

not be granted by any Court but the Chancery in Vacation Lib. C. B.
time and by the other Courts in Terme time and on a Motion
for the Same Shewing the reasons to the Court why it should
be granted.

2^{dly} That an habeas Corpus grounded on said Statute may
be returnable Imediately before the Iudge or Iudges that
grant the same in Vacation time and such Iudge or Iudges
may Iudge of the Returne of such Writt and thereon bayle
or remand the party to prison at discretion But an habeas
Corpus at the Comon Law which was in use before the said
Statute and still is to be returned to the Court in Terme time
that all the Iudges of such Court and not one only may Iudge
of such Returne and according thereto bayle or remand the
party as to them it shall seem meet

3^{dly} Not only by Approved English Authoritys former
practice and presidents of Yo^r predess^{rs} in this province and p. 98
the failure of Iustice (if otherwise) on Bill petition or Supplicavit
to Yo^r Ex^{ncy} in Chancery by the wife on such reasons as
to you it shall seem meet may allow her maintenance untill
Cohabitation

First by approved English Authoritys.

Your Ex^{ncys} power in the Court of Chancery is Extraordi-
nary and unlimited in Cases of Equity bound to no rules
certain thô unto discretion and is the fountain by which Ius-
tice is conveyed to the people on their necessitys and Com-
plaints, i Hugh 398, and if any person supposes a wrong by
the Decree of the Court of Chancery his only way is to peti-
tion the King in Parliament as in the Case of S^r Moyle Finch
and the Earle of Worcester. That as Yo^r Excellencys power
being so great and so much of Equity in the present Case
Yo^r Ex^{ncys} Iurisdiction and Authority in allowing Seperate
maintenance seems to me uncontroulable knowing no reason
why Yo^r Ex^{ncy} may not in the Court of Chancery here by
decree force such allowance as well as the Court of Chancery
in England which Tothill fol: 93: 94: 97 treating of the Court
of Chan^{ry} in England says the wife may alone sue the husb^d
therein and Force him to give her Alymony and th^t the
Chancell^r took Cognizance of such Case lately and plainly
appears in the Case between Whorewood and whorewood
Chan Rep^{ts} 20: Vol: pag: and to go to the Iudgm^t of the
Iudges of the Comon Law in the Case of Manby and Scott
in Sidfⁿ 124, most of the Iudges of England were of opinion
that the wife was not destitute of remedy in having necessarys
for her maintenance of her husband, but might have it by the
Comon Law of England in Chancery by Supplicavit as well
as by the Comon Law.