

Capitally without any Express Law for it: This admits  
 it in Effect. Theft and Robbery, besides that it is con-  
 sidered in the Injury and other Aggravating Circum-  
 stances. For the Act of Union Marries Parliament 13 63  
 King James's Adultery Capital, could not be degraed from  
 Law of God, assigning a different Death. And so the  
 Ecclesiastical Capital Punishment, in other Cases of Adul-  
 tery, on the contrary, it Expressly saves and preserves Con-  
 sistent with all Rights against other Adulterous Con-  
 trivances, which that neither will save to the  
 Laws of God, because he can find no other Anterior  
 Law limiting the Punishment of Adultery. But there  
 is no good Reason, unless his Oversight may pass  
 a Reason, going by a former Law of that same Par-  
 liament 15 61 (call'd Par. 5 2. M.) upon Marriages  
 and Inevitable Adulterers after Church Consecra-  
 tion against them were to be pronounced Rebels and  
 their goods Estreat. However this objection doth  
 against Sir George's opinion aforesaid, that if ad-  
 ultery were punished with death by the Statute  
 making, No other Adultery Capital had been made  
 to which he answers, that these Statutes were made  
 oblige the Criminals Judges to inflict the pain of  
 death upon all Notorious Adulterers within the  
 Description thereof; whereas in other Cases of Ad-  
 ultery, they were only Imposed to punish with  
 death when they saw Just Reason for so doing.  
 V. G. perjury may be punished with death for being  
 frequently committed Adultery likewise. Curm  
 93 infim. obsor. ibid. Philip one Leavins Common  
 King's will for these Adulterers, was pronounced to  
 conform to his Majesty's Will declared in his Letter  
 15 August, 1628 Sir John Stewart of Metheron  
 ther was bound to the like Punishment for  
 three several Adulteries committed by her with  
 a Man to whom she had been three Old Persons  
 in that Unlawful Copulation April 1637  
 James David Jones A Man for Marrying his

Wife and giving the use of his body to both, and keeping  
 a third Woman as his Concubine, was adjudged to be  
 hang'd 13 April 1677 John Buller a Chief Justice  
 A Woman Banished for Adultery was beheaded for  
 turning without leave, and the Lapping in Adultery with  
 the same Man 28 December 1649 Grizel Hamilton. It is  
 high treason to Provoke and know Carnally the King's  
 wife or the Wife of the King's eldest son 25 Ed. 3  
 Ch. 2. And it is treason in such a Wife to have  
 and consent to the Adulterous Cohe 3 Inst. 89. Hale  
 Ch. 16. In the opinion of the Doctors of the Civil Law,  
 any Woman committing Adultery with the Wife of  
 any Noble Man, committing Adultery with the Wife of  
 a person of Rank and quality (as a Baron or a  
 Justice) or a Gentleman who doth live with  
 his Superior ought to be punished with more heavy Punish-  
 ment. Jo. Vost Commad. Gilt ad L. Tit. de Adult. n. 18.  
 Brosp. Parin de delictis Carnis qu. 141 n. 48 857. And  
 double Adultery whereby two Marriages be dissolved  
 is punished with more severely, than the same  
 Adultery by a Married Man with a free Woman Car-  
 rying himself to be a Wife's husband doth do, doth  
 with her, who Ignorantly thought him to be what he  
 pretended, or a Woman personating another Man's wife  
 give the use of her body to him who believed she was his  
 wife; the Punishment of such an Adulterous Impos-  
 tor, whose Crime is aggravated with the falsehood, is  
 to be Executed and sharpened by L. 27 Stat. 2. ad.  
 Comel. de fals. Jo. Vost ibid. Again Lawyers allow  
 the ordinary Punishment of Adultery to be Mitigated  
 in some Cases, as if a husband or wife be injured by the  
 Adultery, he after ward Reconciled to and  
 personed or Cohabited with the offender Nov. 134 cap.  
 Jo. Baysor. Curm. part 2 qu. 55 n. 6 8 leg. 9. Juris-  
 prand. Jo. Vost. part 4 Com. 19 Def. 10. 27 Adultery