

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:

[Section I.] Be it enacted by John Evans, Esquire, by the Queen's royal approbation Lieutenant-Governor under William Penn, Esquire, absolute Proprietary and Governor-in-Chief of the Province of Pennsylvania and Territories, by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That if any person or persons shall commit adultery, and be thereof legally convict, such person or persons shall, for the first offense, 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 labor, 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 labor, or pay one hundred pounds as aforesaid; and for the third and every offense after, the same punishment, and be branded on the forehead with the letter A.

[Section II.] And be it further enacted by the authority aforesaid, 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.

[Section III.] And be it further enacted by the authority aforesaid, That any single or unmarried woman having a child born of her body, the same shall be sufficient proof to convict such single or unmarried woman of fornication; and the man by such woman charged to be the father of such child shall be the reputed father; and she persisting in the said charge in the time of her extremity of labor, or afterwards in open court upon the trial of such person so charged, the same shall be given in evidence in order to convict such person of fornication.

[Section IV.] And be it further enacted by the authority aforesaid, That if any married woman within this province shall be convicted of having a child born of her body in the absence of her husband, and shall not be able by credible evidence to prove that her husband has cohabited or been in company with her, or has been in some of the Queen's colonies or plantations in this continent, betwixt the easternmost parts of New England and the southernmost parts of North Carolina, within twelve months next before the birth of such child, such woman shall be punished as an adulteress.

[Section V.] And be it further enacted by the authority aforesaid, That if an unmarried woman, absenting herself from the place where she usually lived, shall come into any county within this government and there bear a bastard child, she shall be liable to be punished in the county where the said child is born, as she should or might have been had the child been there begotten. And whosoever within this government shall knowingly entertain or shelter any such woman without giving notice thereof to some one justice of the peace within three days after her coming into his or her house to lodge, shall forfeit five pounds for every such offense.

Provided always, That the judgment or sentence against such married woman shall not be put in execution till after the expiration of twelve months next after such her conviction, and she shall remain in prison during that time, unless she give security to abide the judgment. And in case her husband shall within the said term come and declare that he had cohabited

with his wife within the said term of twelve months next before the birth of the said child, and own and declare himself to be the father thereof, execution shall be stopped, and the woman discharged.

[Section VI.] And be it further enacted by the authority aforesaid, That if any single woman, being a servant by indenture or covenant, have a bastard child within the time of her servitude, she shall serve such further time beyond the term of her indenture or covenant mentioned as the justices of the peace in their quarter-session shall think fit, as a compensation to her master or mistress for the loss and damage they had sustained by reason of her bearing such bastard in the time of her servitude: provided it be not more than two years nor less than one.

[Section VII.] And be it further enacted by the authority aforesaid, That every person, being legally convict to be the reputed father of a bastard child, shall give security to the court, town or place where such child was born, to perform such order for the maintenance of such child as the justices of the peace in their sessions shall direct and appoint.

Passed January 12, 1705-6. Allowed to become a law by lapse of time, in accordance with the proprietary charter, having been considered by the Queen in Council, October 24, 1709, and not acted upon. See Appendix II, Section III, and the Acts of Assembly passed January 12, 1705-6, Chapter 121; May 31, 1718, Chapter 236; March 21, 1772, Chapter 662; January 23, 1777, Chapter 737; September 19, 1785, Chapter 1187; September 15, 1786, Chapter 1241; April 5, 1790, Chapter 1516; September 23, 1791, Chapter 1583; April 22, 1794, Chapter 1777; April 18, 1795, Chapter 1861; April 4, 1799, Chapter 2051; March 21, 1806, P. L. 570; April 25, 1850, P. L. 575, and March 31, 1860, P. L. 392. Repealed by the Act of March 31, 1860, P. L. 451.

CHAPTER CXXIII.

AN ACT AGAINST BIGAMY.

[Section I.] Be it enacted by John Evans, Esquire, by the Queen's royal approbation Lieutenant-Governor under William Penn, Esquire, absolute Proprietary and Governor-in-Chief of the Province of Pennsylvania and Territories, by and with the advice and consent of the freemen of the said Province in Gen-