

on without offering to Rec'd or prosecute the parties
are punisht &c. Because all men are obliged to keep
peace and hinder Crimes, so far as in them lies. Et id
est facere, & Nolle prohibere cum possit.

Est. 2

The giving or Accepting a Challenge to
Whoever gives or Accep'ts a Challenge to him but
first, whether Principal or second, or other person or
Engage therin, is punisht like Will Name, if he
Exhort, the no fighting inf're upon it 35 fol. 6.
Also, the no fighting inf're upon it, & the word
R. W. does of Challenging Another to fight, or about
the word, a duel or single combat, or Mentioning the
Weapons to be used, or the time or place, was found
want to infer the party intended. Albert it was affir'
ed for the parson, that such a General Challenge
having no weapon at the time, did not necessarily
by fighting with deadly Weapons, but only by
professing with fists or boxing which the origin of
word pugnare from pugnare the pugnato first do
argue. In respect it was inferred of a that the
law Confess at Noesday to make a Will Name
that there be a sufficient Indication of a Design
break the peace. For by Custom in such cases the
peculiar weapons time and place are left to be choosen
by the person who gets the Challenge, and ordinarily
justified after the Challenge is accept'd. When con-
fessed another to fight, the other
Gentleman Challenges Another to fight, & on
sufficiently speaks a duel or single combat, or
body Understands that the ordinary Weapons
ployed on such occasions are to be made use of. He
who parson named the particular way he Design
to fight, as by boxing, cudgeling or the like; or that
it appear by the Circumstances, that he had no Design
to use Mortal Weapons. For Challenges to fight
especially among Men of honour and the like shall be

that way, are mostly conceived in doubtful and ambig-
uous terms 5 April 1714 James. Naul and who attacked
another with a Savon sword to kill him having after he
had Mifred his Design written a Letter of Challenge to
that other to Meet him Next Morning at a certain pub-
lick change house; the finding of the Letter was found
relevant to infer an arbitrary punishment; & that the
person challenged was not required to bring arms or a
sword along with him 26 March 1695 Waller of
Randerdowne. But it was not found relevant to infer
the party aforesaid, that one attacked by another with
a sword or staff desired that other to set a sword and
aforesaid or Staff desired that other to set a sword and
give him Gentleman Satisfaction. Waller who did
this kind Inferring a Challenge to fight in respect
these words were uttered before Macindie in Consequⁿ
of a Rixa Reproaching the others for want of Deltch
ately by way of Cartel or with any Design to just. That
hence, as appeared from the proceeding, Rane
hence, as appeared from the proceeding, Rane
January 1719 William Brewin of Ciboun.

Chap. 3.

of Sodomy or Buggery.

Sodomy or Buggery in general (a Crime which ought
not to be named) is carnal Union (the Body of man
or Woman, or of both, against his own or Natural. When
one man Carnally by a beast the Body of another man
or Exerciseth profanly carnal life with a Woman or even
with his own wife Carnally. Ex. in part 2 q. 76 m. 24 or
when a Woman yields the carnal use of her body to another
man, this is specially termed Sodomy, from the Greek
Sodom, upon which that and other Crimina find strength
Basturbation Gen. 19. 24 and upon the like Inhabitants of Ca-
naan Levit. 18. 24. It is also termed Buggery from the Italian
Bucigara Sodomy, and Bucogard, to Commit the for this Crime
came into England out of Lombardy. If Man or Woman
Carnally by a Beast is called Bestiality. If Man or Woman
Carnally by a Woman is punished with death by the law of
M. Joh. Levit. 19. 20. 23. 26 — 20. 13. 15. 16. The Civil law of