Regi; yet it is necessary to an appeal of the party robbed, that she make fresh suit & complaint, and pursuit of the offender and offence, otherwise it carries a presumption that her suit is malicious and feigned; and the appeal must be speedily prosecuted, Hale Hist. plac. Corpus. l. pag. 632.

It being a strong the not Conclusive presumption against a woman pretending to have been Ravished, that she made no Complaint in a Reasonable time after the fact; our old law allowed her not to be heard, if she did not Complain within one Night Reg. Maj. lib. 4 cap. 10 and while the Crime was Recent, she was to pass to the Next town and there Declare to Honest Men the Injury done to her. Then she should go and make the like Declaration to the Mair of the shire, or to the Gosthodorach, whom some have to have been the Executor of the summons, others the Crowner, and others a searcher of Corses, Stendo Dictionary signifies Gosthodorach. After this she was to let forth the Crime in the Next Kirk Court, and last of all appear before the Justice before whom the trial proceeded. But now fresh suit is Dispensed. For a Woman's Modesty may hinder the concealing such an Injury done to her for some Reasonable time, that she may Deliberate if it be Modest or Expedient to Conceal or propale her Reproach to the Men thereabouts part of the Country. Thus a trial for a Rape was sustained about a Coven Months after Commission of the Crime 4 April 1723 Colonel Charters. The Criminal Letters are now without Mora ad Recipe for this and for other Crimes. The Kings Advocate and Nearest of Kin of a Ravished Woman, may pursue for the rape either jointly or separately the one without the Concurrence of the other even in order to Capital punishment Act 4 Parl. 21 J. 6 Thus in a Criminal trial Against a Rape process was sustained at the suit of the husband of the Woman Ravished for the pains of law: about the Kings Lawyers Judicially declined to Concur for his Majesty's Interest. 4 April 1723 Colonel Charters. The Kings Advocate or Nearest of Kin of a Woman Ravished may pursue for an Arbitrary punishment of the Rape, all the while the Woman Injured Declare that she was not Ravished. McKenzie Crim. pend. tit. 1656. Or pass from the Injury done to her 22 Feb. 1697 Captain Charles Douglas



Douglass. But if the Nearest of Kin do not Insist, Remotter Relations to the party Injured cannot pursue upon Wedlock.

It having been pleaded in Behalf of a Man Indicted for Ravishing the pursuers wife, if that it was not Relevant to libel that he had Violently lain with her which she testified her Unwillingness by Crying for help, Struggling and Resisting, but the particular qualifications of the force and her Unwillingness ought to be set forth, as the Blood that was drawn in her face or in her Body, Under her Cloths, and the tearing of her Cloths, which are the Tiflingnifling tokens of a Rape, Reg. Maj. lib. 4 cap. 10 p. 82. Every Degree of Violence used by the Man, and Resistance on the Woman's part, is not sufficient to infer it. Because there is scarce any whore so Abandoned to her lusts as to prostitute her self without making some show of Resistance, which Consequently obliges the Man to use a kind of force, when at the same time the Manner of her Resistance betrays her willingness to Commit fornication. Nor can the qualification of her Crying for help ever, for that she being from in the very act of a adulterous Rape, behoved either to cover her self and dull least in Cutpurses, behoved either to cover her self and dull loud Strumpet, or Make a faint of Crying for help, as if she had been forced against her will. 2d The Woman principally Injured did for a long time deny that she was Ravished, and was not brought to own it till she was Admitted with Money: which is an objection against Admitting a person to prosecute Any Crime. 4 Reg. Acts. If it was Answered, if Crying for help, Struggling and the Resisting, is all that can be required, and amounts to a proving a woman against the Kings peace, which is the Legal Definition of a Rape Reg. Majest. lib. 4 cap. 9 p. 81. Nor was it possible in the present case to descend to more particulars, by bringing into the libel, the words uttered by the Woman Abused, or forms of Wrestling in her Defence, the being carried some way off the high Road and forcibly dealt with. 2d What can the Woman's denial Import