

AN ACT

For suppressing

The Detestable SINS

OF

Incest, Adultery and Fornication.



Die Veneris, Decimo Maii, 1650.

Ordere*d by the Parliament, That this Act be forthwith Printed and Published.*

Hen: Scobell, Cleric. Parliamenti.

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ENGLAND. 1650.



AN ACT

For suppressing

The Detestable SINS

OF

Incest, Adultery and Fornication.

BE it enacted by the Authority of this present Parliament, That if any person or persons whatsoever, shall from and after the four and twentieth day of June, in the year of our Lord, One thousand six hundred and fifty, marry, or have the carnal knowledge of the Body of his or her Grandfather or Grandmother, Father or Mother, Brother or Sister, Son or Daughter, or Grandchild, Father's Brother or Sister, Mothers Brother or Sister, Fathers wife, Mothers husband, Sons wife, Daughters husband, wives Mother or Daughter, husbands Father or Son; all and every such offences are hereby adjudged and declared Incest: And every such offence shall be, and it is hereby adjudged Felony, and every person offending therein, and confessing the same,

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or being therefore convicted by verdict upon Indictment or Presentment, before any Judge or Justice at the Assize or Sessions of the Peace, shall suffer death as in case of Felony, without Benefit of Clergy: And all and every such Marriage and Marriages are hereby declared and adjudged to be void in Law, to all intents and purposes; and the children begotten between such persons, notwithstanding any contract or solemnization of Marriage, to be illegitimate, and altogether disabled to claim or inherit any Lands or Inheritance whatsoever, by way of descent from, or to receive or challenge any Childes portion in any Goods or Chattels of their said parents, or any other Ancestors of such Parents. And be it further Enacted by the Authority aforesaid, That in case any married Woman shall from and after the Four and twentieth day of June aforesaid, be carnally known by any man (other then her husband (except in case of Raptment) and of such offence or offences shall be convicted as aforesaid by confession or otherwise, every such offence and Offences shall be, and is hereby adjudged Felony; and every person, as well the man as the Woman offending therein, and confessing the same, or being thereof convicted by verdict upon Indictment or Presentment as aforesaid, shall suffer death as in case of Felony, without benefit of Clergy. Provided, That this shall not extend to any man who at the time of such Offence committed, is not knowing that such Woman with whom such Offence is committed is then married. Provided also, That the said penalty in case of Adultery aforesaid, shall not extend to any Woman whose husband shall be continually remaining beyond the seas
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by the space of three years, or shall by common fame be reputed to be dead; nor to any Woman whose husband shall absent himself from his said wife by the space of three years together, in any parts or places whatsoever, so as the said wife shall not know her said husband to be living within that time. And be it further Enacted by the authority aforesaid, That if any man shall from and after the Four and twentieth day of June aforesaid, have the carnal knowledge of the Body of any Virgin unmarried Woman or Widow, every such man so offending, and confessing the same, or being thereof convicted as aforesaid, shall for every such offence be committed to the common Goal, without Bail or Mainprize, there to continue for the space of three Months; and until he and she respectively shall give security, to be taken by one or more Justice or Justices of the Peace before whom such confession or conviction shall be had, to be of the good behavior for the space of one whole year then next ensuing. And be it further Enacted by the Authority aforesaid, That all and every person or persons who shall from and after the Four and twentieth day of June aforesaid, be convicted as aforesaid, by confession or otherwise, for being a common Bawdy, be it man or woman, or wittingly keeping a common Bawdy or Bawdy-house, shall for his or her first offence be openly whipped and set in the stocks; and there marked with a hot Iron in the Forehead with the Letter B. and afterwards committed to prison or the House of Correction, there to work for his or her living for
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the space of three years, without Bail or Mainprize, and need he or she shall put in sufficient Sureties for his or her good Behavior, during his or her life: And if any person by confession or otherwise shall be convicted of committing, after such conviction, any of the said last recited offences, every such second offence shall be, and is hereby adjudged Felony; and the person and persons so offending shall suffer death, as in case of Felony without benefit of Clergy. And be it further Enacted by the Authority aforesaid, That the Justices of Assize in their respective Circuits, and the Justices of Peace in every County, at their usual and General Sessions, are hereby authorized and required to give in charge to the Grand Jury, to enquire of all and every the Crimes aforesaid: And the said Justices of Assize, Justices of the Peace in their General Sessions, and all and every Mayor and Justices of Peace of any City, Borough or Town Corporate, that have power to hear and determine Felonies at their usual Sessions, shall have full power and authority to enquire by verdict of twelve or more good and lawful men, within the said respective counties and places aforesaid, of all and every the crimes and Offences aforesaid; and upon Indictment or presentment, to hear and determine the same, as in other cases of Felony or Treasons. Any Law, Usage or Custom to the contrary notwithstanding. Provided, That no Attainder for any Offence made Felony by this Act, shall make or work any corruption of Blood, loss of Dowry, Forfeiture of Goods, disinherison of Heir or Heirs. Provided also, That no person or persons shall incur any of the penalties in this Act mentioned, unless the said

said person or persons be therefore indicted within twelve Months after the Offence committed, Provided also, That it shall be lawful for any person or persons who shall be indicted for any the Offences aforesaid, to produce at their respective Tryals any Witness or Witnesses for the clearing of themselves from the said Offences whereof they shall be so Judged: And the Justices before whom such Tryal shall be so had, shall have power, and are hereby authorized to examine the said Witnesses upon Oath. Provided, That no parties confession shall be taken as Evidence within this Act against any other, but onely against such party so confessing; nor the husband shall be taken as a Witness against his wife, nor the wife against her husband, for any offence punishable by this Act.

Die Veneris, decimo Maii, 1650.

Ordered by the Parliament, That this Act be forthwith printed and published.

Hen: Scobell, Cleric. Parliamenti.