

Benefit of Clergy Code & Justice of the Peace. Cr. 121. 122
 By the Law of Scotland, those who marry two Wives
 or two husbands living Understood are punished as For-
 jurors by secheat of their Movablees by imprisonment for
 Year and day or longer if the King please, Infamy and
 Incapacity of office Honour Dignity or Benefice Ad in
 Du. 5 Q. M. Because it is a Violation of the ~~Benefit of~~
 of Promissory oath of Conjugal Fidelity made at the first
 Marriage. Thus a Woman Being Convicted of Bigamy
 by marrying two husbands both living, her person Com-
 mitted to the Borrough house for Year and day 29 June
 1653. Margaret Morton. A Man Convicted of Bigamy
 was adjudged to lose his Movablees, to lie Year and
 day in prison or longer during the Kings pleasure,
 and Declared Infamous and Incapable to Enjoy Honour
 office or Benefice of March; 1650. John Campbell. It is
 to be noted why Bigamy is less severely punished than
 Notorious adultery: seeing Bigamist may be and ordinarily
 is a Notorious adulterer: I don't think it sufficient to the
 Law, that Bigamy was tolerated among the Jews and
 other Nations, where adultery was always condemned
 being the marrying two husbands which is here pun-
 ished in the same Manner as the marrying two Wives
 was never any where allowed more than adultery. Nor is
 it material to argue, that more tenderness ought to be
 used towards Bigamists of foreign Nation, who
 by marrying show some more Respect to Decency and
 good order, than Adulterers, who in Contempt of all Law
 break into the Inclosures and propriety of Bigamy hap-
 pen to be milder than that of Notorious adultery, is par-
 ticularly, because the Lawgivers had only Under their Conspic-
 ration simple Bigamy Contracted by a husband believ-
 ing his wife to be dead, or by a wife who had a probable
 apprehension of her husband's death, or whom
 there was some other pretence for it, partly for

for that the Making of the Law concerning Bigamy
 Manifest and Incurable adulterers were punishable
 only by confiscation of their Movablees at 20 Part. 5
 Q. M. and Not by death, till two Years after the Law pu-
 nishing Bigamy as perjury. But for their punishment
 may be inflicted upon Bigamists, whose Marriage is
 Contracted with a Design to Part in adultery or incest
 Murther or some part; Int. 18 52 or 53 of offenders and
 Attendants with aggravating and odious Circumstances,
 or Guilty of other Crimes and Notorious Adultery, or Incest
 or Guilty of other Crimes and Notorious Adultery, or Incest
 Thus a Man was sentenced to be hanged for marry-
 ing after a third Woman for his Concubine 18 April
 1677 John Gutterie a local William Land. Another was
 found guilty of Notorious Adultery, who was by a Barron
 from the Presbytery obtained a divorce in the Virginia,
 that a woman of the same name with his wife died there,
 married a second wife after proclamation of Banish;
 in respect that Intimation being made to him by several
 persons that the first wife was living, he so Marri-
 ed the second; and he having so habituated with the latter
 as the former; and he having so known the former was not dead;
 he pretended to ignorance of his first Wife being alive
 was affected. What he pleaded that an Uncertain Ri-
 mour with any Circumstances of Probability of her death,
 was Enough to Excuse him from the Crime of
 adultery: and he was not obliged to believe those who
 told him she was alive, when he had Information from
 others of her death, or if a Rumour of a wife's death
 could authorize her husband to marry another, it
 was safe for a Man who is weary of his wife to
 raise such a Rumour 12 January 1679 John Gutterie.
 Again, a man who married a Woman, and thereafter
 supposing that Marriage joined himself in Matri-
 mony with another Woman with whom he kept
 Company as his lawfull wife the first wife living
 was punished Scotland, Never to be hanged without