

To the Honorable William Dummer Esq. Lieut. Governour
and Comander in Chief in and over His Majties Province
of the Massachusetts Bay in New England & to the
Honorable His Majties Council of the Said Province

The Humble Petition of Mary O Kelly of
Yarmouth in the County of Barnstable.

Sheweth, That Whereas, your Poor Petr in the 2^d day of
Anno Dom 1709 was married to Benjamin O Kelly of
Yarmouth aforesd. Labourer, as appears by a Certificate from
the Town Clerk of Barnstable herewith Exhibited; And
Whereas the sd. Benjamin O Kelly after he had lived abt
two years with the Petr removed out of this Province
& tarried out several years & then returned again to some
part of the County of Bristol, and on the 27th of September
1718 was married by Jared Talbut Esq. One of His
Majties Justices, of the Peace in that County to one
Hopewell Smith, by whom he has a Wife or Children
now living, all which will appear by the sd. Talbuts
Certificate herewith also Exhibited, as well as sundry
Evidences taken in the affair; Now your Petr humbly begs
leave to Represent to your Hon^{rs} that she is a very poor
Woman, and the Child which she had by the sd. Benjaⁿ
O Kelly the select men have been obliged to bind out by
reason of her inability to maintain it, & as she hath an
Opportunity of marrying again & that she humbly
Conceives she is not bound by the Laws of God or Man to
hold Covenant with her sd. husband, but may be lawfully
discharged & separated from him (she) she really believes that at
the time of his last Marriage he might think she was dead
there having been such a rumour or report) And Inasmuch
as the Law of this Province has vested your Hon^{rs} wth the sole
power of determining matters of this nature she humbly prays
your Hon^{rs} Consideration of her (sd) & that ~~her~~ her Marriage
aforesd. may be declared null and void & *Mary O Kelly*
she be at liberty to dispose of her self in
Marriage again; And as yr duty bound
the Petr shall ever pray &c.

PETITION, MARY O'KELLY TO HONORABLE WILLIAM DUMMER, ESQ., LT. GOV. AND COMMANDER-IN-CHIEF OF THE PROVINCE OF MASS.
(MASS. STATE ARCHIVES, COLONIAL ABT. BOSTON, 1727), 9:200