

Some Reasons against the Bill for Separating the Earl and Countess of Anglesey.

I. **F**OR that there is no proof of the Beating, which is made the only ground of the Bill. The Evidence is but presumptive, from my Lady's Complaints, and shewing some black and blue marks in *June* or *July* last. Yet my Lady, in her Affidavit taken before the Lord Chief Justice, and in what she hath published as her Reasons for not returning to my Lord, says his ill usage began in *August* last. The Complaints and Marks therefore before the ill usage pretended, must be but Artifice to procure a Separation, when my Lord grew ill and Consumptive. And the proofs by all the Witnesses on both sides, of my Lords constant affection for, and tenderness of my Lady, from his marrying her without certainty of Fortune; from his voluntary Settlement much beyond it, besides 400 *l. per ann.* Pin-money; his Will but three weeks before she left him, by which he gave her a considerable Legacy; his concern for her in her sickness, and kindness to her in her health; her being brought to bed of a sound and unmark'd Child, seem totally to destroy such a presumption. And sure my Lord ought not to have his Wife and Estate taken away upon a presumption only, which if it might be true, yet, it might not be true: And the defaming my Lord by scandalous and improbable stories, without the least proof or pretence, deriv'd from nothing but a malicious fancy; my Lady's wishing my Lord dead, that she might live at *Tunbridge*, and where she pleas'd, before any pretence of ill usage (as was prov'd) shews a premeditated design, and turns the presumption the other way.

Fortune 16500 *l.*
and Jewels.
Joynture 2000 *l.*
per ann. Rent
Charge, payable
in London
Tax-free.

2. For that had the beating (presum'd) been prov'd, It would not have justify'd the Bill, for nothing less than the putting the Wife in danger of her life, will in the Spiritual Court cause a Separation, and it is conceiv'd that such danger can't be so much as fancy'd from this Evidence.

3. For that by the Spiritual Law (had Cruelty been prov'd) the offer of Reconciliation, with Security given against such Cruelty for the future, is a Barr to a Separation. My Lord hath offer'd, and doth offer Reconciliation, and all the Security which could or can be ask'd: My Lady by her Letter tells him she never will be reconciled, and that her Marriage Vow is cancell'd.

4. For that by the Spiritual Law, if a Wife separated lives unchastly she forfeits her Alimony: But this Bill hath given her an absolute liberty, without any restraint.

5. For that this Bill lets the Settlement continue, and gives my Lady the Jewels, part of the Consideration of it.

6. For that this Bill gives my Lady an Alimony double to any president in the Spiritual Court: It gives my Lady twelve hundred pounds *per annum* Rent Charge, computed at the value of the whole fortune; for it makes the Rent Charge redeemable by my Lord upon payment to my Lady of no less than the whole, altho my Lady hath left my Lord a Daughter to maintain, and who is by Settlement to have twelve thousand pounds out of his Estate. The largeness of which allowance seems to cut off all hopes of Reconciliation:

7. For that this unpresidented Bill enacts a Separation, and provides that neither party shall marry again; which hath been held to be against the Law of God by the Learned in all times; for that it continues the Bond, and takes away all the End of Marriage, and causeth Sin and Scandal to the parties.

8. For that what my Lord was accused of, was or was not a Breach of some Law. If it was, that Law provides a Remedy, to which the Injur'd party might have recourse, and ought not to solicit the Legislative power, where there was an ordinary Remedy: For should this be allowable, a Bill cannot with equal Justice be denyed to any person who hath a Common Cause of Action, at least against any person who hath priviledge of Parliament; and any designing Wife may easily make a stronger Evidence than in this Case against the most innocent Husband. But if what my Lord is accused of was not a Breach of any Law, then my Lord ought not to be punish'd, to lose his Wife and Estate by a Law to be made *ex post facto*, and in a private Case, where the Government is not in danger. Should that be allowed, no man can be safe in his Life or Property, if there may be a transgression where there is no Law all a man has is precarious.

Obj. My Lord did not at first wave his Priviledge, so that my Lady was deprived of her Legal Remedy, and the Bill only supplies that defect, and Enacts what would have been the Sentence at *Doctors Commons*.

Ans. The Bill doth not follow the Rules of the Spiritual Law for the reasons aforesaid; that my Lord did Wave his Priviledge before the Bill passed the Lords, and Waves it now; and if that was the foundation for the Bill, as it was made to be the only one upon the first Petition, that Reason being removed, It is hoped the Bill will be reject'd.

REASONS

WHY

COUNCILS OF AMERICA'S BILL