the Ceremony, in the presence of Dept: his Mo: Bro: Hyacinth Darcy, Sarah Cooper, Dan: Manning his Mrs Serv: Dep: knows Wm Julian cohab: afterwards as Man & Wife at Limerick at a House of one Green an Innholder, he has gone over & staid at Limerick 10 or 12 Days; he says, said Wm had agreed to be married at Galway the 2d time (at Dept: Mo: desire,) but could not obtain leave of Absence from his Reg: & therefore they met him at Crupseen - Plt introduced Julian as his Wife to the Officers, their Wives, & other Persons at Limerick who owned & esteemd her as such - He has frequently seen Wm Charter write & subscribe his name, & is thereby well acq: with his handwriting; that Julian has at diff: times shewn him sev: Letters from Plt to her, which Lrs he read & knows to be Wm Charters Writing, wch were subscribd by him as her Husband - That said Wm, whilst at Limerick, after his said Marriage wrote sev: Lrs to Dept: S: Mo: Bro: & Sisters, wherein he constantly spoke of Julian as his Wife, subscribd himself in his Lrs to her Parents, as their Son; in those to Dept: Bro: & Sisters as their Brother; that the 5 Lrs exhibited, are 5 of the said Lrs & are wrote by the Plt.

Sarah Cooper Confirms Stephen Darcy as to the Courtship & 2d Marriage, & gives a foll: Acct of the first Marriage; That about one in the morning of a Day, wch beginning of last Harvest was 5 Years. (i.e. 1759, She being exam: 16 May. 1765.) 2 or 3 days after Julian ret: from Limerick, She was married, to Wm Charter, in the presence of Dept: Ja: Morrice, Marg: Connor & Daniel Manning Atty Burrt, in a Closet of Juliana Fathers House at Galway, by a Man in a Clergymans Habit, brought by the Plt, who pronounced them law full Husb: & Wife - Dept: after 2d marriage saw sev: Letters sent to Juliana S: Mo: Bro: & Sisters, signd Wm Charter, wch they said, came from the Plt, who therein spoke of Julian as his Wife, & subscribed himself to her Parents as their Son, & to her Bro: & Sisters, as their Brother - About Last Harvest was 12 Mo: She in pursuance of a Lre from Julian, came to England with a Child, Deft: had left at nurse with Dept: Sister, She carried it to Deft at Bidston, in Wilts, who was then in such distress, she was forced to apply for Relief to ypsh Officers, who refusing to give her any, she acq: Mr Montague & Sir Edw: Baynton 2 Justices of Peace, with her Distress; Dep: was not present when Plt appeard before them, but knows the Parish Officers allowd her afterwards 5s a Week for a Subsistance of herself & Child, & that said Wm Charter gave Security to indemnify them.

Mr James Shee Remembers about 1759 or 1760. it was the common Conversation at Galway, that Deft had conformd at Limerick, been asked at Church at Galway & married to Wm Charter by the Revd Anthony Mills, (Rector of Cummemanna in Co of Galway) who had retird to some distance from Galway to marry them; It was generally reported at Galway that Wm & Julian publickly cohabited together as Man & Wife. A Copy of the Certificate filed in the Rolls Office Dublin, is exhibited & the truth of such Copy, on Comparison with the Original, is supported by the Depons of Savage Johnson, & Jackson Walsh Gentlemen -

2 S. Trin. T. Tyndal for Wm Charter aserted he gave an Allon, wch was assigned for the bye Day & continued to 1 S. M. T. before wch Tyndal died.

4 S. Mic. T. Stevens appeard for Plt & prayd the Assignation to be continued to

1 S. Hil. T. when it was continued from Day to Day, to

1767 Bye d. Hil T. when Steven brought an Allon of one Article, pleading his Clients Minority & aserted he gave an additional Art: on admiss:

1767 1 S. E. T. when it was continued to

2 S. . . . Then Stevens declared he wd give no additional Article, & the Allon was admitted

3 S. . . . Stevens brought another Allon of 4 Articles, stating

1. The Marriage of 2d July, was solemnized by a Popish Priest, or by one appearing so, by reading the Service in Latin -

2. Mr Dareys Application to the Revd Mr Vesey to remarry her daughter, his Refusal, & enquiry who married her, & Mr Dareys Answer, that she had promised not to tell, as the Gentleman was a Popish Priest -

3. No Person of the name of Robt Lewin, was then, or at any time within 30 Years last past, Rector of St Nicolas Galway.

4. That no Marriage was had at Mrs Unicks, the Sign of the Swan at Crupseen.

The Court rejected the 3d Article, & admitted the rest of the Allon; but expressing some doubts, wh: the Law of Ireland, (declaring a Marriage between a Protestant & a Papist void,) should not be pleaded; Stevens subducted the two Allons given, & gave a new Allon, repeating the Matter before pleaded, except the 3d Art: & stating that Wm Charter was a Protestant, & Julian a Papist, at the time of the first Marriage,

19 Geo. 2. . . . & pleading the Irish Statute 19 Geo. 2. declaring every Marriage between Protestant & Papist, had, after 1 May 1746, or between 2 Protestants if celebrated, by a Popish Priest, null & void.

This Allon being admitted Stevens took out a Commission for exam: Ws in Wilts, wch was returnd to the Ct executed; he also took out a Requisition for examion of Ws in Ireland, which has not been brought in, nor has Stevens prayd Publication of the Examion of Ws in Wilts. Holman has called on the Cause for Sentence, which stands for hearing on Mrs Charters Evidence only

Dr Hay Judge said, he would not trouble the Council, being satisfied with the Evidence given in proof of the Marriage & therefore dismiss Mrs Charter from the Suite, decreed in favor of the Marriage, & tho, in general a Pauper is not entitled to Costs, yet as he was of Opinion, Mrs Charter was the Plaintiffs Wife, he condemnd the Plt in 20 Gs Costs, & decreed a Monition agt him to take his Wife home, & render her Conjugal Rites. . . . . marriage affirmd. Deft dismissed with 20 Gs Costs. . . .

N. B. The Judge having expressd some doubt as to the mode of pronouncing, Dr Burrell cited the following Rule

Clark. Tit. 195. 14 . . . . . Quoniam Justificatio Jactationis propositae & allegata fuit, si pars Rea probaverit se juste jactitasse, pronunciandum est, non solum Actorem defecisse in probatione libelli, verum etiam, pronuntiandum est pro hujusmodi matrimonio allegato, prout pronuntiari solet, in causa matrimoniali originaliter instituta.

Semiplena Probatio

Delegates . . . . . Gernon v Jones, was a Cause of Contract made in Ireland, the Contract was proved by one Witness only, & the Woman was admitted to her Suppletory Oath, from that Decree the Deft appeal, but was dismiss, & the Decree affirmd. . . . . NB The Suppletory Oath must be at the Conclusion of the Letter vid Clark.

Delegates. 22 Jan: 1717 Reported 1 Strange 80 & Burn. q. vid. . . . Williams v Ly Bridget Osborne where tho there was no positive conclusive Evidence, but only such as depended on Circumstances viz. Confessions, letters, & unusual familiarities, yet the Ct thought it amounted to a semiplena Probatio, & that the Judge did right in admitting Mr Williams to his Suppletory Oath, & dismiss the Appeal with 150 Gs Costs . . . . . .

8 Anne. c. 3. Sec. 3 Where any Children of Popish Parents, shall conform themselves to the Protestant Religion . . . . . in Chancery a Certificate of the Bp of the Diocess, in wch they shall reside testifying their being Protestants, & conforming . . . . the Ch shall, on a Bill