in the dead of the Night; it had its Effect; she fainted, & when she came to herself, desired she might send for a Friend - Young Skidmore was then Sent for: does this look like a Condonatio Crimines? Upon the whole I hope you will pronounce for the divorce . . . . . .

Dr Collyer. The Doctors would avail themselves of Contradictions; when it is for their advantage, she is the most affectionate, best disposed Woman to her Husband, who wd not suffer her to live with him; to serve another purpose, she is frightened at the thoughts of his coming to her, is not in the least deque. inclined to a Reconciliation, has instituted y Suite voluntarily - The Dr, owns, if she had been allowed to enjoy her fortune & her Children, Mrs B. wd have heard nothing of this Suite; the Facts of Adultery are laid 5 Years before; Was such a Suite ever before instituted, at such a distance of Time? is there no limitation? In all Cases of Seperation the facts ought to be known, before the Wife removes from her Husband, renounces her Allegiance, otherwise a Wide Door wd be open to Iniquity; it is not sufficient for a Wife, when claimed by her Husband, to say, I will not return, I have heard you committed Adultery 7 Years ago; the Adultery ought to be the Cause of her Elopement; On this Account I said, we were in the nature of Plts; we were in possession of a Cause for restitution of Conjugal Rites, before she brought this Suite; we have proved a desertion, He lived amicably with his Wife from 1753 to 1759, when his Circumstances growing bad, he found it necessary to remove to London, to find out a new Plan of life, he informed his Wife thereof, she promised to follow him, but did not, on being required so to do, she refuses, then her fault commenced, she then forsook her Allegiance as a Wife, & thereby lost her Right to the Satisfaction, she wd otherwise have been entitled to for his Malfeasance - It was Grace, Tenderness that prevented Mrs B. from taking out a Process agt her for Restitution of Conjugal Rites; Suppose he had instituted such a Cause, She cd not justify herself on a subsequent fact of Adultery charged agt him - In the Duke of Beaufort's Case, they had separated by Articles, She sued for Adultery; I insisted, that where a man puts his Wife voluntarily out of his protection, he has no power of converting his own ill doing, to his own purposes; the Ct said it might be considered in other Causes, but there the Ct pronounced agt her - Mrs B. has forfeited her Right, be the subsequent Adultery what it will - Can she say I will live with my Husband, or not, as prudential Reasons sway; It is Duty, not prudential Reasons, that must weigh - He may have her Children - NB. The Proxy was read to shew it was her voluntary Act - I know it is her Hand, but how does it appear, she is not influenced by Fremoult, that he is not at the Bottom of the Transaction; She may give Answers, sign a Proxy under Influence; she is a Minor, that S. claims, she is so much in his Custody, that she dare do nothing without him; the Story dont hang well together, that formerly she shd be so willing to be reconciled, & now is so averse; We say, we are willing to be reconciled, she has withdrawn improperly, we remit the Offence; It is a Rule in Law, that Reconciliations are always favourable; if there is the least Colour for them, the Ct is bound take notice of them - Lady Savil's Case, Sir George Saville instituted a Suite agt her, for Adultery with Mr Levins, who had made Sollicitations to her which she rejected; he persisted, & one night came into y Garden, to give her a Letter at 2 o'clock in the morning, she opened the

Sash to give him a Letter, to say she wd not comply; he took hold of her hand, got in, & what followed, may be supposed; She told Sir Geo. Savil, who brought an Action agt Levins, but lived with his Wife 4 or 5 days; afterwards, he sued his Wife for Adultery, she pleaded a Reconciliation, wch was pronounced for on Appeal to the Delegates & confirmd on a Commission of Review, that Sir Geo. Savil had failed in his Proof, but no Sentence was given, there were 14 Commissioners present; 3 Judges differed; It was observed that an Appearance of a Reconciliation was sufficient, where no subsequent Fact was proved. She shall not take the Benefit of her own wrong doing - The Evidence is not clear as to the fact, Mrs Dudlow is contradicted by Broadridge - Dudlow also says, she was at the Labor, something being wanted, she went down into Mr B's Office, where on entering, she saw Miss Smith standing against the Wall, with her Coats up, & Mrs B. agt her; but she cant say positively, they are the Persons named in this Cause, so no Identity is proved, wch shd be in criminal matters; after having eloped Mrs B. has no right to institute this Suite to satisfy her Revenge, nor cd she institute it, if she had not eloped, for facts committed 7 years ago. We hope you will think so, & that she has no right to take Advantage of her own Laches; & that you will sequester her Person for the promotion of Justice

Dr Calvert... To blacken Mrs B. the Charge sets out, with an account of his leaving her abruptly & destitute; whereas on the contrary his Behavior appears very affectionate, When he informd his Wife of his Circumstances, she agreed to go to London, & sent up her Cloaths, saying she wd follow him, he expected her 3 Months, & finding she wd not come, sent back her Cloaths; So much I thought proper to mention, to clear up the Charge of Desertion; the Adultery comes next in Consideration, in which no half Proof is sufficient; the fact is laid on the 9th of July 1758 with Mary Broadridge, who tho, often sollicited, never consented till that time, You will observe, she is a single Witness, a particeps Criminis, depose her own Turpitude, who therefore is not sufficient to ascertain the fact, unless supported by Circumstances; to support her, they introduce Mrs La Prope, who deposes only that she lay in, & that the Child was said to be got by Mr B. without identifying what Mrs B - the Witness saying Broadridge Party in this Cause, dont come up to the Identity expected by the Ct, it being the form of Pleading - The facts laid are such, as wd lead the Witnesses to recollect, they cant be overlooked, being so material, some Particulars wd happen, that Broadridge cd not bet stands by itself, where Variations arise in point of Times, the Ct cant determine which is right; Godly says it was in August 59, Betty says 5 Years ago, i.e. 61, (2 years after) when the Lodgings were let to those Persons, she dont know whether they are the Parties in this Cause; that fearing the Reputation of her House, she gave them warning, but they did not go for 3 Months after; that she visited them at their new Lodgings; wd her Reputation be less affected by visiting; The Wife knowing the Affair, cd her Husband, Peter Godly be ignorant, they were not Man & Wife; The Wd disagree as to y Baptism of the Children; They dont speak positively to y Commission of Adultery, it is clear they did not know the Parties, else if they saw what they say they did, they cd speak to the Adultery - Besides Reconciliation is a Bar to a Suit for Adultery, in Lady Savil's Case, there was no Sentence given by y Comrs of Review so the Sentence of y Delegates stood in full force - What is said by Reynolds is sufficient to evince y Reconciliation; he went prepared to repel force by force, Mrs B. made no improper use of the Pistol; Mrs B. had been wrought upon by her Brother, to be averse to a Reconciliation; yet said, she was glad to live with him again, was ready to overlook his fault, She was much obliged to Reynold for bringing about a Meeting; she was desired