

**ESSAY ON THE "SCRIPTURE DOCTRINES  
OF ADULTERY AND DIVORCE, AND ON  
THE CRIMINAL  
CHARACTER AND PUNISHMENT OF  
ADULTERY, BY THE ANCIENT LAWS OF  
ENGLAND AND OTHER COUNTRIES"**

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Essay on the "Scripture Doctrines of Adultery and Divorce, and on the Criminal Character and Punishment of Adultery, by the Ancient Laws of England and Other Countries" by H. V. Tebbs

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**H. V. TEBBS**

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*with the Author's kind regards*  
ESSAY <sup>7<sup>th</sup></sup> Series XXXV.

ON THE

“ SCRIPTURE DOCTRINES

OF

ADULTERY AND DIVORCE,

AND ON THE

CRIMINAL CHARACTER

AND

PUNISHMENT OF ADULTERY, *2617*

BY THE

ANCIENT LAWS OF ENGLAND AND OTHER COUNTRIES;”

BEING A SUBJECT PROPOSED FOR INVESTIGATION BY THE SOCIETY FOR  
PROMOTING CHRISTIAN KNOWLEDGE IN THE DIOCESE OF ST. DAVID'S;

AND TO WHICH THAT SOCIETY AWARDED ITS PREMIUM OF FIFTY POUNDS  
IN DECEMBER, 1821.

BY

H. V. TEBBS,

PROCTOR IN DOCTORS' COMMONS.

“ Quid triste querimonie  
Si non supplicio culpa reciditat?  
Quid leges sine moribus  
Vane prolucant?”

HOR. CARM. lib. iii. 24. v. 33.

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1822.

TO  
THE MOST REVEREND FATHER IN GOD,  
CHARLES,  
BY DIVINE PROVIDENCE,  
LORD ARCHBISHOP OF CANTERBURY,  
*PRIMATE OF ALL ENGLAND, AND METROPOLITAN,*  
*¶c. ¶c. ¶c.*

THE FOLLOWING ESSAY. 2

ON A SUBJECT OF CONSIDERABLE IMPORTANCE,  
AND ON THE VIEWS ENTERTAINED RESPECTING IT,  
IN THOSE SACRED RECORDS,  
WHICH ARE EQUALLY THE FOUNDATION OF THE RITES OF THE CHURCH,  
AND THE BASIS OF ECCLESIASTICAL LAW,  
IS, WITH THE GREATEST RESPECT,

DEDICATED,

BY A PRACTITIONER IN HIS GRACE'S  
ECCLESIASTICAL COURTS,  
AND BY HIS GRACE'S  
MOST OBEDIENT

AND VERY HUMBLE SERVANT,

THE AUTHOR.

DOCTORS' COMMONS,  
APRIL 30, 1822



## P R E F A C E.

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THE Author of the following Essay would have been content, as the reward of his labour, with the premium awarded to him in the Diocese of St. David's, without obtruding himself upon the notice of the public, had not the solicitations of his more immediate friends, (a fact not the less true, because so frequently the author's plea, but which he might have been tempted to overlook as arising from their partiality,) been united with an intimation from the individual from whom the premium originated, that the publication of the Essay would be acceptably regarded; and this compelled him to surrender, though with considerable reluctance, his own wishes to the opinion of others.



Being thus brought before another tribunal, at which he naturally feels that sort of apprehension which accompanies a first appearance, he deems it but justice to himself to premise some of the circumstances under which the Essay was written, if not to excuse its errors, yet at least to induce a milder tone in the observations of those who may detect and expose them.

The subject, then, as thrown out for general investigation, was not seen by the Author till a considerable part of the period had elapsed within which the rival Essays were to be completed. That period was the latter end of July, 1821; and it was not till the beginning of June preceding, that the Author commenced his preliminary investigations, and those under no slight disadvantages. That period, the close of Easter and the commencement of Trinity Terms, more than ordinarily demanded his attention in his professional pursuits. His chief time for labour, therefore, was during the night; and the fatigues of a long day, when encountered by a constitution of not the stoutest texture, not unfrequently compelled him to relinquish his undertaking; one motive, however, stimulated him to revive it; and that

was the conviction, that, if he should not be fortunate enough to merit either the premium which has been since awarded to him, or that of twenty-five pounds, to be adjudged to the second successful Essay, yet the course of investigation in which he was engaged, closely connected as it was with his professional pursuits, would itself amply repay him for all his toil.

It is true, that, since the award of the premium, an opportunity has been afforded of revising the Essay in its progress through the press, but the Author has not deemed himself at liberty to make any material alterations in it, lest he might disturb those features of it (whichever they may have been) that received the stamp of approbation.

That the subject of the Essay is interesting and important, need hardly be remarked: it is an examination of the doctrines maintained in relation to the nature of the matrimonial crime, and the matrimonial bond as affected by it, by that authority from which the institution of marriage itself emanated, and by which, therefore, all other and inferior legislation should be guided. If, on this part of the subject, he would not pretend to the merit

of originality, he yet would hope to appear so to have availed himself of the best lights reflected upon it, as not to involve himself in the charge of a criminal carelessness. And, with regard to the other parts of his subject, which trace historically the ancient punishment of the matrimonial crime, it must be remembered, that, although they comprise many disgusting details, and although, in some respects, little comparative utility may result from them, yet he could not escape from the investigation.

If in commenting, however cautiously, on the penal laws of his own country, in relation to this subject, he may have rendered himself liable to censure, and the imputation of presumption, he does not err alone, and therefore gladly avails himself of the protecting shelter which is cast around him by the example of some great men, and the sanction derived to himself by the award in the Diocese of St. David's.