Art: 6. That the Marriage was had after March. 25. 1758. viz. March 13. 1760 at the house of Thos. Huddleston, Cook & Confectioner at Dumfries by Rick.d Jameson, (pretending himself, Minister of the English Chapel at Dumfries,) without Banns or Licence. That M.C. Compton was then of Hartpury in y.e Dioces of Gloucester, & Edw.s Bearcroft, of Droitwich, in the Dioces of Worcester. Neither of them ever resident in North Britain. That M.C. Compton went from Mr.s Dalbys (one of the Testamentary Guardians) to her Brother Sir Wm Compton's house who dyeing, when she was there, she went to her Mothers at Hartpury, & from thence, (without her Consent or y.e Consent of either of y.e Guardians) with Edw.s Bearcroft about March. 6. 1760, to be married at Dumfries. That they were married there March. 13. 1760. merely to evade the Laws of this Realm, & that they returned from Dumfries to Penrith in Cumberland, the very day the Marriage was performed, & were never commorant in any part of North Brittain, but during their Journey, & for the purpose of the aforesaid Marriage. That M.C. Compton was not a Widow at the Time the marriage was performed, but a Spinster & a Minor, about 19 & under 21. That the said marriage was performed without the Consent of the Testamentary Guardians of M.C. Compton, appointed by Sir Wm Compton's Will.

Art. 7. In supply of Proof, Exhibit A, brought in by Bearcroft in a former Cause, & now remaining in the Registry of this Ct, containing Jameson's Certificate of the Marriage, that it is his hand writing. The Identity of Bearcroft & M.C. Compton. attested by 2 Ws

Art. 8. 9. That Bearcroft is subject to the Jurisdiction of the Ct of Arches, by virtue of Letters of Request from the Chancellor of Worcester, in whose Diocese Mr Bearcroft resides.

Dr Calvert... Mrs B. has confessed herself by several Instruments to be Mr Bs Wife, has lived with him 6 Years as such. & now by some bad Advice, is desirous of annulling the Marriage, & offers this Libel for that purpose. the 5 Art. whereof recites part of an Act of Parl.t "prohibiting marriage to be celebrated elsewhere than in a Church or Chapel. I dont Object to this Article, as improper, in pleading the Law, but as pleading it partially. Would they be suffered to plead part of a Sentence, or even a whole Sentence by itself, where there is another, with which it is connected.d if not, by a parity of Reason, this Article must be reformed, there being a Provisо in the Act "that nothing in this Act contained shall extend to that part of Great Brittain, called Scotland; The Allon then goes on, & pleads a Marriage in Scotland; this is not the proper method, for the Case will be found not to agree with the Act. I admit, the Plea as laid, does connect with the Law, because a British Act since the Union extends to Scotland, unless excepted; but this Case, is not adapted to the Law quoted: I suppose it will be said, it is unnecessary for them to plead more of the Law than makes for their purpose, & that we may plead; but the Court will say, you must plead the whole; their Doctrine might be true, if they pleaded a Fact, for then we shd give in a contradictory Plea. Art. 6. It is irrelevant, wh.? Mr B, Mrs C. were resident in Scotland; no Law enjoins it; but if it was necessary, it can't be proved, being laid in general Terms: & it is a Rule in pleading, that nothing shd be stated so, as not to be capable of being proved. Mr Bearcroft, by his Answers can speak to his own residence, but not for Mrs Comptons; — How are "Mrs C.s Visits to Sir Wm C. & her Mother" relevant? That they went to Scotland merely to evade the Law", is incapable of Proof; as it is a Criminal Cause, my Client is not bound to answer; if so, it can't be proved by Witnesses. who c.d only speak to their Opinion of Mr Bs Intention, but their Opinion is not Evidence. — "That they were never commorant in North Brittain" "& that Mrs C. was about 19 & under 21" is Repetition. They must not plead the same matter, twice over.

Art: 7. They plead that the Marriage is void by Law"
Obj: What Law do they mean? the Law of Scotland.d if so, they shd plead the Law of Scotland. I must own myself surprized to find they plead, Jamesons Certificate, which was the only Object of their Opposition to our Plea in a former Cause, & which they strenuously insisted on, & which was not received by them, because they plead a Clandestine, & we pleaded a Solemn Marriage; upon the whole, I shall submit it to you wh.r the Libel can be admitted, as laid, without specifying what the Law of Scotland is; the Ct will think a foreign Marriage being the Point in Contest, ought to be weighed by the foreign Laws.

Dr Harris.... I dont know the reasons of the ..... nor am I concerned to know the Motive. We might have pleaded the Statute generally, without any Recital & we need not have mentioned it. In Eng.d the Cause & the mere mentioning the Statute of Edw.s 6. is sufficient. Exception is taken to our saying they were Persons domiciled here, & not commorant in Scotland; th Dr will not have us plead, they were not resident in Scotland; the whole will turn on this point, that their going was merely to evade the Act, we can shew from the Circumstances pleaded, they went for no other End. The Repetitions are mere minutiæ we introduce the Certificate, to shew that Jameson calls himself Minister of the Chapel at Dumfries; we plead it not with the view of proving the Clandestine Marriage; the Ct in y.e former Cause admitted it, as they desired, to be brought agt Mr Jameson, if he shd deny the Transaction; we offer it to prove y.e description given of him, in our Allegation; we are not to plead for them, if there is any thing in the Law of Scotland, wch they think beneficial to them, it is their Business to plead it. We rely on Stat: 26 Geo. 2. & have nothing to do with the Law of Scotland. Every one knows best how to tell his own Story....

Dr Wynne.... Our Motives is immaterial, we state the Law, & claim the Benefit of it. It is a Syllogism: the Major Proposition, is the Law; the Minor, are the Circumstances, & the Opinion of the Ct is the Consequence; it is said we are not to plead half a Sentence; be it so; the Proviso is as remote as it can be from the Clause pleaded. to 6 Art. says the Dr, by what Law must they be resident.d The Qu: is, wh.r Persons taking a Trip to Scotland to be married, are to take the Benefit of the Scottish Law, or to be considered, as if not out of England; the Object was, to bring the Fact as clearly before the Court as possibly; Mrs B. can answer to his own Residence, & to his belief of hers, because she resided in his neighbourhood. We have nothing to do with the Law of Scotland; the Mode of these 2 Suits are different, tho, the Object is the same, we wish to be very particular as to the Facts, therefore we state their going into a Pastry Cooks Shop, & reading over the Ceremony there; we offer the Certificate not as a Record to effectuate the marriage, but in order to shew what kind of a man, this was, who celebrated it.

Dr Burnett.. The Dr objects to our pleading the Law partially, & omitting the Proviso, wch is so material to the Point in issue, & hinted it was like pleading part of a Sentence, or a whole Sentence, by itself when another followd, connected therewith, & necessary to elucidate the Question: I must observe, the Act, as a Public Statute, & therefore we were not obliged to a Recital; but in this Libel, we have pleaded a part, & referd to the Act itself for the rest, the Instances of y.e half Sentence, &c. has no similitude to the present plea, in wch a whole Substantive Sentence, is specified; nor has the paragraph mentioned, any immediate connection with the other, the Proviso being at the conclusion, the Paragraph pleaded, at the Beginning of the Statute 26 Geo. 2.