

182. Seduction under promise of marriage.—Every one, above the age of twenty-one years, is guilty of an indictable offence and liable to two years' imprisonment who, *under promise of marriage*, seduces *and* has illicit connection with any unmarried female of previously chaste character and under twenty-one years of age. 50-51 V., c. 48, s. 2.

With regard to corroboration where the woman or girl is the only witness it has been held that evidence of such circumstances as usually accompany a marriage engagement is sufficient to satisfy the provision of the law of Missouri, which requires that the evidence of the woman in trials for seduction under promise of marriage must as to the promise of marriage be corroborated to the same extent as that of the principal witness to perjury; (1) and again, where the law makes it an offence to seduce an "innocent and virtuous" woman under promise of marriage, and provides, "that the unsupported testimony of the woman shall not be sufficient to convict," the additional evidence required must not be confined to the act of sexual intercourse but must extend to its inducement by a promise of marriage. (2)

The Penal Code of Texas makes it a crime for any person "by promise to marry" to seduce an unmarried female, and declares that the term "seduction" is used in the sense in which it is commonly understood. The Court of Appeals of that State decided that to constitute seduction a man must, in addition to the promise of marriage, use some other means than a mere appeal to the lust or passion of the woman. White, P. J., in delivering the opinion of the Court made the following remarks on the subject:—

"Seduction" implies that the female is led away from the path of rectitude and virtue and induced to indulge in carnal intercourse by the means used. Generally, in order to establish the charge of seduction, it must be made to appear that the intercourse was accomplished by some artifice or deception, and it is held that something more than a mere appeal to the lust or passion of the woman must be shown before the law will inflict the penalty prescribed for the crime. *State v. Fitzgerald*, 63 Iowa 268, 19 N. W. Rep. 202. Our statute expressly provides that the seduction must be accomplished by means of a 'promise to marry.' As was said in *People v. DeFore*, 64 Mich. 693, 31 N. W. Rep. 585: 'Under this statute the offence is committed if the man has carnal intercourse, to which the woman assented, if such assent was obtained by a promise of marriage, made by the man at the time, and to which, without such promise, she would not have yielded. *People v. Millspaugh*, 11 Mich. 278. The offence consists in enticing a woman from the path of virtue, and obtaining her consent to illicit intercourse by promises made at the time. The promise, and yielding her virtue in consequence thereof, is the gist of the offence. If she resists, but finally assents or yields, induced thereto or in reliance upon the promise made, the offence is committed.' *Boyre v. People*, 55 N. Y. 644. Mr. Bishop, in his work on Statutory Crimes (section 638, 2d ed.), says: 'Though the parties are already under marriage engagement, if the woman yields, not by reason of the man's promise of marriage, but simply for the gratification of a criminal desire, he does not commit the offence; yet the substance of the engagement does not render his act less a crime if she submits from reliance thereon.' In the words of Bleckley, J. (*Wilson v. State*, 58 Ga. 328): 'To make love to a woman, woo her, make honorable proposals of marriage, have them accepted, and afterwards undo her, under a solemn repetition of the engagement vow, is to employ persuasion as well as promises of marriage.' Under a statute quite similar to ours, where the language of the statute was, 'If any person, under promise of marriage, seduce and debauch any unmarried female, &c.,' the Supreme Court of Missouri, in an able opinion by Sherwood, J., says: 'There are two steps necessary to be taken in order to consummate the crime under discussion: First, the female must be seduced—that is, corrupted, deceived, drawn aside from the

(1) *State v. Hill*, 4 S. W. Rep. 121; 9 Cr. L. Mag. 594.

(2) *State v. Ferguson* (N. C.), 12 S. E. Rep. 574; 13 Cr. L. Mag. 486.