By the Antient Lawes of this Land in the tyme of Kinge Athelstone before the Conquest Before any Statute Law was ordained Rape hath been according to ye opinion of Bracton & Glanvile) Judges A Detestable Crime worthie of death, Stamford 21 And most grievious punishments were inflicted upon such Transgressors As it appeare by

W. 1.

But ye Statute of Cap 13 was more mild to such offenders untill ye next Parliament holden at Westmonst. Anno Cap 34 the offence of Rape was made Felonie. And ye Statute of 6 R 2. did add greater punishment as loss of Eare to women Consenting at Lenght to Parish, ye hath heard my Ld Aldermen how this Ld laboured to allure his wife to lye wth Arthill But now hee proceeds into Action upon his wife cannot Batter the fort of her Chastitie. Hee Exchanges ye Foxes skimer for the Lions. Hee being in Bed wth his wife in his owne house last Summer ye day

And A man of his called by the name of Broadway being in A Chamber Bedd in ye same Chamber called unto him and bid him light A pipe of Tobacco, w[ch] done, hee willed him to come into Bedd Between him & his wife (Hee being then A sleepe) to thend hee might Enjoy his pleasure of her, This Broadway after some refusall at last yielded to his persuasions And did forcibly ravish his Ladies, His wife Ld being not only A looker on but holding his armes & the Legges weight this detested rapte forced for wth doue shee distressed Ladies got out of her bedd And like Another Penelope would rend kilde herselfe had not shee bee restrayned by her husband And his Broadway this Rape is Confessed by Broadway the Actor in his Examination And now in ye Court And also by his Mark /

And now my Lds I leave it to ye Lords Consideration to judge whether sure an horrible act were ever Committed Either in this Kingdome or any other throughout ye world how bad it of this I am sure that no Chronicle or historie Salth sitt out to lett ye like recorded unto posteritie /

Course now leads us to his Crime his Crime Abhomination to his Sinne Abhorred Sinnes or Sinnes of Sodomy A

Sinne unusuall

A Sinne unusuall in ye Nation, And I pye now care att to bee my state by posteritie A Sinne so detested by Almightie God that for ye horrible sinne offence, Sodome (from whence it take it denomination) & Gomorha were utterly destroid and turned to ye Ground by raining fire And Brimstone down upon them. Such Terrible manner that ye flames thereof Ascended up into Heaven Like ye Smoke of A smoking furnace. Gen: Cap: 19 Ver. 24th Against Buggerers shall not possesse ye Kingdome of Heaven 1. Cor: Cap: 9. It is also prohibited 1 Tim: 1 20: It is more on written in A true Author of latter tyme that A region Country hath been distroyed by that wickednesse, By ye Lawes of ye Church also affordes in that kind are to bee punished by fire, That is to bee burned upon the fyer of Sodome wherein it was at ye first punished by God. And ye Statute Lawes have added to that punishment, Loss of goods and Lands, But ye Common Lawes hath not inflicted any punishment at all, the reason & ground was, Nor it was not usuall amongst us. Et ad Ea quæ frequentius accidunt iura adaptantur. In the tyme of Ed: 3 there came certaine people into this Kingdome under ye name of Langobards, who were detected of that Bestialitie But ever they were found to bee Infidells And not Langobards & sought Shrouding themselves under that title And that was not A Crime wherein feare was Committed, It might bee put in practise in this Realme. Those men that went under ye name of Langobards were Expelled ye Kingdome And not being the Doue: Now ye Statutes of He: 8: w[ch] were to continue but untill ye next Parlaym. made it Felonie. There is also added Loss of Lands And Goods as in case of Felonie For there is A perpetuall Acte made to that purpose: ye 15: of He: 8: (But that Acte Amongst other Acts of ye Parliament of He: 8:) was repealed by Quee: Marye And revived by Qu: Eliz: Now wth Acte ye Prisoner is Indicted /

Now ye Lords shall plainly understand by ye Evidence that this Prisoner is also guilty of this foule Crime For first ye Committed this Sinne of ye nature wth one Fitz Patricke An Irish man At A severall places as this Fitz Patricke Confessed But said yet was not Penetration. And also wth one Broadway.

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