The Judges resolued that in Ciuill Causes the wife may not
bee But in Criminall Causes of this high nature, wherein the wife
is the pie grieued & one vpon whome the Offence is Com
mitted shee may bee A witness Agt her Husband

And hee Praised vpon for bending their Lpps soe long. But
howsoever hee Oratorie hee was the most & ruffeble (as hee said)
It is A Cause whereupon his life dependeth/

And now replied mr Attourney Generall

May It please yor Grace & yu my Lords. The Prisoner hath poo
ren soe little for himselfe. That I shall not (as otherwise I should)
yor Lpps in more then in preparing some for obiections
wch the Prisoner made/

Bracton tells us of Kinge Athelstones Lawe before the Conquest
If the pie were of noe that life. But Authors yet there may bee
A Vantagem But it is A good Plea to say the was his Concubine

In an Indictm. of A Rape Yere is no time of Reformation necessary
for Nullum tempus occurrit Regi. But in A Case of an Appeale of A
Rape. if the woman doe not reforme in convenient time it will
barre you

If A man take away A maid by force & Ravish her &
after wards shee yieldeth her consent and marrie
him. yet it is A Rape/

For the Crimen Sodomiticum no Lawe had noe knowledge of it till
15. H. 8. by wch Statute it was made Felony. And in this there is
no more question but only whether it bee Crimen sine Pene
tratione. For the Lawe of the 5th of Eliz sette it downe in generall
Wordes And where the Lawe doth not distinguish neither must wee
know howbeit I submit the resolution hereof. And the Arg & ob
iections but the Judgm of yu my Lords the Judges. And for yu
my Lords the Peeres I hope yu will bee Curious how yu Giue
the last Sentence or Attainder. to soe horrible And Abho
minable Sinnes wch Land brought sure Plagues after them as
wee read Gen: 17: Levi: 18: Judg: 29. Rom: 1:

And now the Lord high Steward desired the Lds the Judges to resolue those
questions wch mr Attourney had submitted to their Judgm.

1 Whether it were to bee Accounted Buggerie wch in the Statute
without Penetration/

The Judges

The Judges resolued that it was for that the use of the Bodye for
feare, as to found Feed thereon makes it soe/

2d Whether it being proued that the pie Fancied were of Kindred
end of An Inchaft life, it will Amount to A Rape/

The Judges resolued it A Rape though Committed on A Comon
Prostitute. For it is the forcing. the will that makes the Rape And
A Comon whore may bee ravished Agt her will And it is Felony
to doe it.

3d Whether it bee to bee Judged A Rape when the Woman complaines
not presently And whether there bee A necessity of Attainted
wthin A reasonable time As wthin 24 houres.

The Judges resolued that in all ages as shee was forced Agt her
will & then showed her dislike shee was not bynoted to Any
by mee for her complaint. And that in an Indictm Yere is noe
Ly motation of time. But in An Appeale there is/

4d Whether men of noe Worth shall bee allowed sufficient proofe
Against A Barron/

They Judges resolued that any man is A sufficient witness
in Cases of Felony

Then the Lord high Steward said my Lord yu have bin grati
ously dealt wth in this business & proceedings For it is not an vsuall
Favour in soe Capitall and Haynous Cases as this to bring the
delinquent And witnesses face to face. before Tryall. But my
Lord yu have long Ere this yu Tryall. had their Examinations
& questioned and opposed face to face. And are thereby Enabled to
make yr defence. And his Matie is still Graciously pleased to
continue his Goodnes towards yu. And hath Commanded that yu
shall bee heard at full. Yet therefore yu have Any thing else to
say for yr selfe
Speake it.

Whereas hee answered Haueing first made A
Solemne protestation of his Innocencie.

But never the lesse Implored the mercie of God & the King
that hee had noe ing more to saye but left himselfe to
God and his Peeres Pleading to their Consideration those three
wordes Fr Coronery. viz/

noe to that.