

No. 115.

3rd Session, 5th Parliament, 20 Victoria, 1857.

BILL.

**An Act to make Seduction and Adultery
Criminal Offences.**

Received and read, first time, Monday, 16th
March, 1857.

Second reading, Monday, 23rd March, 1857.

Mr. CONGER.

TORONTO :

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An Act to make Seduction and Adultery criminal offences.

WHEREAS it is necessary for the well-being of society to make the crime of Seduction and Adultery criminal offences, and to provide for the punishment of the same; Therefore Her Majesty, &c., enacts as follows:

- Preamble.**
- 5 I. Every man who shall seduce, and render pregnant, any unmarried female under the age of twenty-one years, or who shall entice or take her away from her parent, guardian, or place of abode for the purpose of seducing her, shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment for a term of not less than one nor
 10 more than three years, and be fined in a sum of not less than £50 nor more than £500; and for the second or subsequent offence, may be sentenced to the Provincial Penitentiary for a period not to exceed seven years, and fined in a sum not less than £100 nor more than £750, in the discretion of the Court before which such offence is tried.
- Seduction of an unmarried woman, under 21 years; to be a misdemeanor.**
- Punishment.**
- 15 II. Any man who shall seduce, and render pregnant, any unmarried female of previous chaste character, shall be guilty of misdemeanor, and upon conviction shall be punished by fine or imprisonment, or both, in the discretion of the Court before which such offence is tried; Provided always, that no conviction shall be had under this Act unless
 20 within two years next after the commission of the offence.
- Seduction of an unmarried woman of any age to be a misdemeanor.**
- Proviso.**
- 25 III. Every man who shall seduce any married woman, or who shall entice or take her away from her husband or his place of abode for that purpose, shall be guilty of a misdemeanor, and shall upon conviction be fined and imprisoned, as provided in the first section of this Act: And any married
 30 woman, who shall commit adultery with any man, shall be guilty of a misdemeanor, and shall upon conviction, be liable for the first offence to imprisonment for a term of not less than six months and not more than three years, in the discretion of the Court before which such offence is tried.
- Seduction of a married woman to be a misdemeanor. Adultery of a married woman to be a misdemeanor.**
- 35 IV. In cases of seduction the woman shall be a competent witness and her credibility left to the Jury, unless she has been convicted of some crime which would by law disqualify her from giving testimony in any other case.
- Woman to be a competent witness.**
- 40 V. From and after the passing of this Act no civil action shall be brought or damages recovered for Seduction or Adultery; but nothing in this Act shall prevent actions being brought or damages recovered for breach of promise of marriage.
- No civil action for seduction or adultery. Proviso.**
- 45 VI. The Court of Queen's Bench in Lower Canada, or the Court of Oyer and Terminer and General Gaol Delivery in Upper Canada, shall alone have jurisdiction of offences under this Act.
- What Courts shall have jurisdiction under this Act.**