

binds a Woman to force a man to lie with her by the same power that she earned him away; and as a woman may murder a man, she may be guilty of this crime partly, because Adors and affections to a woman are quite as the principal actors, and Women may be Adors and affections l.u.n. C. de Captiv. Q. 52. Sir George Melville goes into this Opinion, that a Woman may be guilty of Ravishing a Man, but thinks that it cannot take effect except the Man placed Grim. part i. fol. 13. Upon which Account he would have a female offender (but not to be subjected to a Midor than the ordinary punishment) tried. But our law is Balanc'd against a Man and woman guilty of Rape Reg. Majest. 16. 4 & 5. n. 18. Nor are there Instances Branting of female Attempts to ravish Men, as those of Saliphore's wife in Joseph Gen. 39. 12. Medra & G. Hypolitus & Didot. fol. 16. B. Bl. q. p. t. lib. 4 cap. 67. Vide 20 November 1616. 1st Ed. Ch. 1. Sec. 2. And after, "A Husband cannot be guilty of Rape committed by him upon his own wife, unless in case of matrimony, he has forced her to be a Rapist with her Husband." But moreover, "The Husband is liable to be tried for Cuckoldry, does ravish her, being present and assisting at this rape, and that the man who is Cuckolded, having his husband assisted in it, for his master to lay up for his Husband." That Husband is not liable to be tried for another man. See one man may commit a Rape upon another man. One woman may Ravish Another Woman to satisfy her. Monstrous lists. Wm. Garrow. Tid. n. 13. 44. 45. fol. 1. Vide Grim. Ad. L. fol. de 4r publice n. 3.

It is a Rape whether the person was a bish or po  
the spot where first attacked by the Ravisher, or from  
from one place to another for his life, by his self. In  
Matthew & Cunni ad L. Gul. de V. publice. cap. 2. n. 17. It  
honest Cunni part 1. Tit. 16. § 2. This is the Violent Carri  
a person thider or being a girl and part thereof was force  
Relevant to Infer a Rape, without Necessity to say he  
He was Carried away, 22 february 1697 Captain Charl  
Dowglast. But some Doctors of the Civil Law will  
have the opinion of the Rape of a woman to Confect in  
the Violent Carrying her away Gul. Clars. & Daptilis n.  
Prol. Garin. de Doletil. Corvis q. i. 45 n. 6974. It is if  
forsooth it were not so hainous a Crime to Dafflower  
Woman

Women Violently, as to transport her against her will from one place to another, or were more difficult to be compelled to a Crime, than to make preparation for it.

It is not a Rape where a Woman is carried away upon any other account than that of satisfying his Lust, Expon from part 1 q. 40 n. 28. Stat. Matth. ibid. It is however so. But it is Controvred whether one who carries another away upon a Lustfull account, be guilty of Rape without having Carnal knowledge of the person carried away? Some of the Doctors of the Civil Law thinke that the simple carrying away is a Rape; but the best full Diffron be not prosector. And Matth. ibid. n. 6. That & Maintaining the contrary J. Voot Commed. q. 1. fol. 1. fol. 2. p. 2. n. 6. A third say to be the bacher away to be guilty of a Rape, if he attemptes to have Carnal dealing with her hindered, or could not get it accomplish'd; but not if it was in his power, and he forbore because he repented of the step he had made or desolved first to marry the party. Expon. Expon. ibid. n. 242. fol. 2. fol. 3. n. 4. Monach. de arbitr. q. 1. quest. cap. 29. n. 35 & seqq. By the law of Scotland, one is not guilty of a Rape without leaving Carnal dealing with the person carried away. MacKenzie ibid. s. 1. Because if he left her before she was Dealed punisheable in her selfe as it is in treason Reg. Maj. lib. 1 caps. 1 n. 5. 6. junc. n. 7. 2. A Rape is called the Corruption or Defiling of a Woman, Reg. May. lib. 4 caps. 8 n. 1 & 9 and the Robbing her of her Virginity which cannot be shftord l. in. pr. C. 22 Raptus Virg. And by the German law (to which our old Customs and Agreements) it is termed Despicilement des Femmes a force, And ibid. Violently lying with a woman, is the Principal part of Ravishing Confondre with it, that of Carrying her away being only taken Notice of by the by as a circumstance to clear that she was forced, which may be suppos'd by others, as her Orygynall Struggling and Strifing to her