Vestry was duly called; we replyd, not according to the Custom of the pish — they now plead a special matter, wch is included in, & could have been examined to, on the former Plea; it is repetition throughout, not contradictory of ours; you will, I hope, think the Judge did right in rejecting the Allon, as merely calculated for delay —

Dr Wynne..... The Delay was not on the part of my Client: the Ch: Wns they were advised to give an Allon in answer to that of the Opponent; If the Plea is liable to the Objection, it is improper to be received, but I hope you will not think so, we pleaded, that notice was duly given; they give two Allons, pleading specifically that no notice was given by the minister, Clerk, or other person authorized by laws; it then became necessary for my Client to say how the notice was given, for the W.s: not have spoke to the notice in this manner, otherwise — We dont say how long they were Minister & Clerk; it is immaterial; it is a full Answer, that this man was present & consenting to this Rate, his making no Objections at that time, is very material; It is called an Imposition on the whole Pish that cant be the Case, because all but two have signed it...

Dr Hay - Judge — I know not what prevented the Allon being given in 1768; nor how long the Cause has depended; the only Qu: before me, is wh: the Judge did right in rejecting y Allon? The Ch: Wns had pleaded in the 4th Art: of their Libel, that notice was given; Williams in his Allon contradicts that Position, & then another Plea is given for the Ch: Wns, wch in this Ct: wd: not have been received, because a Repetition of an Allon (already admitted) wd: not be allowed, tho, no Publication had passed; after Publication, new facts only are allowed; the Allon is, wh: the facts now pleaded, and such, as could have been Examined to on the former Plea? they pleaded general Usage, on that the Witnesses could have spoke to the special Custom, laid in this Plea; It is usual to plead special matter, when Publication has not passed, or that special matter could not be examined to, on the general Plea; We publish on every Plea before the Cause can be called on for Sentence; perhaps it would be better not; I dont see the reason for such frequent Publication, but I will not innovate; tho, the Proctor shd swear he has not seen the Depons, his Clerk or other Persons may, & the Substance may be known without seeing the Depons; I dont know wh: it is proper now Publication is past on the general Plea. Besides, I think it immaterial to go into the particulars of this Custom; Williams dont say no notice was given, but none by the Minister, or Parish Clerk; now if it was customary to give notice by the Ch: Wn, or by any body authorized by him, such notice was legal: What Law is there wch requires notice by the Minister or Clerk? I apprehend the law only requires notice, wch is equally legal if given by the Church warden, or any other authorized by him, & when the Minister or Clerk give notice, they are presumed to derive their powers from the Ch: Wn, who is to lay the Rate, & is y proper Person; so that the Plea about the notice is absurd:

& would not avail them, if proved —
In the 3d Article, it is pleaded, that in consequence of such
x in 3 Art:... notice, as is stated, the Pish: have always met to do other
Business; this Allon, is rather explanatory; you wd: not exam-
ine again to that Fact; but there is a new Fact, that Williams
himself was present, & agreed to the Rate, & in the 6th Art:
that all the Pish: except two agreed to it likewise, this will
shew the regularity of the meeting — I am bound to admit
so much of this Allon, as pleads new matter, but not what
could have been examined to before, I reject the Explanation
of the Custom for the reason above given; I admit the 3d Art:
when reformed, also the 5: & 6 Arts: & reject the 1: 2: & 4 Arts: I pro-
nounce for the Appeal by Interlocutory, retain the Cause, &
reserve the Consideration of Costs to the End of the Suit.

Allon received being reformed — appeal pronounced for — the cause retained

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Q: Shall the Plea be received? Is it in Time?

Ibid — Stevens — No 142 — Charter v Darcy — Holman

Dr Wynne — Dr Burnell.

Dr Wynne.... We are now before the Ct with an Allon of 4 Articles
1 Art: pleads the Marriage was performed by a Popish Priest, or one, who pretended, or appeared to be a Popish Priest, & who read the Service in Latin
2 Art: That the Mother applied to Mr Lesey, Minister of St Nich: Galway, in July or August to marry them over again, he re-fused, & desired who the Gentleman was, who had married them she begged to be excused, saying she had promised not to discover him, for that he was a Romish Priest
3 Art: That no Person named Robt Lewin, being a Clergyman of the Church of Ireland, hath within 20 years last past, been Rector or Curate of St Nich: pish in Galway, so much is known to Mr Lesey & Mr Gifford, 2d Minister of the said Church, who never heard of a Person named Robt Lewin, who passed for a Clergyman of the Church of Ireland, that ever resided at Galway or in the neighbourhood thereof
4 Art: recites the 6th Art: of their Plea, & says no marriage was had between Charter & Darcy, at Mrs Unicks at Rupeen on the 3d of Octr 1759, or at any time before or since, as Mrs Unick, her family & Servants know; and no Person named Anthony Mills, was Rector or Curate of St Nicholas Galway on the said 3d of Octr 1759 or for 30 Years next before or since —

Dr Burnell... My Client Mrs Charter was cited, in the Consistory of Salisbury, by the name of Darcy, in a Cause of Jactitation of Marriage She appeard, & pushed the Jactitation, & the Ct below dis-missed her, from that Sentence Charter appealed to this Ct, for wch appeal, you pronounced —

1 S. Hil. T. 1768... Mr Charter gave an Allon stating her Case, & examined her Witnesses thereon.

2 S. P. T. 1766 — Publication passed, & the Cause was soon after called on for Sentence —

2 S. T. T..... Tyndal aperted he gave an Allon, which was assigned to be heard the Bye Day, when it was continued to

1 S. M. T..... Before which Tyndal died.

4 S..... Stevens appeared for Charter, prayd the Assignation to be continued to

1 S. H. T. 1767... When nothing ready with his Allon, it was continued, from Day to Day till

Bye Day H. T.... when an Allon of one Article, was offered, pleading that Charter was under age at the time of the Courtship & Marriage, in contradic-tion to our first Article, stating he was of.....