

101

remained and that the Supreme Court Law part  
of this province had no Jurisdiction of the Cause

~~SECRET~~

And then the Attorney General presenteth as follows  
viz -

In Reply to Mr. Chief Justice Smiths Jus. Jus. Jus.  
Letter relating to the Bayling of Mr. Thomas  
Macnemara in Custody of the Sergeant at Arms  
for contempt of a certain Decree of the High  
Court of Chancery within this Province made by  
his Excellency the Governour and Keeper of the great  
Seal whereby said Thomas Macnemara was  
Decreed to deliver his wife certain necessary and  
pay her 15<sup>l</sup> annuum by half yearly payments  
untill they should agree to Chabitt. Wherein  
Mr. Smithson says he has been led to it by President  
in point two of which he has shew'd Mr. Secretary  
Lyon and belidow what he has done to be upon  
very good Consideration, offering to his Excellency  
consideration sundry precedents of persons committed  
by the Bishop for Heresye and yet bayled by Habeas  
Corpus because the Heresye was not fundamontale  
matter of faith of persons committed by the high  
Ecclesiastical Commissioners for contempt of their  
Decrees and bayled on habeas Corpus. And further  
he says he can shew of none committed by Lord  
Chancellors for contempt but fairly bound in re-  
fusing to obey such of their Decrees as were made  
against Judgment given in the Courts of Common Law  
which has no affinity to this case and particularly  
desires his Excellency consideration of the Stat. 16 Ed.  
4. c. 11. and 1 Heble 83 and before after  
against certain Violations he says he finds it is