

1705. shall, for every offence, forfeit and pay ten shillings, to be recovered as and for the uses abovesaid.

Passed in 1705.—Recorded A. vol. I. page 142. (q)

(q) The 1st, 2d, 3d, and 6th sections of this act, relating to performing worldly business on Sunday, are supplied by the 1st section of the act for prevention of vice and immorality, &c. passed April 22d, 1794, (post chap. 1746,) which enacts, that if any person shall do or perform any worldly employment or business whatsoever, on the Lord's day, commonly called Sunday, works of necessity or charity only excepted, or shall use or practise any unlawful game, hunting, shooting, sport or diversion whatsoever, on the same day, and be convicted thereof, every such person, so offending, shall, for every such offence, forfeit and pay four dollars, to be levied by distress; or in case he or she shall refuse or neglect to pay said sum, or goods and chattels cannot be found, whercof to levy the same by distress, he or she shall suffer six days imprisonment in the house of correction of the proper county; *provided always*, that nothing herein contained shall be construed to prohibit the dressing of victuals

in private families, bake houses, lodging houses, inns, and other houses of entertainment, for the use of sojourners, travellers or strangers, or to hinder watermen from landing their passengers, or ferrymen from carrying over the water travellers, or persons removing with their families on the Lord's day, commonly called Sunday, nor to the delivery of milk, or the necessaries of life, before nine of the clock in the forenoon, nor after five o'clock in the afternoon of the same day.

By the act of March 25th, 1805, (post chap. 2568,) the select and common councils of Philadelphia, the corporation of Southwark, and the incorporated part of the Northern Liberties are authorized to pass ordinances to regulate the Sunday markets in the said city and districts; and the act of 1794, so far as on this head, it respects the said city and districts, is repealed.

See the form of the conviction in the 4th section of the act of 1794.

## CHAPTER CXXI.

### *An ACT against incest.*

**FOR** the preventing of incestuous marriages within this province, *Be it enacted*, That all marriages hereafter made, being within the degrees of consanguinity or affinity according to the following table, are hereby declared to be void, to all intents and purposes, and it shall and may be lawful for the Governor for the time being to grant a divorce from the bonds of matrimony, and the parties shall be fined to the value of one third part of their estates.

**II.** And if any person or persons shall be convicted of incestuous fornication or adultery, he, she or they, so convicted, shall suffer such punishments as are by law against fornication and adultery, and be fined to the value of one third part of their estates, to be paid to the Proprietary and Governor, for the time being, for the support of government, and defraying the contingent charges thereof.

Incestuous marriages to be void and finable.

Penalty on incestuous fornicators, &c.

The TABLE of Degrees of CONSANGUINITY and AFFINITY is as follows:

Degrees of Consanguinity.	Degrees of Affinity.	Degrees of Consanguinity.	Degrees of Affinity.
A man may not marry { His Mother.	A man may not marry { His Father's Wife.	A woman may not marry { Her Father.	A woman may not marry { Her Mother's Husband.
{ His Father's Sister.	{ His Son's Wife.	{ Her Father's Brother.	{ Her Daughter's Husband.
{ His Mother's Sister.	{ His Son's Daughter.	{ Her Mother's Brother.	{ Her Husband's Son.
{ His Sister.	{ His Wife's Daughter.	{ Her Brother.	{ The Son of her Husband's Son or Daughter.
{ His Daughter.	{ The Daughter of his wife's son or Daughter.	{ Her Son.	
{ The Daughter of his Son or Daughter.		{ The Son of her Son or Daughter.	

Passed in 1705.—Recorded A. vol. I, page 146. (r)

(r) See an act against clandestine relating to divorces, (post. chap. 1176,) marriages, ant. chap. 109; and an act and the next act, chap. 122.

## CHAPTER CXXII.

### An ACT against adultery and fornication.

FOR the preservation of virtue, chastity and purity, amongst the inhabitants of this province, and prevention of the heinous sins of adultery and fornication, *Be it enacted*, That if any person or persons shall commit adultery, and be thereof legally convict, such person or persons shall, for the first offence, receive on his or her bare back twenty-one lashes, well laid on, at the common whipping-post, and suffer imprisonment for one whole year, at hard labour, or be fined fifty pounds, one half to the use of the Governor, and the other half to the use of the poor, at the election of the party offending: And the injured husband or wife shall have a bill of divorce from board and bed, granted him or her by the Governor or Lieutenant Governor for the time being, if required within one year after conviction. And if such person or persons shall offend a second time, and shall again be thereof convicted, such person or persons shall receive on his or her bare back twenty-one lashes, at the common whipping-post, and be imprisoned seven years at hard labour, or pay one hundred pounds as aforesaid: And for the third, and every offence after, the same punishment, and be branded on the forehead with the letter A.

Penalty on committing adultery.

II. *And be it further enacted*, That if any person or persons shall commit fornication, and be thereof legally convicted, such person or persons shall receive twenty-one lashes on his or her bare back, well laid on, at the common whipping-post, or otherwise shall forfeit and pay to the Proprietary and Governor, for the support of the government of this province, and defraying the contingent charges thereof, the sum of ten pounds, at the election of such person so convicted as aforesaid.

On fornication.

III. *And be it further enacted*, That any single or unmarried woman, having a child born of her body, the same shall be sufficient proof of fornication.

What shall be proof of fornication.