

ne. 3th § 99. Jurisprud. Coron. part 4 Conf. 29 Def. i. l. Capitally punished. Sir George Nicholas is of opinion (Crim. part 1 fol. 17 55 infim.) that a Man who is after catching his wife in the act of adultery retains her and his mistress the adulterers for Money grown by it to General the Crime is punishable as a prius, tho' tho' if he commit the Injury freely, but that sentiment is grounded on Error where the law terms one a prius who takes Money for his wife's adultery l. 2 52 ff. ad. l. 20 adult. That is understood of making a wife in giving way to adultery to be committed by her: 90th but as it is no fault in a Man whose wife had pleased the world without his privacy or consent, rather ~~take~~ take Money from the adulterer as some Reparation for the Injury done to himself and his family, than to punish the Dishonour Cap. 20. l. 2. n. 31th § 99. Jurisprud. Coron. l. 2. n. 2. Stat. Matth. de Crim. ad. fol. 55. cap. 2 n. 11 infim. Other persons than a father or mother and exposing women's chastity to sale are in different Nations arbitrarily punished according to Circumstances. Fol. Clar. lib. 5 fol. 100. l. 5 fin. qui. 68 n. 23 Proff. Coron. l. 2. n. 11 Cap. 20. Jurisprud. Coron. part 4 Conf. 29 Def. 6. By the Common Law of England the Keeping of Whores houses is punishable upon Indictment by fine and imprisonment, or such ~~as~~ famous punishment as to the Court in Discretion shall seem proper Hawkin's pl. Cr. lib. 1 chap. 74 § 4.

Some will have those only to be prius and punished as such who twice or oftner make gain by prostituting Women Dambodor. Prae. Romum Crim. cap. 93 n. 5. 6. Tho' others make no distinction as to this Crime or the punishment thereof whether it be committed once or oftner Cap. 20. l. 2. n. 73. Nor is it any Excuse for it that the offender was in extreme poverty and took that way to supply his Urging Necessity l. 43 § 5. ff. de

Rite Night. Cap. 20. l. 2. n. 70. Jurisprud. Coron. l. 2. n. 10. Def. 10. A Lodger who keeps only a single Room for the use of a Bandery, is punishable for keeping a Bandery house if he av - l. 2. n. 70. Cr. lib. 1 chap. 74 § 5.

Publick Stews are allowed for Sale, even in Rome it self; what has sauring from Alimony to us, on the Gladty of honest Women in that hot Country where the Devil of lust reigns in the highest Degree; in a for other publick ends; for the use of a Bandery or a Room and of such houses called the brothel or sub Day of Milk is brought into the world by the Cap. 20. l. 2. n. 70 n. 7 § 99.

Chap. 7.

Of a Rape.

A Rape or Ravishing is, the Carnal knowledge of the Body of a Woman or Man by force, and against their persons will. It hath indeed been Controversied whether a Woman may be guilty of committing a Rape upon a Man; some are of the Mind that she cannot fall Guilty & Raptus n. 6. Monach. de lib. t. l. 2. n. 108 § 99. Partly Proff. Parin. de Dolat. Baris qui. 145 n. 40 § 99. Partly because the Civil law doth stand on the Ravishing of Virgins and Honest Widows l. 1. n. 1. de Repti. Virg. Partly for that a Woman is the weaker Vessel and of the frail sex, and the she. oute Carry away a Man against his will, it is not in her power to resist him when her Carnality without his own Consent. I should think that a Woman may be guilty of the Rape of a Man. Stat. Matth. de Crim. ad. l. 2. n. 11. public. n. 2. Jo. Vob. Comm. 2. Gyt. l. 2. l. 2. n. 11. public. Partly because a Rape may be committed upon a Young Man l. 6. ff. de l. 2. n. 11. public. partly for that as there are weak faint hearted and delicate Men, and stout hearted Masculine Women; No thing or