maxwell, relict of the Laird of Garlies, against the Laird of Garlies and his curators, for the profit of the conjunct-fee

No 369.