

From former practice and precedents in *mediocris*
 Informed your Ex^{ty} predecessors have allowed
 separate maintenance in the Court of Chancery in
 this province on application of the abused female
 a failure of Justice would otherwise be because the
 wife as it well known hath no remedy in the
 of Common Law and there are no Spiritual Courts
 nor Judges of them here and therefore no suite could
 be had for Alimony and admitting that there were
 Spiritual Courts and Judges thereof here in the prin-
 cipal case there is not any Divorcer case there
 of a parent without which the Judges of the
 Spiritual Courts cannot ever allow Alimony *judic*
 116. therefore taking the Argument only a *prospitate*
propter defecta justitia she may well sue in the
 Chancery as hath been allowed and commonly practised
 in case of such nature and that as well as for lega-
 cies *judic* - 119. -

Lastly to answer the fourth Queer:

I allow that persons have been bayled on the
 returns of habeas at Common Law, who were
 committed by the Lord Chancellor for contempts or by
 order of the King and Council High Courts Judges
 of the Ecclesiastical Court or any other Courts in
 England but the reason thereof was either because
 the Returns of such habeas *ex parte* were too gen-
 eral and uncertain as in the case of *Arthur Moore*
 Repts 839 *Laughans* Repts *Bushells* case 2 Int.
 52, 53: *Apsey* case *Moore* 840 - or the party com-
 mitting had no Jurisdiction of the Cause; but illegal-
 ly committed or such causes were properly cognizable
 at common Law as in *S. Timothy* Repts case 12.
 C. 46. 47. *Hughes* - Ab. 447. & *Bushodos* Repts
 300, 301 *Bradshaw* and the High Commission Courts
 111, 112, 117. but where the return is *ex parte*.