

quasi ad aliorum or alteram iura) is not a single Crime but one of a Complex Nature, including perjury and Rebellion &c. It Violates the Divine Institution of Marriage Making man and wife one flesh, Destroys the ~~Conjugal~~ <sup>Conjugal</sup> Pledges and Fidelity; and Robs the Injured Yeke fellow of the Incommunicable Right and propriety he or she hath in a wife or husband; and is usually Accompanied or followed in the Murder of Mahomet's wife and Rapines. This Crime which admits no Reparation, is so heinous and flagitious, that ye King gave no law to the succeeding Kings against it, perhaps not for the same Reason, that Salomon and Romulus Paganus to contrive a punishment for perjurors; thinking that no person would ever so far shake off humanity and Reason as to Commit adultery.

By the Civil Law, according to the opinion of the best =rally of the Doctors adultery was by the having carnal =nal dealing with another Mans wife l. 225 ff de Verbor =nis l. 6 § 1 ff ad l. Jul. de Testib. where by her husband's =mily is testified by swearing a specimen of his wife or her = others (See Manich. de Arbitr. Jud. quast. cas. 440 n. 107) = Jogg. Carpent. Crim. part 2 quast. 52 n. 60 & 899) will have = Married Mans being with a free woman to be adultery = tory by that Law l. 1. ff. C. ad l. Jul. de adul. l. 13 pr. & § 5 = § 2 d. What ever be as to that, By the Canon Law (Math. M = can l. 32 qu. 4. c. 15 can. 32 qu. 5) and the Divine Law (Math. M = Marc l. 10. 11. 1 Cor. 7. 4) to which all other Must Yield; and = is committed Not only by a Married or Unmarried Man, = having carnal Copulation with another's wife; but also = by a husband giving the use of his Body to a free Woman = ed Woman. For Adultery is Breach of the faith plighted = in Matrimony by Violating Conjugal Pledges. It is a Breach = of it Committed in a violation of that sacred Mutual bond = of Wedlock and Conjugal Fidelity, whereby the husband = has no body tied to the wife, than she is appropriated to = him; and each of them owe benevolence to the other = 1 Cor. 7. 3. Every Marriage which is Contracted by the

Mutual Consent and promise of fidelity and the response be = fore Copulation to who had with another Mans wife = after she is Married, even before her husband had copulated = with her is guilty of adultery (McKenzie Crim. part 1 = Jul. 18 § 5 pr. By the law of God Levit. 22. 23. 24. And in = the opinion of the best Interpreters by the Civil Law l. 13 = § 1 ff ad l. Jul. de adul. l. 1. ff. C. ad l. Jul. de adul. l. 13 = a Person betrothed to another, or as we say his affianced = spouse, both are guilty of adultery; because they are in = matrimony; Violators per mittitur; and he who had with a = third Virgin who is free before her Marriage, renders the = Successor to her future husband as culpable, as he who = defiles a Mans wife. Violation of Matrimonium putative = cum a supposed Marriage, which is null because of impo = tency of either of the Parties (McKenzie Crim. part 1 Jul. = 18 § 5 infra. Or unjust as being Contracted within the = Progress of a Defendant l. 13. § 1 ff ad l. Jul. de adul. Math. = Regress Defendant l. 13. § 1 ff ad l. Jul. de adul. Math. = ad de l. cap. 1 n. 7. McKenzie Ibid. Jul. 17 § 5. In having had = carnal Copulation with some other is held an adultery, (be = cause a Marriage stands till it is annulled; and in that = case a Marriage stands till it is annulled; and in that = of the Parties with by being with another Intentionally = Commit adultery being propolium Matrimonium Destituted by = quite. It is disputed whether adultery be committed by = a freeman being with a Married man's Wife; that such bar = who is a common prostitute is some hold, that such bar = nal dealing is Not adultery l. 22 C. ad l. Jul. de adul. = because she had broken the Conjugal faith when she = was first debauched. But others are more justly of = opinion that it is adultery l. 13 § 2 ff. C. ad l. Jul. de adul. = the offenders, Carpent. Crim. part 2 qu. 57. n. 17 & Jogg. = For the wife be acting or multiplying in a lawful = road, cannot be more excusable than the first Com = mitted by her was: and if she be an adulteress, he who = had to do with her must, by the Nature of Correlations, = be an adulterer; besides Marriage is not Dissolved = by a wife becoming a Whore, till Sentence of Divorcement