

pollution and using a man's dominion upon his body
According to the opinion of Lord Chief Justice of the
Richard for chief Justice of the Common Pleas thought that
was not Buggery. Not for Justice of Peace 115.

An Indictment for such a Crime, is founded upon
statutes (20. 13. 15. 16) the Civil law (89. imp. de publicis iudic.
l. 31. c. 2. d. fil. de Malt. And the Customs of all Nations. Men
necesses who may be Excepted against in other Crimes, as
Received to prove Tolomy because of its Atrocity. Wilson
lib.

Cap. 4.

Of Incest.

Incest, (Incestus quasi Incestus, or from the Greek
anister a filthy and shameful offence) is Carnal Copu-
lation between man and woman whom law alloweth
to marry by Reason of Nearness of Blood or affinity. Prop
Garin. de Delictis carnis qu. 149 n. 38. l. 8. segg. Corp. 2 qu. 72. n. 36. The Person is prohibited to marry as fol-
loweth in another place, Pido Vol. 1. P. 3.

Carprovius (Cib. n. 29. l. segg. qu. 73 n. 70. l. segg. qu. 77
n. 60. l. segg.) And Larnacius (Cib. n. 7. l. segg. n. 122. l. segg.)
Allothe Different punishments to Incests according as
it is Committed between Ascendants and Descendants be-
tween Collaterals, or between persons in affinity
together.

By the law of Scotland such as Commit incest
abusing their bodies with persons in degree Expressly
forbidden by Gods word Contained in the 14. Chapter
14. of Leviticus are punished with Death Act 14. Par-
t. 16. But the Manner of Death is not Expressed in the
Act. A Man for Incest with his wifes sister was burnt
to him was adjudged to be married at a stake and
then after to be burnt 16. June 1613 James Stewart, A Gentle-
man for Incest and Murthering a Child born by her to his
brother in law, was doomed to the like punishment only 23

23. 1635 Bessie Purdie. A Woman for incest with her
brother 9. April 1670 Jean Weir, a woman for incest and
to adultery with the sisters of her husband 19. August 1629
Henry Dick 17. July 1649 Donald Bryner, a man for incest
with his brothers wife who bore him three sons and a
daughter 19. November 1624 Jeffrey Fring, another for
incest with his wifes half brother daughter 9. September
1630 Alexander Blair, and another for incest and adultery
with his wifes daughter 20. December 1649 James G. Wilson
another man and his brother daughter for incest 1650
punishment together 24. April 1649 James Stewart, a
stranger were all beheaded. One and his sister daughter who
had carnal dealing together for a whole year were a
god to be hanged 8. Feb. 1633 John Baxter and John Blair
and a woman for incest with a man who had been mar-
ried to her deceased sister was adjudged to be hanged 12.
march 1708 Barbara Gannah.

One woman was beheaded 27. June 1643 and Embis and
another hanged 28. May 1646 John Knox for incest with
two brothers. But if each of two brothers had only once had
carnal dealing with the same woman, he who first had
her is only guilty of fornication, and the other of Incest.
A man was found guilty of Incest for having carnal
dealing with his wifes mothers sister 5. July 1626. He
and her sister was adjudged to be hanged only to an
arbitrary punishment of scourging and transportation
for giving the use of her body to her mothers sisters
husband who got her with child 14. June 1692. Alison
Beaton. A man and woman too near related to one ano-
ther, are guilty of Incest by having carnal commerce
together either in Marriage or out of Marriage Prop
Garin. de Delictis carnis qu. 149 n. 78. 100. 102. Corp. 2
Farrington, words part 4. Conf. 22. Feb. 1610. For if we
must not be joined in Matrimony to those who are allied
to us, we must for that Commit Incest because with them
it was thence relevant to infer the Crime of Incest