

Prostitution ^[1]

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by Louis P. Towles, 2006

See also: [Hooker](#) ^[2]

Prostitution was not a crime in seventeenth-century North Carolina since there were no laws pertaining to it. Fornication, or illicit sexual activity, was viewed as a matter of morals rather than a rule of state; until the colony adopted the [Anglican faith in 1701](#) ^[3], prostitution and other sexual deviance was not an issue in the public forum. Marriage, adultery, cohabitation, and [divorce](#) ^[4], however, were treated more seriously, because children, legitimate or otherwise, might be affected, and the state could be required to support them or to arbitrate property disputes regarding their rights.

Not until the [Sabbath Observance Act of January 1715](#) ^[5] did the state legislature come out forcefully against vice, including drunkenness, profanity, adultery, and prostitution. Under the new law, any male or female convicted of the crime of prostitution would be fined 50 shillings, one-half being paid to the informer and the other half to the local church. For those without the means to pay the fine, the penalty was 21 lashes with a whip, delivered publicly. Both sentences were commuted in 1741 to 20 shillings proclamation money for each offense, or less than 10 shillings sterling.

The nineteenth century saw little change in the law, because many men, even those in high office, including legislators, were involved with the prostitution trade. Although the 1741 statute regarding vice was amended in 1805, this revision further obscured the issue by placing prostitution in the category of adultery and cohabitation. The practice of "drinking and pandering to the lustful passions of . . . men" was either ignored for gentlemen, as it had been in colonial times, or charged only against poor whites and blacks. Prostitutes and gamblers were handled through vagrancy statutes; women were arrested and either fined or imprisoned. In 1822 the city of [Raleigh](#) ^[6] began jailing convicted prostitutes for ten days. After completing the sentence, the women were then required to repay the city for arresting and incarcerating them by working the streets once more.

Prosecution for prostitution changed in the twentieth century partly because of clearer statutes, which explained the crime, why it was unlawful, the procedure of prosecution, the degrees of guilt, and the stages of punishment. Prostitution was clearly defined as "[offering or receiving of the body for sexual intercourse with or without hire.](#)" ^[7] Yet, although it was possible to convict and imprison a person for violating prostitution laws, there remained the centuries-old problem of enforcement. At the beginning of the twenty-first century, as in years past, only the prostitutes themselves-not their wealthier clientele-appeared to be the most readily available targets for arrest.

References:

Guion G. Johnson, *Ante-Bellum North Carolina: A Social History* (1937).

William W. Sanger, *The History of Prostitution* (1937).

Additional Resources:

Human Trafficking, UNC: <http://humantrafficking.unc.edu/frequently-asked-questions/> ^[8]

North Carolina General Assembly, Prostitution Laws: http://www.ncga.state.nc.us/EnactedLegislation/Statutes/pdf/ByArticle/Chapter_14/Article_27.pdf ^[9]

Subjects:

[Law and legal history](#) ^[10]

Authors:

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From:

[Encyclopedia of North Carolina](#). University of North Carolina Press. ^[12]

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