

proof of single adultery which is a ground of Divorc
 toll not prove Notoriety adultery Notoriety being a plain
 definite Crime, the Commission whereof is ordinarily
 Remote from all witnesses, the doctore of the law allow
 it to be proved by strong and violent presumptions
 arising from Love Letters passing betwixt the parties,
 their being often shut up together in private to their Con-
 vitation their being found in bed together, publicum fornication
 and Nudus cum Muliere Pross. Jarrin. de De-het's fornication
 qu. 136 n. 1. which are justinced with us as Evidences of
 guilt whose other proof Concurs. This adultery was
 found proved from the parties being a London bed lead
 those, and the bed leaded to the ^{George} ^{George}
 found caps Michonrie Brinn part; Et. 1757 or from the
 Man's having opened the door Glashed in his shirt to
 person who came to apprehend them, and the woman
 being found lying in the bed with her Glothed off
 the the parties were not seen in the Act, 6 November
 1699 John Mairdoul & Janet Douglas.

Tit. 2

Of Fornication.

The Doctors of the Civil law call an Unmarried
 Man lying with a single or Unmarried Woman, if
 a person of good Reputation, ^{fornication} ^{two} ^{part}
 fornication, and if a Common whore, fornication. But we
 have no other term for both, than that of fornication
 which is the act or Crime of Incontinency betwixt single
 persons.

Fornicators, both the Man and the Woman, are
 by the law of Scotland not only to undergo Publick Ex-
 surse by the King's Justice, and to stand before the Con-
 gregation on the stool of Repentance; but also to be
 bound by the Justice of peace according to their qual-
 ity, viz. a Noble Man in 100 pound, a Gentleman
 or Burgh in 100 pound, and every other person of

Inferior quality in 50 pound for the first fault. Which
 penalties are to be doubled to the second according to
 the Rapport and Degree of the offence and quality of the
 offenders; and to be applied then, one half to provide
 the parish where the offender lived, or the offence
 committed; and the other morely was first to the Justice
 nor and prosecutor, and the remainder to provide
 for the offenders to Justice; and the remainder to provide
 up to Act 38 Parl. 1. cap. 1. R. 2. But Common Whores
 called Meretricies a Merenda, because they were and
 prostitute them to be sold publicly for pay, as found
 in the Ward when apprehended are ordinarily sub-
 jected to the Discipline of the Correction house.

By the law of England, a Justice of peace may bind
 to the good he believes any person suspected to be
 a bastard Child that is like to be a bastard on the
 parish from the Woman's Making, call that he is the
 father, and cause him find surety for his appearance
 the next Session or Commit him till he do it. If the
 putative father enter into the cognizance for his ap-
 pearance and good Behaviour in the mean time, nothing
 more is to be done till the Child is born. When two
 of the Justices quorum Juris, may upon Examina-
 tion of the cause and Circumstances, according to
 their Discretion take order for the punishment
 of the Mother and Reputation for the Child, whom they may
 charge with a weekly payment to the Church
 for Maintenance of the Child, and for Provision
 to give obedience or find Justice to perform, born
 into prison, unless they appeal to and find safe
 retired to appear at the next General Assize
 and of the Assize 18 Eliz. cap. 3. And Women ha-
 ving bastards which may be chargeable to
 the Church, may be sent to the House of Corre-
 tion to work for a Year, Jac. 1. cap. 4. 57. But